

## 60<sup>th</sup> session of the Human Rights Council

Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

Interactive dialogue on the Report of the Working Group on the rights of peasants and other people working in rural areas

### Statement by UN-Habitat

UN-Habitat welcomes the report of the Working Group and looks forward to working with Member States and other partners in the analysis and implementation of its findings and recommendations.

UN-Habitat, with FAO and the World Bank, is joint custodian for land related indicators under the SDGs. UN-Habitat provides an extensive programme of land related technical assistance, including by hosting the secretariat of the Global Land Tool Network. UN-Habitat also provides a significant programme of technical assistance in rural-urban linkages, which is important for the fulfillment of economic, social and cultural rights for rural communities.

UN-Habitat welcomes the urgency attached to gender equality in land rights and takes the opportunity to note that experience globally demonstrates that legal and policy reform is not enough. The cultural and economic drivers of gender asymmetries must also be addressed.

UN-Habitat notes the importance of legal recognition of the social function of land and the need to link this to effective land use planning processes as a means of maintaining public policy direction and not allowing land use outcomes to be dominated by ownership and financial power.

Despite the progressive land policy principles embodied in UNDROP, several multilateral agreements and the FAO Voluntary Guidelines, land law remains a largely conservative institution based on exclusive use and ownership principles. Would the chair / rapporteur wish to speculate on the causes of this disconnect and what might be done to address it?

Thank you.

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UN-Habitat notes the emphasis on insecure land rights and the encouragement for Member States to accelerate legal recognition as a means to address this. While agreeing with the Working Group, UN-Habitat takes this opportunity to highlight the Working Group's further points that an exaggerated emphasis on individual land rights, and even collective ownership within orthodox systems of land law based on traditional freehold tenure, can often be a major driver of insecurity where it is allowed to foster the fragmentation and alienation of land. Similarly, it is also important to emphasise the Working Group's reference to links with extreme poverty, which invariably exacerbate the risks of simple ownership solutions to land rights challenges. Integration with land use management policies and practices provides more effective options, as do pluralistic and

innovative approaches to tenure and usufructuary rights. Member States should also avoid an exclusive focus on land governance principles and national frameworks and ensure that equal attention and resources are allocated to land management systems at regional and local levels and to the maintenance of effective and responsive land administration, as each layer may include or exclude the rights of peasants.

UN-Habitat notes that the Working Group's consideration of land and associated rights cuts across the traditional legal structure of present, future and usufructuary rights and that the relationships among these are interdependent and complex. This is particularly the case when addressing a combination of individual rights, collective interests and remote rights, such as some relating to environmental health. To reflect the needs arising from this complexity and the desirability of accommodating the broad range of social, economic and environmental functions of land, UN-Habitat recommends that Member States consider a pluralistic or continuum based approach to land rights.

UN-Habitat recalls that land related conflict can be caused by multiple factors, and often a combination of them, including: a lack of rights, procedural challenges to the recognition of rights (such as land records and access to justice), conflicting land use interests, political and economic exploitation and poor land governance and management, among others. Prevention requires patience, inclusive policy making and implementation and effective monitoring and policy evolution. Fragmented or niche agenda driven land policy reform processes should be avoided. Conflict mitigation, resolution and subsequent peace building are similarly complex and should be built on rights based approaches with appropriate resources and commitments over time.

UN-Habitat notes that, in addition to a historical burden of exclusion and discrimination, peasants' rights related to land are constrained by major demographic, economic, cultural and, increasingly, environmental change. To the extent possible, projections of these impacts and their changes should be accounted for in policy analysis and reform processes. These processes also need to address the prevalence of competing domestic political and economic priorities relating to land that are frequently poorly defined and that are accompanied by a lack of coordination across sectors, particularly at the management and administrative levels.

Gender discrimination, including asymmetrical outcomes, continues to be a major challenge on a scale comparable to the challenge of social and economic inequalities and exclusion. This is not exclusively an issue in the global south but also raises concerns in the global north. Age is also a major concern in many countries, with younger persons having inadequate and unpredictable access to land and its fruits, which exacerbates instability as well as limiting economic opportunities. As with many other challenges, this highlights the need to focus on the social function of land as an objective and a benchmark for land law and policy.

Appropriate recognition of the environmental functions of land, and the effective accommodation of these within national and local land systems, remains an ongoing challenge. The Working Group rightly raises concerns about 'green grabbing', which needs to be fully and consistently addressed as central to Member States' obligations to respect and protect tenure security and other rights that depend upon access to land. The rights of peasants and other people working in rural areas should be considered consistently in all proposals for environmental rehabilitation and conservation, as well as for climate change mitigation and adaptation projects, where these may affect land use and rights.

UN-Habitat encourages the Working Group to further consider the importance of rural infrastructure, particularly for transport, housing, water and sanitation and other basic services. The decline of public budgets for the delivery of essential services and the privatisation of services

without adequate universal service guarantees, cross subsidies and public regulation is a major challenge to the fulfilment of a number of economic, social and cultural rights.

UN-Habitat welcomes the Working Group's calls for the development of robust indicators to monitor the implementation of the UNDROP. We note that current investment in land, and indeed most development related indicators, is too low and is currently declining, particularly for essential household survey programmes. Sectoral and instrument specific monitoring may be beneficial but should be accompanied by, and complement, adequate investment in simple foundational data for frameworks such as the SDGs and any post-2030 development framework that Member States may agree.

UN-Habitat welcomes the Working Group's recommendation that international organizations provide technical and financial assistance to States for the implementation of the UNDROP and the development of rights-based rural policies. However, we note the declining funding for land related technical assistance beyond particular thematic priorities, and the increasingly bilateral nature of the available funding, which fragments efforts, presents inconsistent policy priorities and tends to be based on national donor priorities and conceptual frameworks.