

September 2024

Rights4Land: towards an agenda for just land governance

The Rights4Land platform drives equitable land access and secure tenure for marginalized people



Rights4Land: towards an agenda for just land governance

The Rights4Land platform drives equitable land access
and secure tenure for marginalized people

September 2024

Written by

Ilse Pelkmans, Frederike Klümper
TMG Research gGmbH

This publication was made possible with the
financial support of the German Federal Ministry for
Economic Cooperation and Development (BMZ)

Background

Population growth, climate change, food insecurity, urbanisation, and territorial conflicts (IPPC, 2022) have spurred another global rush for land. Climate action, too, has added additional pressure due to global commitments' over-reliance on land-intensive interventions to meet biodiversity, restoration, and conservation goals, among others. Such an intensified drive to gain control over or influence land-based resources poses significant challenges to land governance systems. In this context, a distinct lack of legal protection for the tenure rights of rural and Indigenous communities has led to waves of violence, dispossession, and the erosion of livelihoods and cultural heritage. This clashes with countries' binding obligations to uphold human rights.

Against this backdrop, the absence of robust legal safeguards in land governance systems and the voluntary nature of global guidelines on responsible land governance require a unity of tactics that bolster advocates' arsenal. TMG Research, the Danish Institute for Human Rights and the Malawi Human Rights Commission developed the [Rights4Land](#) platform, including two Rights4Land tools, **that make explicit how land rights and human rights are linked and reveal the full extent of rights violations.** The tools allow land and human rights activists to push for the protection of tenure rights, address inequalities and call for accountability in land governance, by anchoring responsible land governance within a framework of international human rights and monitoring injustices faced by people in vulnerable situations.

1 Reality check: rising inequalities and land access

Land injustice is a reality.

Most of the world's farmers are smallholders; 84% of all farms occupy just 12% of the world's agricultural land (Sarah K. Lowder et al., 2021), demonstrating how most agricultural land is concentrated in the hands of a few major companies. For most of these farmers, access to land is not formally secured through title but through customary law, community law, or other agreements. Inequalities in access to land and the distribution of benefits are increasing, while unsustainable land use places a growing burden on those least able to bear it. These inequalities directly threaten the livelihoods of the estimated 2.5 billion people worldwide who depend on smallholder agriculture (ILC, 2020). Governance structures, whether formal institutions, informal mechanisms or otherwise, play an important role in confronting power imbalances so people can claim their rights. But the strength, efficacy and legitimacy of such systems determine whether people have recourse to justice.

Climate action can be a driver of land injustice.

Land-intensive climate action, often in the form of conservation and land restoration, requires massive areas of land. The state parties to the 2015 Paris Agreement collectively pledged to allocate over one billion hectares of land for carbon removal initiatives. Over half of these pledges involve afforestation projects that risk interfering with the land use rights of smallholder farmers and Indigenous Peoples (Dooley et al., 2022). Without adequately considering how local

communities currently use land and ecosystems, many governments are pursuing land-based climate strategies that affect the livelihoods and food security of local communities, and risk undermining existing food production systems that reconcile food security, climate mitigation and ecosystem protection (IPES-Food, 2024). The failure to respect legitimate tenure rights and livelihoods in land-intensive climate action plans risks pushing vulnerable people further into poverty and marginalization.

Land injustice is about power.

Decisions related to land use, including land-based climate action, are often taken in a context of immense power imbalances between government authorities, private actors and marginalised land users. As agricultural lands and forests are increasingly commoditised, powerful global actors, including those operating in voluntary carbon markets, are entering local land markets. In an environment characterised by corruption and a lack of transparency and accountability, the rights of vulnerable people are easily ignored or violated (FAO, 2020). Many land and environmental defenders have been murdered in recent years for opposing land inequality (about 2,000 since 2012, Global Witness, 2023). This shows that the stakes are high, and access to land is about financial and political power.

Land injustice is a human rights issue.

Land justice and human rights are strongly linked. The world's most marginalised people, often with the lowest incomes, are losing their access to land. This leads to livelihoods loss and has serious implications for human rights, including rights to food, housing, and even life and security. Civil society organisations (CSOs), national human

rights institutions (NHRIs) and land and environmental defenders witness human rights violations related to land on a daily basis. In addition to well-known cases, such as the displacement of the Maasai people to make way for a game reserve in Tanzania or the forced eviction of the Ogoni people in Nigeria by state and transnational corporations, numerous yet less visible land and human rights violations occur on a regularly. For example, women lose their land and livelihood after divorce or a husband's death due to patriarchal social norms and customs that exist.

Human rights obligations help expose land rights violations and underpin land claims of people in vulnerable situations. They provide a strong narrative and legal back-up to push for accountable and responsible land governance that protects tenure rights of those whose livelihood depends on secure access to land. By using human rights tools to serve justice, we can ensure that their application is not dominated by the powerful. Instead, we should focus on local solutions that comply with the international human rights framework to ensure fair enforcement of human rights.

