



Selected Resources

Land and Human Rights

Human rights in German development policy

BMZ Strategy and Guidelines on human rights in German development policy

The cross-sectoral strategy affirms the central role of human rights in German development policy and contains binding requirements for the implementing agencies; the Guidelines provide guidance on the incorporation of human rights standards and principles, including gender, in programme proposals.

- BMZ Strategy (2011):
http://www.bmz.de/en/publications/type_of_publication/strategies/Strategiepapier305_04_2011.pdf
- BMZ Guidelines (2013):
http://www.bmz.de/en/zentrales_downloadarchiv/themen_und_schwerpunkte/menschenrechte/Leitfaden_PV_2013_en.pdf

BMZ (2014), Human rights in practice – Fact sheets on a human rights-based approach in development cooperation

Collection of 2-page fact sheets that explain what the human rights-based approach in development cooperation means in general and for all priority sectors of German development cooperation. Fact sheets relevant to land can be found on pages 12, 13, 18 and 19.

- http://www.bmz.de/en/publications/topics/human_rights/BMZ_Information_Brochure_7_2010e.pdf

United Nations reference documents and resources on land and tenure security

International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 11 (1), the right to an adequate standard of living, including housing and food

While a 'right to land' as such is not enshrined in international human rights law, the right to adequate housing pursuant to ICESCR Article 11(1) comprises tenure security as one of its core elements. According to statutory or customary law and informal/hybrid arrangements, tenure security is understood as a set of laws and arrangements that enables a person to live in one's home in security, peace and dignity. Everyone should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats. Land is also relevant to the enjoyment of the right to adequate food, which is another component of the right to an adequate standard of living.

- <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

International Covenant on Civil and Political Rights (ICCPR), Article 17

In the context of forced evictions, ICCPR Article 17, which protects privacy and the home, is also relevant.

- <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>



The obligation of states to protect the right to adequate housing is also laid down in other international human rights instruments.

Convention on the Rights of the Child (CRC), Article 27(3)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 14 (2)(h)

International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Article 5 (e)(iii)

- <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>
- <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>
- <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

UN Committee on Economic, Social and Cultural Rights (CESCR)

The treaty bodies, committees of independent experts established under the UN human rights treaties, issue 'General Comments', authoritative interpretations of the provisions of the treaty. The CESCR, through General Comments No. 4, 7 and 12, has interpreted Article 11(1) with respect to the right to adequate housing and the right to food, both of which are relevant in relation to land and tenure security.

- General Comment No. 4, the right to adequate housing (E/1992/23):
<http://www.refworld.org/docid/47a7079a1.html>
- General Comment No.7, the right to adequate housing: forced evictions (E/1998/22):
<http://www.refworld.org/docid/47a70799d.html>
- General Comment No. 12, the right to adequate food (E/C.12/1999/5):
<http://www.refworld.org/type,GENERAL,CESCR,,4538838c11.0.html>

All states parties are obliged to submit regular reports to the CESCR on the steps taken to implement the rights stipulated by the Covenant. The Committee examines each report and addresses its concerns and recommendations to the state party in the form of 'Concluding Observations'.

- http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=5

UN Special Rapporteurs on the right to adequate housing and the right to food

Special Rapporteurs are independent experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The websites of the Special Rapporteurs offer a wide range of information on relevant international standards, annual reports and country visits.

Special Rapporteur on the right to adequate housing, Leilani Farha (in office since June 2014):

- Website:
<http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

- Annual reports, including the Guiding Principles for security of tenure for the urban poor (A/HRC/25/54), the mapping and framing security of tenure report (A/HRC/22/46), looking at existing tenure systems and challenges at operational and policy level, and the Basic Principles and Guidelines on development-based evictions and displacement (A/HRC/4/18), identifying the non-recognition of the right to land as a normative gap in international human rights law: <http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>
- Relevant briefing papers:
<http://www.ohchr.org/EN/Issues/Housing/Pages/StudyOnSecurityOfTenure.aspx>

Special Rapporteur on the right to food, Hilal Elver (in office since June 2014):

- Website:
<http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx>
- Annual reports, including a set of core principles on large-scale land acquisitions and leases and their impacts on the right to food (A/HRC/13/33/Add.2), and a report on access to land and the right to food (A/65/281), discussing the importance of land tenure security for the realisation of the right to food, and the implications of increasing pressure on land, in particular for indigenous peoples, smallholders, herders, pastoralists and fisher folk:
<http://www.ohchr.org/EN/Issues/Food/Pages/Annual.aspx>

Food and Agricultural Organisation (FAO) (2012), **Voluntary Guidelines on the governance of tenure of land, fisheries and forests in the context of national food security**

The Voluntary Guidelines, adopted in 2012, represent the first international instrument on tenure. They offer guidance on how to improve the policy, legal and organisational framework for tenure rights and systems, and analyse the governance of tenure in the context of national food security.

- <http://www.fao.org/publications/card/en/c/69cedff9-d20d-5aed-8de5-1524bc24949e/>

International and non-governmental organisations working on land and human rights

UN-Habitat

UN-Habitat is the UN programme working on sustainable human settlements and adequate shelter for all in the context of cities.

- Its 'land' portal contains brief information on a variety of topics such as efficient urban land management, and land and urban planning:
<http://unhabitat.org/urban-themes/land-2>



- The publication 'Secure land rights for all' (2008) explains the term "tenure security" and its importance for social and economic development and poverty reduction. It stresses the need to ensure access to land for all groups of society:
<http://mirror.unhabitat.org/pmss/listItemDetails.aspx?publicationID=2488>

Global Land Tool Network (GLTN)

The GLTN, facilitated by UN-Habitat, is an alliance of regional and national partners working to alleviate poverty through land reform and the development and dissemination of pro-poor and gender-sensitive land tools.

- <http://unhabitat.org/gltn/>
- <http://www.gltn.net/>

FAO gender and land rights database

With the help of this database, one can explore data on gender and land rights, as well as country information regarding access to land. Unfortunately, not all country data are up to date. The site also contains publications on gender and land rights.

- <http://www.fao.org/gender/landrights/home/en>

Food First Information and Action Network (FIAN)

FIAN is an international NGO working on the right to food and related topics such as land tenure security, land grabbing and the rights of indigenous peoples.

- <http://www.fian.org>

Oxfam

Oxfam is an international confederation of 17 organisations working with local partners on, amongst others, land-related topics such as natural resources, land grabbing and sustainable food.

- www.oxfam.org

Land and particular groups

Indigenous peoples

International Labour Organisation (ILO) Indigenous and Tribal Peoples Convention No. 169 (1989).

- Part II (Arts. 13-19) of the Convention recognises the rights of indigenous peoples over the lands they traditionally occupy, and stipulates that they shall be consulted before the exploration or exploitation of natural resources pertaining to their lands. Furthermore, they must not be removed from their lands without their free, prior and informed consent: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>

UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007).

- The Declaration stipulates states' obligations to give legal recognition and protection to lands, territories and resources traditionally owned, occupied or otherwise used or acquired by indigenous peoples, and to establish processes to recognise and adjudicate these rights. It also determines which situations require their free, prior and informed consent: <http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx>

Refugees and displaced persons

Principles on housing and property restitution for refugees and displaced persons (Pinheiro Principles) (E/CN.4/Sub.2/2005/17, 2005).

- These Principles provide guidance to address issues of housing, land and property restitution in situations of displacement: <http://www2.ohchr.org/english/bodies/subcom/57/aevd/oc.htm>

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