

## WORKING SESSION | 2

# Self-esteem and Protection of Land Rights, UN Guidelines, and State Compliances: Effective Tools to Monitor

### An Overview of Selected International Guidelines and Agreements: Tools for Land Monitoring

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#### Global Guidelines in Recent Years

There are several global guidelines and instruments which aim to secure land rights in the face of contemporary threats such as the increasing drive for investments and climate change. One of which is the United Nations Guiding Principles for Business and Human Rights (UNGP-BHR). The UNGP-BHR were authored by Professor John Ruggie, and were unanimously endorsed by the UN Human Rights Council in 2011. These guidelines offer the Protect, Respect, and Remedy framework for preventing and addressing businesses' negative impacts on human rights. In particular:



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1. States have the primary duty to protect human rights which includes duties to prevent, investigate, punish, and redress abuses;
2. Businesses have a responsibility to respect human rights through their own efforts to prevent, mitigate, and remedy abuses; and,
3. Both States and businesses should contribute to providing remedy to human rights concerns by providing just judicial and non-judicial grievance mechanisms.

Another globally-recognized instrument is the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT). These guidelines are based on existing best practices and international obligations related to good governance over tenure.

These were passed by the Committee on World Food Security (CFS) in May 2012, after deliberations involving governments and CSOs. The VGGT came at a time when the competition for land and global land grabs reached its modern peak in 2010, and thus discusses how people can have secured access to land and natural resources such as fisheries and forests. Tenure is viewed as a right, but with accompanying responsibilities. The VGGT considers all types of tenure, may this be formal, informal, communal, customary, or indigenous, over both public and private lands. Come 2014, the Principles of Responsible Agricultural Investments (rai) were put together by CSOs to serve as a guide for agricultural investments to operate while safeguarding tenure, food security, and human rights. The rai principles were derived from inputs from grassroots stakeholders, globally-recognized standards for investments enshrined in the Voluntary Guidelines on Responsible Governance of Tenure (VGGT), Principles for Responsible Agricultural Investments (PRAI), and the Basic Principles on the Purchase and Leasing of Large Areas of Land. It aims to contribute to sustainable and inclusive economic development and the eradication of poverty, promote safe and healthy agriculture and food systems, and incorporate inclusive and transparent governance structures, processes, and grievance mechanisms, among others.



In 2015, the Sustainable Development Goals (SDGs) were adopted by world leaders. UN member-States agreed to pursue meeting the 17 SDGs and its 169 targets by 2030. For land rights movements, the SDGs signify the re-entry of land in the global development agenda. Land is essential to at least five SDGs (SDGs 1, 2, 5, 11, 15) and is included in eight targets and 12 indicators. Rights to land are considered crucial to eradicating poverty and ensuring equality among genders. Target 1.4 under the No Poverty SDG (SDG 1), specifically mentions that States must ensure that men, women, and vulnerable populations must have equal rights to own and control land and natural resources. Similarly, Target 5.a under the SDG on Gender Equality (SDG 5), calls for women's equal rights to economic resources, ownership, and control over land.

There are many other relevant declarations and guidelines on land rights. As of November 2018, it is also expected that UN Declarations on the Rights of Peasants and Rural Workers, and on Human Rights Defenders are set to be released.

**Points for Reflection:  
Challenges and Actions**

These international agreements establish good principles and are references of best practices. They are “aspired standards,” and are not mere “minimum obligations.” These instruments may thus be used to assess implementation of land policies and may support claims over land rights. The instruments also contribute to the development of political, legal, administrative, and institutional frameworks. While these are considered as soft laws, they take on a rights-based approach and elaborate on existing and legally-binding commitments of States, and thus can be used to advocate governments.

One challenge in implementing these guidelines and agreements is the need to popularize them and gather in-country support for their adoption. There exists a need to further understand these frameworks and their value added, to secure the help of champions in positions of power, and to develop and disseminate info-materials on the guidelines.

As negotiated documents, States and government institutions must take on the task of the localization and operationalization of these instruments, to fit country contexts and address unique issues. For the UNGP-BHR for example, States have to formulate a National Action Plan on the UNGP-BHR. In the case of SDGs, the responsibility of generating data on the indicators has been assigned to National Statistical Offices (NSOs). However, most NSOs are not familiar with the land governance contexts and issues in their countries.

For their part, CSOs may contribute to the monitoring of these frameworks. Civil society may undertake initiatives to establish baselines for monitoring and may prepare shadow reports on the implementation of the guidelines. Stakeholders must also come up with agreements on the coherence, efficiency, and cooperation in monitoring land-related targets and indicators. ANGOC in partnership with other CSOs in the region for example, have conducted a number of studies on the VGGT, monitoring global land commitments, the SDGs, and the UNGP-BHR.

The existence of these international agreements provides “space” for constrictive dialogue with governments, national human rights institutions, and other stakeholders, which CSOs must maximize. There are also institutions tasked to monitor international agreements with which civil society may engage. Guidelines may serve as starting points for multi-stakeholder discussions on land and resource tenure reforms at the country level. Present laws and policies may be mapped out in relation with international guidelines to uncover the gaps both in paper and in action. Government, in turn, must be equipped with the necessary political will to implement reforms that embody these guidelines.