2 Human rights: a strong instrument for securing tenure rights

Respecting and fulfilling land rights claims often fail in practice due to legal complexities, government policies, economic pressures, social dynamics, lack of resources, and environmental challenges. Recognizing the urgent need to protect vulnerable people from land grabbing, State parties to the United Nations (UN) Committee on World Food Security agreed on a more robust framework to secure tenure

rights. In 2012, they unanimously adopted the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests (VGGT).

These internationally agreed guidelines and principles recognise the importance of securing tenure rights, as well as prioritizing the protection of vulnerable and marginalized groups who have historically been excluded from participation and decision-making. Indeed, mainstreaming *legitimate* tenure rights holistically into land governance is one of the Guidelines' key contributions.

"[States should] recognize and respect all legitimate tenure right holders and their rights. They should take reasonable measures to identify, record and respect legitimate tenure right holders and their rights, whether formally recorded or not; to refrain from infringement of tenure rights of others; and to meet the duties associated with tenure rights." VGGT, General principles

Even though the Guidelines are voluntary, they are grounded in binding human rights standards and principles, and draw on international human rights standards to emphasize that governance of tenure should be consistent with existing human rights obligations.

In this way, human rights obligations form an actionable leverage to strengthen claimants' standing to access land and secure their land rights. They also serve as an additional means to hold governments accountable, allowing advocates and claimants to mount pressure across levels. Combined approaches like these that utilise all available mechanisms in the service of justice become increasingly important as competing demands continue to rise.

The Rights4Land platform

TMG Research launched the Rights4Land platform to promote a human rights-based approach to land governance that treats land tenure as an inherent feature. The link between land rights, human rights, and states' obligations forms the backbone of the Rights4Land platform. The goal of the platform is to:

- ▶ **Raise awareness and build capacities:** uncover the vital connection between land rights a human rights, and shed light on key human rights instruments that can strengthen land rights advocacy.

- ▶ **Forge synergies:** join hands with land and human rights advocates and building synergies that promote tenure security for all.
- ▶ **Drive political momentum and revive commitments** to enhance tenure rights protection and place vulnerable landholders at the forefront of global agendas for equitable transitions.

Rights4Land tools have been developed to support this mission and translate the human rights-based approach into practice.

3 Links between land rights and human rights

Human rights and land rights are explicitly linked. Land rights aid the realization of human rights, and vice versa, human rights aid in the obtainment of land rights. In a word, the two are tethered, both lending to a more comprehensive picture of rights violations so stakeholders can take corrective action.

- ▶ **Access to land is a prerequisite for the realisation of substantive rights, such as the rights to food, housing and income.**

Example: In many countries, a lack of access to arable land compromises agriculture-based and other land-based livelihoods. This means communities struggle to grow enough food or raise livestock, directly affecting their rights to food, and decent work. Similarly, access to land is often essential for securing decent housing. Without land, attaining these fundamental rights is a challenge.

