

The Bangkok Declaration on Land Rights as Human Rights

Who We Are

1. We, the participants of the regional workshop “Engaging National Human Rights Institutions toward the Promotion of Land Rights as Human Rights,”¹ representing national human rights institutions and regional and international civil society organizations/non-government organizations, working with rural communities in Bangladesh, Cambodia, India, Indonesia, Nepal, Philippines, Thailand, and Timor Leste, declare:

Why We Have Come Together

2. Whereas, the inequitable distribution of land and the unjudicious exploitation of natural resources in favor of the rich and privileged, whether as individuals or through business enterprises, are root causes of poverty, social conflict, and innumerable human rights violations and abuses against the marginalized and vulnerable communities, such as: indigenous peoples, peasants, and women;
3. Whereas, studies and statistics establish a strong correlation between developmental projects - such as those involving mining, agriculture, energy, and other infrastructure projects - and rights violations and abuses, many of them characterized by impunity, against individuals and communities, especially against human rights defenders, which phenomenon is now referred to as “developmental aggression;”
4. Whereas, access to justice by affected communities are generally rendered inutile by cumbersome, lengthy, costly, and sometimes corrupt judicial, quasi-judicial, and administrative remedial mechanisms;
5. Whereas, the Universal Declaration of Human Rights (UDHR) and other covenants, principles, aspirations, and declarations arising therefrom, such as the (a) International Covenant on Civil and Political Rights, (b) International Covenant on Economic, Social and Cultural Rights, (c) United Nations Declaration on the Rights of Indigenous Peoples, (d) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, (e) United Nations Guiding Principles on Business and Human Rights, and (f) Sustainable Development Goals for 2015-2030 support the recognition of land rights as human rights and essential to human dignity;

¹ The regional workshop on “Engaging National Human Rights Institutions toward the Promotion of Land Rights as Human Rights” was conducted on 15 to 16 November 2018 in Bangkok, Thailand. This event was co-organized by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), Land Watch Asia (LWA), International Land Coalition (ILC), UN Development Programme (UNDP), and UN Office of the High Commissioner for Human Rights (OHCHR), with support from ILC and UNDP Business and Human Rights.

Our Call to Action: Protect, Respect, and Remedy

6. With the passage of the UN resolution on the Rights of Peasants and Other People Working in Rural Areas on 28 September 2018, we urge the UN General Assembly to adopt a declaration, formally recognizing land rights as human rights. We look forward to a legally binding treaty that shall obligate states to pursue agrarian reform that guarantees land for the rural poor;
7. We urge all governments, in consultation with all relevant stakeholders, to formulate and implement a National Action Plan on Business and Human Rights, and/or Human Rights National Action Plan, incorporating the UN Guiding Principles on Business and Human Rights (UNGPs BHR). States have the obligation to PROTECT communities against human rights violations and abuses committed by businesses, arising out of the use and exploitation of land and its resources. We urge business enterprises, private and state-owned, to RESPECT the human rights of communities where they operate. Finally, we call on governments and businesses to take effective measures to REMEDIATE all human rights violations against individuals and communities arising out of the operations of businesses in their communities.

In regard to all of the above, we especially call for the genuine adherence to the principles of Free, Prior, and Informed Consent (FPIC), and the conduct of Environmental and Human Rights Impact Assessments before business projects are approved and operationalized.

8. We call on governments to respect the independence of NHRIs, allowing them to fully and effectively fulfill their mandates consistent with the Paris Principles, and call on the establishment of NHRIs in countries where they do not yet exist.
9. In light of shrinking democratic space, we call on governments to respect and protect the rights of civil society organizations, non-government organizations, land and human rights defenders, and media.
10. We call on regional bodies, such as the Association of Southeast Asian Nations (ASEAN), South Asia Association for Regional Cooperation (SAARC), the Southeast Asia National Human Rights Institution Forum (SEANF), ASEAN Inter-governmental Commission on Human Rights (AICHR), and the Office of the High Commissioner on Human Rights (OHCHR) to be proactive in protecting human rights in land and resource conflicts in the light of rising developmental aggression.

Our Commitment

11. Together with other land/human rights defenders and organizations, we commit ourselves to continuously monitor and document human rights violations and abuses arising out of land conflicts, bringing these violations and abuses to the attention of international bodies, such as the United Nations through the Universal Periodic Review (UPR) Process, and to vigorously engage governments and businesses on these issues through vigilant and non-violent means.

Bangkok, Thailand. 16 November 2018.

Signed:

Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC);
International Land Coalition-Asia (ILC Asia);
Association for Land Reform and Rural Development (ALRD), Bangladesh;
Association for the Realisation of Basic Needs (ARBAN), Bangladesh;
Community Development Association (CDA), Bangladesh;
National Human Rights Commission of Bangladesh;
Cambodian Center for Human Rights (CCHR), Cambodia;
Star Kampuchea, Cambodia;
Center for Legislative Research and Advocacy (CLRA), India;
Ekta Parishad, India;
Social Development Foundation (SDF), India;
Consortium for Agrarian Reform (KPA), Indonesia;
Community Self-Reliance Centre (CSRC), Nepal;
Mr. Yagya Prasad Adhikari, Director, National Human Rights Commission (NHRC) of
Nepal;
Atty. Jesus Torres, Division Chief, Economic, Social, and Cultural Rights Center,
Commission on Human Rights (CHR) of the Philippines;
Commissioner Roberto Eugenio T. Cadiz, Commission on Human Rights of the
Philippines;
People's Campaign for Agrarian Reform Network, Inc. (AR Now!), Philippines;
Xavier Science Foundation (XSF), Philippines;
Human Security and Equity Research Unit, Chulalongkorn University Social Research
Institute (CUSRI), Thailand;