



Regional Workshop on Mainstreaming Land Rights in the UNGPs in Asia: A Concept Note

Land Rights as Human Rights

Land rights are human rights, noting the deep interrelatedness of land with other human rights (livelihood, shelter, culture, identity, property, among others). The importance of land and its interrelatedness to right to life is also apparent in how land conflicts throughout time have resulted to violence, loss of life, and deterioration of livelihood.

In recent years, the number and intensity of land conflicts have been increasing in number and in intensity. Such conflicts may result from overlapping land laws and policies. Conflicts occur also in land grabbing cases, wherein governments actively encourage agricultural investments at the expense of the loss of land and livelihoods for farmers and rural workers. The local government is also implicated in land conflicts due to overlapping permits, and in many instances, a bias for companies that rake in revenues and against local communities. The private sector as well as State-owned enterprises comprise another important group of actors, as these are involved in agricultural investments and land concessions that trigger conflicts.

Despite this, intergovernmental organizations and governments of several countries in the region have yet to explicitly recognize *land rights as human rights* and implement programs in response to such recognition.

At the global level, the United Nations Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights (UNGPs-BHR), a set of guidelines for States and companies to prevent and address human rights abuses committed in business operations. Further, the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) was adopted by the UN General Assembly in 2018, recognizing both the need to protect land and tenure rights and the rights of those who work in defense of such. More recently, in March 2019, the UN Secretary General released a Guidance Note on Land and Conflict, which offers a framework for the UN system to prevent, mitigate, and resolve conflicts by addressing root issues on land rights more systematically. The UN has also committed to engage and support its member states in matters related to land and conflicts. However, the question is how far communities and land rights defenders can use these instruments as tools to defend and to protect their land and human rights.

LWA Working Group on Land Rights as Human Rights

In 2018, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and partners of the Land Watch Asia (LWA) Campaign from Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines, have come together to form the LWA Working Group on Land Rights as Human Rights (LWA



LRHR WG). Since then, the working group has been engaging National Human Rights Institutions/ Commissions (NHRI/Cs), government agencies, development partners, civil society organizations at local and national levels, to lobby for the recognition of land rights as human rights. The Working Group initiated the monitoring of land and resource conflicts in six countries in Asia, as well as a scorecard for private investors in land and agriculture. The same group also conducted country-level activities aimed at popularizing the UN Guiding Principles on Business and Human Rights (UNGP-BHR) and calling for the formulation of National Action Plans (NAP) on BHR which recognize and protect land rights in the face of business activities.

During the first phase of this initiative, several lessons were also noted:

- Multi-stakeholder, consultative approach to data-gathering is both efficient and effective – community data/experiences complement official data. In addition, multi-stakeholder dialogue approach improves the knowledge of sectors on the issues faced by other communities, thus promoting solidarity towards addressing issues that may be varied but are similar in nature.
- Engaging with national human rights institutions worked well for initiatives on BHR in Asia. Through the NHRIs/NHRCs, a wider network of like-minded advocates pursuing the creation of the NAP on BHR was reached.
- Engagement with intergovernmental organizations aided in terms of synergizing policy advocacy efforts at the national and regional levels, broadening perspectives, and learning from the experiences of other States.
- The initiative lacked engagements with the private sector, particularly because of the aversion of businesses to discussions on land conflicts and BHR. There is a need to rethink strategies on engaging the private sector, by either reframing the discourse by lessening the focus on adverse impacts of businesses, and by highlighting the profitability of protecting human rights and land rights in business operations.

In November 2018, CSOs and NHRIs/NHRCs from eight Asian countries met in Bangkok for a conference on *Engaging National Human Rights Institutions Toward the Recognition of Land Rights as Human Rights*. The conference was co-organized by ANGOC, LWA, the International Land Coalition, United Nations Development Program (UNDP), and the UN Office of the High Commissioner on Human Rights (OHCHR). The conference ended with the body's adoption of the [Bangkok Declaration on Land as Human Rights](#), in which CSOs and NHRIs expressed their commitment to join efforts towards the full realization of land rights and human rights.

For 2020-2021, the working group aims to build on the previous phase's achievements considering the above-stated lessons, by pursuing the following major activities: a) producing case studies land and policy recommendations on landgrabbing, b) continuing campaign-work for a NAP on UNGP-BHR focusing on land rights, and, c) continuing the land conflict monitoring initiative.