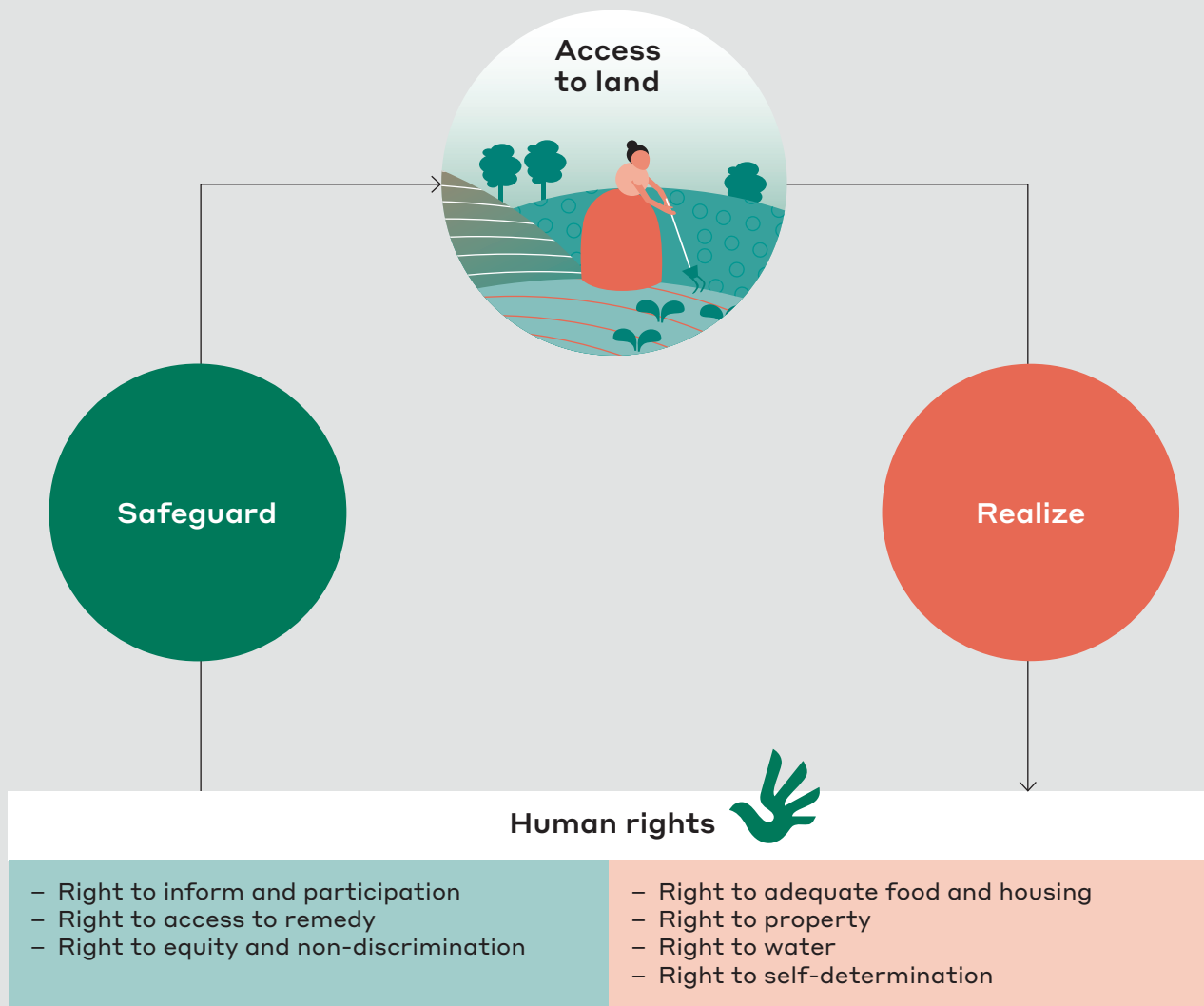
- ▶ **Procedural rights, such as the right to information, participation, effective remedy and equality, are safeguards that protect the tenure rights of land users.**

Example: The right of access to information is crucial for land users to understand land laws, ownership titles and land use policies. For example, a farmer exercised his right of access to information by requesting a copy of the land register confirming his ownership of the land he farmed for generations. When a land dispute arose, the right to remedy allowed him to seek legal assistance to resolve the matter. In addition, the right to participation allows local communities to have a say in land use decisions, ensuring that their interests are considered and that the land rights of all are equally protected. Together, these procedural rights provide a framework that protects the land rights of individuals and communities.

By ratifying the global and regional human rights instruments, in which these rights are enshrined (such as the ICESCR, ICCPR, CEDAW¹), governments – as duty bearers – are obliged to protect rights holders against violations by third parties. Duty bearers are also mandated to respect and fulfil human rights, and therefore must take steps to progressively realise these them.

The link between land rights and human rights are particularly well articulated in General Comment No. 26 on Land and Economic, Social and Cultural Rights (UN Committee on Economic, Social and Cultural Rights, 2022), which was adopted in December 2022. This serves as an authoritative guide for the interpretation of land-related human rights enshrined in the ICESCR. It is considered a milestone document, marking a new era for the UN's treatment of land rights.

Links between land rights and human rights



Source: TMG Research

¹ International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), International and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

4 From theory to practice: Rights4Land Tools

In the context of climate action and just transitions, calls to pursue a human rights-based approach are growing stronger, especially in relation to the Rio Conventions. For example, the Kunming-Montreal Global Biodiversity Framework (GBF) of the Convention of Biological Diversity (CBD) was adopted during the fifteenth meeting of the Conference of the Parties (COP 15) (GBF). Through specific targets, such as Target 22, the need for a human rights-based approach to achieve climate targets by 2030² is much more clearly articulated than ever before. However, to date, there is no implementation framework. This absence of clear guidance results in National Biodiversity Strategies and Action Plans (NBSAPs) that do not adequately address the issue of human rights nor specifically make reference to the VGGT³. In addition, UN landmark resolutions and regional human rights instruments⁴ have recognised the human right to a safe, clean, healthy and sustainable environment, thereby broadly recognising the link between land, natural resource management, climate and human rights.

Although some links between land rights and human rights are explicit (i. e. the right to food) and frequently employed, the available human rights instruments, guidelines and articles are often underutilised by environmental, land rights and human rights defenders. Moreover, there is a lack of tools that help translate a human rights-based approach into practice.

To this end, two practical [Rights4Land tools](#) were developed under the Rights4Land platform to apply a human rights-based approach to land governance, paving the way to address land inequality. The [Rights4Land Navigator](#) and [Rights4Land Monitoring Tool](#) were jointly developed by TMG Research, the Danish Institute for Human Rights (DIHR), and the Malawi Human Rights Commission (MHRC). They allow land and human rights defenders to explicitly link land rights and human rights, as well as monitor the extent to which land governance practice complies with the VGGT and its underpinning human rights obligations.

