

## Land in the SDG and the Human Rights Sphere: Links and Opportunities

This Master Class is targeted to civil society practitioners, government officials who may be tasked with or involved in SDG implementation or reporting for human rights treaty monitoring bodies, and development partners or private sector actors looking for innovative approaches and large-scale and cross-movement impact. Developments on land rights in the human rights realm and the inclusion of land indicators in the Sustainable Development Goals (SDG) framework create an interdependent cycle of incentives, implementation, and enforcement that implicates both movements. The development of land as a human right includes both existing standards and opportunities that complement efforts to strengthen land rights via SDG implementation. The numerous links between these two realms create an unprecedented opportunity for collaboration between civil society, governments, and development partners that can multiply successes for land rights from both human rights and development perspectives.

1. *Developments on land rights in the human rights realm and the Sustainable Development Goals (SDG) framework create a cycle of incentives, implementation, and enforcement, providing a unique role for civil society.*

Human rights obligations related to land and the SDG share common goals: human dignity and well-being, achieved through substantive empowerment and the alleviation of poverty. Because treaty obligations are binding, they serve as an incentive for governments to prove that they are achieving progress toward human rights norms contained in treaties. The SDG—designed to qualify and quantify the status of land rights for women and men, and to measure progress on a national basis—provide a ground-level implementation framework that complements and gives feet to human rights dictates. The SDG focus on data then points back to the role of the human rights realm: human rights bodies and mechanisms rely on ground-level data to hold governments accountable.

Civil society is uniquely placed to connect the human rights and development realms for strategic results in both realms, reminding governments of their incentives through direct advocacy and through advocacy with human rights bodies; working with communities and government agencies at grassroots, regional, and national levels, affording them the opportunity to be both collectors and reporters of data; and sounding the alarm when enforcement falls short or is absent.

2. *The development of land as a human right includes existing standards.*

International human rights standards on land rights are increasingly gaining definition and traction. The United Nations Committee for Economic, Social and Cultural Rights (CESCR) which oversees

compliance by 165 states parties to the International Covenant on Economic, Social and Cultural Rights has issued a host of Concluding Observations tying economic, social, and cultural rights to land rights. The Committee's recently adopted General Comment on State Obligations in the Context of Business Activities also recognizes the centrality of land and natural resources to rural people, with special references to women and indigenous and customary land holders. The CESCR's work dovetails with the recent standard set by the Committee for the Elimination of Discrimination Against Women (CEDAW), explicitly declaring "rural women's rights to land and natural resources to be fundamental human rights." The work of these treaty monitoring bodies is complemented by other significant additions in the international human rights realm: The United Nations Working Group on Discrimination Against Women recently recognized the centrality of women's land rights for sustainable development. Human rights bodies have also issued survey reports on the right to land, including the Office of the High Commissioner for Human Rights, and UN Women, on women's rights to land and natural resources.

*3. The development of land as a human right includes opportunities.*

The CESCR is currently considering drafting a General Comment on the right to access land. This unprecedented step builds on the Concluding Observations and other Committee work already highlighted. If adopted, this General Comment would be the most authoritative statement on land from a human rights perspective to date, and would serve as a standard by which to measure states parties' compliance with the Convention. Civil society actors could then use it as a reference when lobbying their governments as well as the Committee itself for action on land rights in law and practice. This paper will showcase efforts already underway to leverage the standards and statements outlined above to advocate for changes to law, policy, and implementation, which serve as ready examples for others to learn and adopt these tactics.

*4. Land Rights in the SDG present an opportunity and a need.*

The SDG include three sex-disaggregated indicators on land (1.4.2, 5.a.1, and 5.a.2). These indicators call on governments to measure women and men's perceptions of land tenure security, the proportion of women and men with secure tenure over agricultural land, including the share of women with rights to agricultural land, and to report on legal guarantees of equality for women's ownership and control of land, in both formal and customary law. While these indicators are demonstrative of growing global recognition of land rights, also evidenced in the human rights realm, practitioners in the land sector still face significant challenges with regard to their uptake. None of the three indicators is currently classified as "Tier 1," meaning that governments are not currently tracking them. Sustained advocacy efforts have resulted in progress toward reclassification of the indicators. These efforts are crucial. These indicators' inclusion in national

level data gathering efforts will enable understanding of the current status of rights to land for women and men, in turn helping to enact policies and programs to strengthen them.

#### *5. Human Rights and the SDG: Links*

Links and overlaps between human rights and the SDG create a catalytic space for land rights advocacy. Treaty obligations and SDG implementation share several characteristics. These links and overlaps mean that an understanding of both realms are a powerful tool that should be leveraged by those in the land sector engaged in advocacy, governance, private investment, or financial backing. First, it cannot be overstated that this global recognition of land rights—especially women's land rights—in the human rights and development realms is unprecedented, creating unequalled opportunity to leverage both movements to achieve significant progress in alleviating poverty through strengthening rights to land. Second, both treaty obligations and SDG implementation seat accountability with national level governments. This creates a strategic opportunity to identify efforts that can satisfy both, or that will help one effort complement the other. Third, both realms rely on grassroots efforts and aim for grassroots effects. Data collection on rural land rights will require coordination with local level actors in every country if it is to be done in an equitable, inclusive, and gender-responsive way. And the success of both human rights treaty compliance and the SDG is borne out at the local level for individuals and communities, where the deprivation and discrimination these global efforts seek to address is felt. Fourth, both these realms draw donor interest and require donor involvement, both to bolster government and CSO capacity, and because coordination is needed across international stakeholders. Finally, because both realms rely on international level accountability, national level planning, and local level implementation and evaluation, they both require intensive coordination between grassroots, national, and international levels to be effective.

#### *6. Leveraging Human Rights Developments and SDG Implementation: The Role of Civil Society, Governments, and Development Partners*

Local level civil society capacity should be built and leveraged to achieve key aims in both the human rights and SDG realms through this cycle of incentives, implementation, and enforcement. Civil society is best positioned to contextualize SDGs in communities and inform human rights bodies about realities at the ground level, but frequently lack adequate funding to do the work. CSOs with knowledge of both realms and the relationships between them can lobby for more strategic use of resources at national and local levels, and attract support for their effort from both development and human rights partners. With sufficient funding and capacity building, local level CSOs can pilot and scale land-based interventions to address poverty and strengthen human rights *and* contribute to national-level efforts to collect data to support the SDG. This class will showcase such efforts currently underway, and explore what other avenues may be effective.



Civil society can advocate for governments to improve their capacity on land governance by leveraging SDG goals, assisting governments to develop data-driven policy. This could be accomplished through work with National Statistics Bureaus, land sector agencies, and gender ministries to create and implement nationally representative strategies for data collection, and by targeting the gap in available research on women's land ownership. CSOs can advocate for the harmonization of formal and customary law to be approached from a pro-poor perspective, fulfilling both human rights mandates and SDG goals.