As the overall goal, the working group envisions that by the end of 2021, *right to land is recognized as a human right as land rights organizations and communities become part of the regional and country dialogues in at least 6 Asian countries.*



Business and Human Rights

As part of the workplan for 2020 and beyond, the LWA LRHR WG have been conducting workshops and dialogues on popularizing the UNGP BHR and on mainstreaming land rights during BHR discussions. The Working Group is working towards the following outcomes:

- Land rights recognized and included in the formulation of NAPs of UNGP-BHR in six countries
- Regional institutions' and in-country agencies recognize land rights as human rights
- Recognition of the role of CSOs as key stakeholders on land rights by NHRIs/NHRCs/State human rights institutions in 6 Asian countries and selected regional institutions (SEANF, OHCHR, UNDP-BHR)
- Government facilitates space for CSOs to provide feedback on the formulation and implementation of the NAP

At present, only the governments of Indonesia and India have made concrete steps towards the adoption of a NAP on BHR. CSOs in the two mentioned countries have been active in disseminating information on BHR to various stakeholders, and in dialogues to ensure that the interests of marginalized groups are well represented in the NAP. Meanwhile, in Bangladesh, Nepal, and the Philippines, CSOs and NHRIs/NHRCs have been the key actors working towards the popularization of BHR and campaigning on the initiation and formulation of a NAP. Finally, in Cambodia, while BHR is recognized by the country's human rights bodies, civil society is also calling for the establishment of an independent NHRI to further promote human rights and implement international standards and treaties.

Progress towards the adoption and implementation of a NAP on BHR, as well as the interventions by CSOs in the six countries, have been compiled into six country reports and a regional report on BHR in Asia. These same reports contain key recommendations from CSOs on how to further mainstream BHR, what to include in a NAP on BHR, and how to protect land rights in the value chain of business endeavors. The report from Cambodia, also contains the impetus for and recommendations on establishing an independent NHRI in the country. The mentioned reports have gone through in-country workshops with civil society organizations and NHRIs/NHRCs.

Regional Workshop on BHR

2021 marks ten years since the UN Human Rights Council unanimously endorsed the UNGP BHR. While several accomplishments have been achieved since 2011, much is still left to be desired. Moreover, the the UNGPs present an opportunity for land rights advocacies to remain at the center of national and regional policy discussions. Thus, to take stock of gains and anticipate the steps that must be pursued in the coming years, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), with the Commission on Human Rights of the Philippines (CHRP), Land Watch Asia (LWA), Asia Working Group on Land Rights as Human Rights (WG LRHR), UNDP's Business and Human Rights Asia (B+HR Asia), the Office of the United Nations High Commissioner for Human Rights (UN OHCHR) in Southeast Asia, the Southeast Asia National Human Rights Institution Forum (SEANF), and the International Land Coalition (ILC) shall jointly organize an event entitled: **Mainstreaming Land Rights in the UNGPs in Asia.**



This two-day online event will be held from **3 to 4 August, from 3 PM to 6 PM (Bangkok time)** with the following objectives:

- Provide an opportunity for stakeholders to appreciate the relevance of incorporating land rights in the BHR discourse, particularly in the process of UNGP implementation, including development of NAP; and,
- Explore joint actions to promote BHR, land rights, and human rights that may be pursued at the regional level.

It shall be participated in by organizations who shall continue to advocate for land rights in the implementation of BHR at the country and regional level, namely: civil society organizations working on land rights and/or human rights, National Human Rights Institutions/Commissions, private sector groups, State agencies leading the NAP-formulation in selected countries, and intergovernmental organizations.



PROVISIONAL AGENDA

Day 1 (3 August 2021, Tuesday)