The Rights4Land Navigator

The Rights4Land Navigator shows how tenure rights and binding human rights are interrelated. For the first time, human rights obligations underpinning the provisions of the VGGT have been systematically mapped and visualised in an online tool. It makes the links between land and human rights visible, and relevant human rights instruments accessible to land and human rights actors. It also helps build a legal case for land rights and strengthen advocacy for responsible land governance. It can confirm the legitimacy of land claims, empowering land users to defend their rights.

² For example, the post-2020 Global Biodiversity Framework (GBF) Draft Recommendations acknowledge that implementation should follow a human rights-based approach and emphasise the need to ensure the rights of Indigenous Peoples through the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The recommendations directly include human rights laws and approaches in Targets 1, 3, 13, 15, 21 and 22 with direct references to the rights of Indigenous Peoples, local communities, and women and girls (UNCBD, 2022a).

³ A recent review of NBSAPs by the Office of the United Nations High Commissioner for Human Rights (OHCHR, 2022) concluded that human rights have not been adequately included in biodiversity policymaking and planning, and that references to human rights are generally indirect. Additionally, it has been shown that if human rights are not directly referenced in biodiversity policy, duty bearers (including the state and private-sector enterprises) are less likely to meet their biodiversity and human rights commitments. (OHCHR, 2022).

⁴ See: Resolution by the Human Rights Council (A/HRC/RES/48/13) in October 2021 and by the General Assembly (A/RES/76/300) in July 2022. The UN Declarations on the Rights of Indigenous Peoples (UNDRIP) and Peasants (UNDROP), as well as regional human rights instruments such as the Maputo Protocol, the Escazu Agreement and the ASEAN Declaration on Human Rights (ADHR), include the right to clean, healthy, and sustainable environments.

Some voices from users:

»The Navigator helped identify the responsibilities of the state, as defined in the VGGT and its underpinning human rights instruments, in terms of compensating the Chipambo Community of Mzuzu, which was affected by the construction of water pipelines under a project of the Northern Region Waterboard.«

Director of the Department for Social, Economic and Cultural Rights of the Malawi Human Rights Commission, about the investigation they conducted following a complaint lodged at the commission

»The Navigator has been a real eye-opener for me; it shows how many internationally recognised and accepted standards for land governance there are that we can use to put pressure on our government. The tool makes us question whether we have done enough and to what extent our policies meet human rights standards. It also provides us with a narrative for advocacy and legitimises our messages.«

Coordinator of the National Land Coalition Malawi

The Rights4Land Monitoring Tool

The Rights4Land Monitoring Tool responds to the call for monitoring in CESCR General Comment No. 26 on land. It allows land and human rights actors to assess the level of compliance of land governance in a particular country or location in comparison to the VGGT and its related human rights obligations. The development and implementation of land-based climate measures is an example of a particular land governance practice that can be assessed using this tool.

It is an indicator-based tool with a [national level questionnaire](#) designed to assess the legal land framework and measures to ensure the effective implementation of laws and policies. As most land conflicts are localised, local-level assessment is of key importance, yet is often not integrated into existing monitoring frameworks. [The local level questionnaire](#) – targeting the individual or community level – complements the tool to assess the

outcome of land laws, policies and procedures in a particular land governance situation (see examples in the Malawi case below). The data collected provide land rights and human rights actors with evidence that can inform advocacy and policy improvements by assessing compliance between the VGGT and human rights. It can also be used at local level to engage duty bearers and rights holders in a dialogue to solve conflicts, improve land governance practices, and hold governments accountable for the protection of tenure rights.

By linking land governance gaps explicitly to human rights obligations and violations, the tool also makes it easy to report on land governance gaps or human rights violations in the context of climate action and in national and international human rights monitoring mechanisms (treaty bodies, Universal Periodic Review, special rapporteurs). These reports allow UN bodies to hold national governments accountable for the realisation of land-related human rights through responsible land governance.

Rights4Land Monitoring Tool – An example from Malawi

The Malawi Human Rights Commission and the CSO Land Governance Alliance used the monitoring tool in Malawi to conduct national-level and local-level assessments in five different locations: an informal urban settlement characterised by insecure tenure rights (T/A Maoni, Lilongwe), a rural community facing relocations due to natural disasters (T/A Chiwalu, Phalombe District), a community experiencing expropriation due to the construction of a hospital (T/A Kaduya, Phalombe District), and people facing eviction by a mining company (T/A Maoni, Phalombe District) and a sugarcane company (T/A Mwaza and T/A Khombedza, Salima District).

The data collected showed that several different human rights are being violated due to deficits in land governance laws and practice.

► **The right to an adequate standard of living**, including the right to food and housing (CESCR Art. 11), is being violated as people without formal documentation of tenure rights are evicted from their land without fair compensation. This happened, for example, to people in the Salima district who had lived on vacant land belonging to a company they used to work for that had ended its business operations years previously but were suddenly evicted when a new company leased the land. People living in a disaster-prone area in the Phalombe district faced similar challenges as they were resettled without fair compensation or access to land to grow food.

► **The right to participation and consultation** was also violated in the researched cases on multiple occasions, particularly in the context of public infrastructure planning or investments by private enterprises. The standards of active, free, effective, meaningful and informed participation of those who might be affected by land use decisions, prior, during and after decisions have been taken, as prescribed by the VGGT (see 9.2, 9.9 and 12.3) and several human rights instruments (see ICCPR Art. 25, ICEDAW Art. 14.2.a, UNDROP Art. 10, and UNDRIP Art. 19.) have not been respected.

► The VGGT (General Principle 3A.4) and the international human rights framework provide for **the right to an effective and prompt remedy** by competent and impartial judicial, administrative, or legislative authorities for acts violating the fundamental rights granted by the constitution or law (UDHR Art. 8, ICCPR Art. 2.3). Means of resolving disputes should be affordable, effective, and available in the language of the person concerned (UNDROP Art. 12.2). Both the national and local-level surveys (particularly the case of the Salima sugarcane company) show that the Government of Malawi is failing to protect this human right of smallholder farmers in the context of land conflicts.

These results have been included in a joint national advocacy plan of CSOs and the MHRC, and in the alternative report by the MHRC to the CESCR (MHRC, 2023). The latter provides a mechanism to gain international attention for the land governance challenges in Malawi and a follow-up by a UN Treaty Body to hold the Government of Malawi accountable for addressing these violations and challenges.



5 Rights4Land to build on synergies

By focusing on the connection between land and human rights, the Rights4Land platform helps strengthen the link between and efficacy of land and human rights actors to promote tenure rights. **The complementarity between land and human rights actors allows for synergies and bolsters efforts to protect tenure rights. For example, CSOs generally bring a thorough understanding of realities and land governance challenges on the ground. Whereas NHRIs, although not a classical actor in the field of land governance, contribute legal expertise and a network of human rights actors, and thereby play an important role in promoting tenure security.**

The mandate of NHRIs consists of monitoring and reporting on the realisation of human rights and raising

awareness of human rights, advocacy, and investigation. This mandate makes NHRIs an important ally in land rights work. They can play a key role in monitoring the compliance of land governance with human rights obligations in raising awareness of land users' rights and how to claim them, and the responsibilities of governments and third parties to protect, respect, and fulfil human rights. NHRIs can also exert political pressure, hold governments accountable for realising land rights, and provide input for legal reforms and policy improvements for responsible land governance. Additionally, NHRIs enjoy access to regional and national human rights institutions that provide platforms for human rights reporting and advocacy that can garner global attention on land rights matters. This has been demonstrated by the alternative report to the Committee on Economic, Social and Cultural Rights (CESCR) of the MHRC has shown.

The Malawi Human Rights Commission – an important ally in the Rights4Land platform

The MHRC played an active role in promoting tenure rights in several ways. Beyond assessing the land governance situation with the Rights4Land Monitoring tool, using the results for a national advocacy plan and international human rights reporting (CESCR), they engaged in activities such as:

- ▶ Conducting **qualitative case studies**, analysing two land disputes from a human rights perspective.
- ▶ Facilitating **dialogue sessions** between rights-holders and duty-bearers at the district level to discuss the results of these studies and find ways to solve the conflict. The discussions improved participants' understanding of rights and duties and provided a platform to hold local duty-bearers (governments and traditional leaders) accountable for fulfilling their obligations to citizens.
- ▶ **Revision of amended land laws** and advocacy for improvements through parliament to ensure the revised laws are in line with the VGGT and human rights obligations.
- ▶ **Investigation of complaints** and evaluation of alleged human rights violations in the context of land conflicts.
- ▶ Organising a one-day workshop in collaboration with the National Land Coalition to discuss possible ways of **promoting access to justice** in the context of land conflicts in areas where the customary land institutions, as anticipated by the new Customary Land Act, have not yet been instituted.

6 The Rights4Land platform gains traction

Raising awareness and creating learning spaces at a regional exchange meeting of land and human rights actors in Nairobi

As part of the Rights4Land platform, TMG Research brought together representatives of CSOs and NHRIs from Kenya, Malawi, Uganda, Ethiopia, and Sierra Leone, as well as international organisations and media, to initiate a learning space and dialogue on land and human rights to catalyse change. Jointly discussing land issues with these participants affirmed the relevance of the Rights4Land Tools.