Time (Bangkok)	Activity/Topic	Description of the Session
02:30 PM	<i>Opening of room; participants' ingress</i>	
03:00	<p style="text-align: center;"><u>Opening Session</u></p> <p><i>Opening Remarks (5 mins)</i> Jose Luis Martin Gascon (TBC) Chairperson, Commission on Human Rights of the Philippines</p> <p><i>Keynote Speech: Ensuring Land Rights through the UNGPs in the Next Decade (10 mins)</i> Prof. Surya Deva (TBC) Chairperson, UN Working Group on Business and Human Rights</p> <p><i>Overview and Objectives of the Workshop (5 mins)</i> Denise Hyacinth Joy Musni ANGO</p> <p><i>Session Moderator: Nathaniel Don Marquez, ANGO</i></p>	
03:20	<i>Group Picture</i>	
03:25	<p style="text-align: center;"><u>Session 1: BHR amidst Landgrabs in Asia</u></p> <p><i>Summary of 6-country Case Studies on Landgrabs in Asia (15 mins)</i> Antonio Quizon ANGO</p> <p><i>Plenary Discussion; Q and A on Session 1 (15 mins)</i></p> <p><i>Session Moderator: Mirgul Amanalieva, ILC-Asia</i></p>	Understanding the increase in prevalence of land investments and subsequent landgrabs in Asia, and its impact on land rights and human rights.
03:55	<p style="text-align: center;"><u>Session 2: The State of UNGPs in Asia: Measuring the progress, Assessing Hurdles, and Identifying Opportunities</u></p> <p><i>Introduction to the panel by the session moderator</i></p> <p><i>Bangladesh NHRC (7 mins) (TBC)</i></p> <p><i>Nepal NHRC (7 mins) (TBC)</i></p> <p><i>India Ministry of Corporate Affairs (7 mins) (TBC)</i></p> <p><i>Thailand Global Compact (private sector) (7 mins) (TBC)</i></p>	A panel discussion on the factors that facilitate and hinder the implementation of UNGPs and the development of the NAP, and opportunities for pursuing land rights in these processes.



	<p>CSO perspectives and recommendations in mainstreaming land rights in BHR (7 mins) Geminiano Sandoval ANGOC</p> <p>Plenary Discussion; Q and A on Session 2 (20 mins)</p> <p><i>Session Moderator: UNDP B+HR Asia</i></p>	
04:50	Break	
05:00	<p align="center">Session 3: Breakout Group Workshop</p> <p>Introduction to Breakout Group Workshop Denise Hyacinth Joy Musni ANGOC</p> <ul style="list-style-type: none"> • What are the opportunities and building blocks in incorporating land rights in BHR? • How to ensure an inclusive NAP-formulation process, together with NHRI/Cs, CSOs, and communities? • For the next 5 years, what priority actions can we pursue and which key actors should we engage? 	<p>This workshop intends to formulate recommendations for regional actions in (a) formulating NAPs on UNGP-BHR, and (b) incorporating land rights in BHR implementation.</p> <p>Participants will be randomly assigned to groups (est. 10-15 pax per group). Each group should assign a documentor and rapporteur.</p>
05:55	Announcements and Closing of Day 1	
06:00	End of Day 1	

Day 2 (4 August 2021, Wednesday)

Time (Bangkok)	Activity/Topic	Description of the Session
03:00 PM	Overview of Day 2	
03:05	<p align="center">Session 4: Breakout Group Reporting</p> <p>Reporting of Breakout Groups (5 mins per group)</p> <p>Discussion (15 mins)</p> <p><i>Session Moderator: Katia Chirizzi, Deputy Representative of the Regional Office for Southeast Asia</i></p>	



04:05	Break	
04:15	<p style="text-align: center;"><u>Session 5: Reflections on Ways Forward</u></p> <p><i>Cambodia Human Rights Committee (govt) (5 mins) (TBC)</i></p> <p><i>Indonesia Ministry of Law and Human Rights (govt) (5 mins) (TBC)</i></p> <p><i>India National Human Rights Commission (5 mins) (TBC)</i></p> <p><i>Private Sector Rep (5 mins) (TBC)</i></p> <p><i>CSO Perspective (5 mins)</i> Shamsul Huda Executive Director, Association for Land Reform and Development (TBC)</p> <p><i>Session Moderator: UNDP B+HR Asia</i></p>	<p>During this session, a multi-stakeholder panel will provide their reflections on immediate steps and ways forward, considering the breakout group reports presented and discussions so far.</p>
04:45	<p style="text-align: center;"><u>Closing Session</u></p> <p><i>UNDP B+HR Asia (3 mins)</i></p> <p><i>SEANF (3 mins) (TBC)</i></p> <p><i>OHCHR (3 mins)</i> Katia Chirizzi Deputy Representative of the Regional Office for Southeast Asia</p> <p><i>Commission on Human Rights of the Philippines</i> Roberto Cadiz Commissioner (TBC)</p> <p><i>ILC-Asia (3 mins)</i> Mirgul Amanalieva Regional Coordinator for Asia</p> <p><i>ANGOC (3 mins)</i> Chet Charya Chairperson</p> <p><i>Session Moderator: Nathaniel Don Marquez, ANGOC</i></p>	
05:00	<i>End of Workshop</i>	