» There is an intimate link between access to land and enjoyment of human rights. As we speak, people who are marginalized or experiencing poverty are losing land at a rapid pace due to urbanization, infrastructure development, natural resource exploitation, and intensive agriculture. [...] As civil society organizations and national human rights institutions, we bear witness to these violations in our daily work. [...] Binding human rights obligations form the basis of (CFS's) Tenure Guidelines. We call on governments to apply the VGGT and align policies and actions with their human rights obligations and protect legitimate tenure rights with a particular focus on marginalized groups. [...] We invite other land and human rights actors to join our partnership to use the power of human rights to protect land rights!«

Joint statement by TMG Research, 19 civil society organisations and national human rights institutions' during the public launch of the Rights 4Land Monitoring Tool

Monitoring the implementation of the VGGT and the realisation of rights to strengthen accountability: Land governance assessment in Kenya and Sierra Leone

Following the regional exchange meeting in Nairobi, the Kenyan Land State and Non-State Actors (LSNSA) network assessed the land governance situation in Kenya while applying the Rights4Land Monitoring Tool. Land and human rights violations in Barongo Country are, for example, linked to conflicts over boundaries, ownership, and eviction and displacement. The right of access to information, participation, non-discrimination, and self-determination for example, are at risk in this context. This work is supported by the DIHR. The results of this study (KITOU, LSNSA, CIPAF, 2023) feed into the legal aid and advocacy work of LSNSA for improved accountability in land governance at local and national levels and improved protection of tenure rights for all.

The Rights4Land Monitoring Tool has also been utilised in Sierra Leone. In 2022, the Customary Land Rights Act and the National Land Commission Act were passed. These laws are in line with the VGGT and require free prior and informed consent (FPIC) of communities in any new land development plan, as well as women's participation in decision-making over land. Following these legal changes, the National Human Rights Commission of Sierra Leone and the CSO Land4Life assessed the land governance situation in the country, as part of the FAO-led project Supporting inclusive local governance in Sierra Leone (2023–2026), with

technical support from TMG Research. They collected data at national and local levels. The results of this assessment, which will be available in late 2024, will be used to hold the government of Sierra Leone accountable for the effective implementation of the new legal framework.

7 The Rights4Land platform and critical land challenges on the horizon

The Rights4Land platform can be applied broadly to land use planning, urbanisation and climate action.

Safeguards for land-based climate action and a just transition: Rights4Land as a means to ensure inclusive project planning and implementation

Regarding climate action, land-based climate mitigation and adaptation measures need to reconcile human and environmental goals and equitably distribute the costs and benefits of such actions. It is extremely important to monitor land governance and tenure security to ensure that vulnerable people have a voice in designing and implementing climate measures that protect their tenure rights. Meaningful participation and consultation, conflict resolution mechanisms and access to remedies are also particularly relevant. The Rights4Land platform offers practical tools that can support the

planning and implementation of climate action projects that comply with human rights. The tools also link land rights and human rights actors and bring NHRIs on board, which have been largely absent from global and national debates on climate action, as the Africa Climate Summit in 2023 demonstrated. The Summit brought together a wide range of actors from the private, public and civil society sectors, yet not one of African NHRIs was represented, although they play an important role in safeguarding tenure rights.⁵

Protection against forced evictions: Rights4land as an entry point for just and equitable land use planning

The first annual Human Rights Situation Report of the Ethiopian Human Rights Commission (July 2022) presented to the national government revealed that forced eviction is one of the four main human rights violations in the country. In the context of large-scale land use planning processes, such as in Ethiopia, tenure rights and many human rights are at risk, reaffirming the need for a human rights-based approach to land governance. TMG Research supported the development of a human rights-based approach to the Participatory and Integrated Land Use Planning (PILUP II) programme run by the German agency for international development cooperation, GIZ, in Ethiopia. Part of this support consisted of the development and implementation of a training course for trainers (GIZ Ethiopia, 2023). A learning space for state and non-state actors about rights-based land use planning was created to discuss power imbalances in land use planning processes and

⁵ Access to justice and legal aid in the context of climate action is a key component for strengthening tenure security. Together with Rainforest Foundation UK (RFUK) and Kenya Land Alliance (KLA), TMG Research developed a women's land rights reporting tool, known as Haki Ardhi ("land justice" in Swahili): https://assets.ctfassets.net/rrir183jfd4/4t1ojzjEqmaLkg2bfQhH9c/8fbc113d36caba32a91463796074b0bd/TMG_InfoBrief_HakiArdhi_.pdf

strategies to increase land users' opportunities to participate in decision-making and claim their tenure rights. Participants also discussed how the Rights4Land Tools can support their work. To date, this training has been successfully cascaded in the Oromia and Benishangul-Gumuz regions. The latter region committed resources to further cascade the training to the Woreda and Kebele lower administrative levels, a key step in raising awareness of duty bearers and land users.

The Rights4Land Navigator is a helpful reference tool to identify the human rights obligations of the Government of Ethiopia, such as the right to adequate food and housing (ICESCR Art. 11, General Comment Nos. 4 and 7), the right to property (UDHR 17.1), rights to land (UNDROP Art. 17) or the right to enjoy one's culture (ICCPR Art. 27, General Comment No 23), which should protect people from eviction in land use planning processes. These rights underpin the provisions of the VGGT about tenure security and protection against arbitrary loss of land and eviction (see paragraphs 3.1.2, 4.4 and 20)

Urban expansion: Rights4Land to protect the rights of people in informal urban settlements

Population growth, limited availability and access to land and limited opportunities to earn an income in rural areas push many people, especially the young, to migrate to urban centres. As urban planning cannot keep up with the growing number of inhabitants, and formal neighbourhoods are often unaffordable for these migrants, many find a new home in informal settlements.

The human rights of its residents are often at risk, particularly the right to adequate food, housing, water, and property, as well as the overarching right to an adequate standard of living (CESCR, Art. 11). Even after decades of living in semi-formal and informal settlements, residents can be evicted from their land to make way for urban development if the land is sold to private investors or is needed for an expansion of public services and infrastructures⁶. People from informal settlements without formal documentation of their tenure rights are often neither consulted nor adequately compensated in the event of eviction.

Planned and formal urban expansion also poses challenges. As rural land is turned over to urban development, residents may experience a sudden increase in taxes or eviction, losing land and livelihood without fair compensation, as the value of land is calculated based on its (low) rural value instead of its new (high) urban value.

The Rights4Land tools can help protect the tenure rights of vulnerable people and shape urban expansion in a way that does not violate the human rights of its inhabitants and contribute to growing inequalities but instead leads to inclusive and sustainable urban development.

⁶ Examples include slum clearances in New Delhi in 2023 (Reuters, 2023), conflict between the San and Khoi communities and private developers over heritage land in South Africa in 2022 (Moche T., 2022), the demolition of the Bannyahe informal district in Kigali, Rwanda in 2020 (Esmail S, Corburn J., 2020), and mass evictions in Addis Ababa during its construction boom until 2018.

8 Conclusion

Experiences in Malawi, Ethiopia and Kenya and ongoing work in Sierra Leone testify to the added value of the Rights4Land platform. Connecting human rights and land rights provides a strong narrative and legal back-up to inform advocacy, litigation, policy improvements and strengthen accountability at local and national levels. Human rights obligations empower land users to claim their legitimate rights, whether formally registered or not. The UN human rights system provides land rights and human rights actors with a platform to monitor land governance and an opportunity to hold governments and other actors accountable for the protection of tenure rights at local and national levels. Human rights obligations provide a new entry point to put tenure rights at the heart of global agendas for fair transitions, such as climate action, urbanisation, and food security for all. The Rights4Land platform has made a good start in Malawi, Kenya, Ethiopia, and Sierra Leone and has the potential to promote the protection of tenure rights worldwide.

TMG Research will continue to use and promote the Rights4Land platform to utilize human rights as a critical lever to secure land rights, apply a human rights-based approach to key land governance challenges, and forge synergies between human rights and land rights actors. Moreover, human rights obligations will be used to revive political commitment to responsible land governance, with a particular emphasis on climate action.

By exposing the greater extent of rights abuses, the platform can create opportunities for local human rights and land defenders to unite and share their challenges and solutions to ensure global land policies, including the three Rio Conventions, safeguard tenure for a sustainable future.

Bibliography

- Dooley K. et al. 2022. Keith H., Larson A., Catacora-Vargas G., Carton W., Christiansen K. L., Enokenwa Baa O., Frechette A., Hugh S., Ivetic N., Lim L. C., Lund J. F., Luqman M., Mackey B., Monterroso I., Ojha H., Perfecto I., Riamit K., Robiou du Pont Y., Young V., 2022. The Land Gap Report 2022. Available at: <https://www.landgap.org/>
- Esmail, S., & Corburn, J. (2020). Struggles to remain in Kigali's "unplanned" settlements: the case of Banyyahe. *Environment and Urbanization*, 32(1), 19-36. Report #: ARTN 0956247819886229. <http://dx.doi.org/10.1177/0956247819886229> Retrieved from <https://escholarship.org/uc/item/5r09p1w0>
- Ethiopia Human Rights Commission, 2022. Human Rights Situation Report on Ethiopia. <https://ehrc.org/in-a-first-of-its-kind-human-rights-situation-report-on-ethiopia-ehrc-submitted-to-the-house-of-peoples-representatives-the-commission-call-for-government-to-protect-respect-and-guarantee-hu/#:~:text=At%20the%20July%208%2C%202022%20press%20conference%20to,irregular%20places%20of%20detention%2C%20police%20stations%20and%20prisons>
- FAO, 2020. Strengthening civic spaces in spatial planning processes. Governance of Tenure Technical Guide No. 12. Rome. <https://doi.org/10.4060/cb0422en>
- GIZ Ethiopia, 2023. Strengthening the capacity for inclusiveness in land use planning. <https://www.giz.de/en/worldwide/131711.html>
- Global Witness, 2023. Standing Firm: The land and environmental defenders on the frontlines of the climate crisis. <https://www.globalwitness.org/en/campaigns/environmental-activists/standing-firm/>
- ILC (W. Anseeuw, G. M. Baldinellini), 2020. Uneven ground: Land inequality at the heat of unequal societies. <https://www.landcoalition.org/en/uneven-ground/report-and-papers/>
- IPES-Food, 2024. Land Squeeze: What is driving unprecedented pressures on global farmland and what can be done to achieve equitable access to land? Available at: <https://ipes-food.org/report/land-squeeze/>
- IPCC, 2019. Climate Change and Land: an IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems [P. R. Shukla, J. Skea, E. Calvo Buendia, V. Masson-Delmotte, H.-O. Pörtner, D. C. Roberts, P. Zhai, R. Slade, S. Connors, R. van Diemen, M. Ferrat, E. Haughey, S. Luz, S. Neogi, M. Pathak, J. Petzold, J. Portugal Pereira, P. Vyas, E. Huntley, K. Kissick, M. Belkacemi, J. Malley, (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA, 896 pp. <https://doi.org/10.1017/9781009157988>
- KITOU, LSNSA, CIPAF, 2023. Assessment of Land Governance in Kenya from a human rights perspective. [Final Assessment of Land Governance in Kenya from a human rights perspective.pdf](https://rights4land.org/Final-Assessment-of-Land-Governance-in-Kenya-from-a-human-rights-perspective.pdf) (rights4land.org)
- Malawi Human Rights Commission, 2023. Contribution to the list of prior issues to the initial report of the State of Malawi. Submitted to: United Nations Committee on Economic, Social, and Cultural Rights (CESCR). Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%20FIFL%2FMWI%2F51822&Lang=en
- Moche T., 2022. Heritage land dispute over Amazon's new Africa HQ goes to court. <https://www.sabcnews.com/sabcnews/heritage-land-dispute-over-amazons-new-africa-hq-goes-to-court/#:~:text=Groups%20representing%20the%20descendants%20of%20South%20Africa%E2%80%99s%20earliest,Khoi%20were%20the%20first%20inhabitants%20of%20South%20Africa>. Accessed 10. 07. 2024
- OHCHR, 2022. Integrating Human Rights in National Biodiversity Strategies and Action Plans
- Reuters, 2023. Many Slums Disappear From Indian Capital Ahead of G20 Summit. <https://www.usnews.com/news/world/articles/2023-09-05/many-slums-disappear-from-delhi-ahead-of-g20-summit#:~:text=Many%20Slums%20Disappear%20From%20Indian%20Capital%20Ahead%20of,venue%20in%20New%20Delhi%2C%20India%2C%20May%2026%2C%202023>
- Sarah K. Lowder, Marco V. Sánchez, Raffaele Bertini, 2021. Which farms feed the world and has farmland become more concentrated? *World Development*, Volume 142, 2021, 105455, ISSN 0305-750X, <https://doi.org/10.1016/j.worlddev.2021.105455>
- TMG Research, Danish Institute for Human Rights, 2022. Use cases for the Human Rights4Land Navigator. <https://rights4land.org/matrix-vgmt/use-cases>
- TMG Research, 2023. The power of human rights to protect tenure rights (Blog). <https://www.tmg-thinktank.com/blog/blog-the-power-of-human-rights-to-protect-tenure-rights/>
- TMG Research, 2024. One Planet, One Land (Brochure). https://assets.ctfassets.net/rrir183jifda/7HW1CfgyFyb0Zbj0FUv5ABw/e470bba69ddcdb6756546e501b1a660c/One_Planet.One_Land.pdf
- UNCBD, 2022a. Post-2020 Global Biodiversity Framework: Draft recommendation submitted by the Co-Chairs. UN Environment Programme. <https://www.cbd.int/doc/c/079d/0d26/91af171843b6d4e9bee25086/wg2020-04-1-02-annex-en.pdf>
- UN Committee on Economic, Social and Cultural Rights, 2022. General comment No. 26 (2022) on land and economic, social and cultural rights. [g2300035.pdf](https://www.unhcr.org/refugees/pdf/g2300035.pdf) (un.org)

This publication was made possible with the financial support by the German Federal Ministry for Economic Cooperation and Development (BMZ)

TMG Research

TMG – Think Tank for Sustainability
TMG Research gGmbH
EUREF-Campus 6–9
10829 Berlin, Germany
Phone: +49 30 9210 74 07 00
Email: info@tmg-thinktank.com
Website: www.tmg-thinktank.com