

Human Rights Against Land Grabbing? A Reflection on Norms, Policies, and Power

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Abstract Large-scale transnational land acquisition of agricultural land in the global south by rich corporations or countries raises challenging normative questions. In this article, the author critically examines and advocates a human rights approach to these questions. Mutually reinforcing, policies, governance and practice promote equitable and secure land tenure that in turn, strengthens other human rights, such as to employment, livelihood and food. Human rights therefore provide standards for evaluating processes and outcomes of transnational land acquisitions and, thus, for determining whether they are ethically unacceptable land grabs. A variety of recent policy initiatives on the issue have evoked human rights, most centrally through the consultation and negotiation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests concluded in 2012. However, a case of transnational land appropriation illustrates weak host and investor state enforcement of human rights, leaving the parties to in interaction with local groups in charge of protecting human rights. Generally, we have so far seen limited direct application of human rights by states in their governance of transnational land acquisition. Normative responses to transnational land acquisition—codes of conduct, principles of responsible agricultural investment or voluntary guidelines—do not in themselves secure necessary action and change. Applying human rights approaches one must therefore also analyze the material conditions, power relations and political processes that determine whether and how women and men can secure the human rights accountability of the corporations and governments that promote large-scale, transnational land acquisition in the global south.

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Introduction

Agreements to lease or cede large areas of land should under no circumstances be allowed to trump the human rights obligations of the States concerned. (UN Special Rapporteur on the right to food 2009: 33)

Contemporary economic, environmental and social crises are driving increased transnational acquisition of land as means to increase food and energy production or obtain financial returns. Tensions between these interests and goals, on the one hand, and the potentially devastating impact for groups and individuals who lose rights or access to land raise a need for ethical reflection, leadership and action to prevent or improve the outcomes of such land acquisition. In this article I document, advocate and critically discuss a human rights approach to the acquisition of agricultural land in the global south by rich corporations or countries. Since “land” and “human rights” have a complex interface, and the phenomenon of land acquisition is rapidly evolving, this is a challenging subject. I approach it with a bias in favor of using a broad conception of civil, political social, economic and cultural human rights as a normative resource in the political construction of society, global cooperation and land governance. At the same time, we need a disinterested interest in the ways human rights are actually used, or not, to improve the lives of individuals—from codification, legal incorporation and political prioritization to resource allocations, implementation and monitoring (Risse et al. 1999).

I start by suggesting a human rights approach to transnational land acquisition (“[A Normative–Theoretical Approach to Land and Human Rights](#)” section). I argue that land and human rights are interconnected in a potentially fortuitous and reinforcing relationship, meaning that human rights based policies, governance and practice promote equitable and secure land tenure which, in turn, strengthens other human rights, such as to employment, livelihood and food. Human rights therefore provide normative standards that could be used to evaluate the processes and outcomes of transnational land acquisitions. “[Human Rights in Contemporary Policy Initiatives on Land Acquisition](#)” section documents that human rights perspectives have in various ways informed civil society critiques of and some policy responses to land acquisitions. A few regional policies and examples are from Africa, where I have done field research. A brief account of a Norwegian land appropriation in Ghana illustrates the interaction of practice and human rights, which appeared absent in planning and poorly protected during implementation (“[A Land Acquisition Case](#)” section). Finally, I sum up and discuss the prospects of a human rights approach to transnational land acquisition in current policy processes and under prevailing power relations (“[Discussion and Conclusions: Human Rights as Norms, Policy, and Power](#)” section). Here I consider a critique that “post-political” approaches of “good governance,” “democracy,” and “rights” reject or underestimate the political and antagonistic contestation and conflict over resources

and power (Mouffe 2005: 2). In this vein, Borras and Franco (2010) argue that global “guidelines” and “codes of conduct” may de-politicize land grabbing, posing the possibility of “win–win” outcomes, and therefore defuse action for social justice through alternatives to land alienation. My preliminary material and reflections therefore suggest that while human rights approaches are pertinent and relevant in a normative and legal sense, we cannot be confident that practice will escape such critiques. Thus, we need critical analysis of norms, political processes and power relations to understand how women and men can secure human rights accountability of the companies and governments that promote large-scale, transnational land acquisition in the global south.

A Normative–Theoretical Approach to Land and Human Rights

Land Rights and Human Rights¹

Human rights is undoubtedly our most comprehensive set of global norms, potentially a “common standard of achievement” (Universal Declaration of Human Rights 1948) and the anchor of state obligations towards the individuals who live under their constitutions (An-Na’im 2003: 1). Our human rights are equivalent and interdependent and must be treated “in a fair and equal manner, on the same footing, and with the same emphasis,” while they are always realized within particular contexts (United Nations 1993, Section I, paras 1 and 5). Human rights have been applied to land in various contexts—for example when confronting a history of racist dispossession in South Africa (Sachs 1990; RSA 1996), examining the rights to food and water (Hellum 2001), considering a human right to property (van Banning 2002), or collective land tenure (Wisborg 2006). After human rights seemed to be on the rise in the 1990s and seemed to lose ground under the pressures of economic restructuring, militarization, and financial crisis in the first decade of the twenty-first century, human rights have been evoked in policy initiatives on transnational land acquisition.

According to human rights, ‘certain things ought not to be done to any human being and certain other things ought to be done for every human being’ (Perry 1998: 13). No one should be deprived of their subsistence and security (Shue 1980). Rural people often use land to meet their needs, and ‘needs give rise to weighty moral demands. The object of these basic human needs is the object of human rights’ (Pogge 2002: 58). Moore (1998: 46) observed that rural smallholders who do not have productive land may lack food and die so that for them “the most urgent issue is not about human rights as a conception, but about survival in the here and now, and to whom to turn for some guarantee of security.” Thus, while ethical convictions and ultimate aims are deliberately understated in human rights, I would argue that they capture important dimension of the values that are at stake when we discuss or modify the land rights and land use of women, men and children. For

¹ I use “land tenure” in a broad sense of the conditions under which land is held (Bruce 1998) and “land rights” more narrowly as the access, use, transactions et cetera that can be claimed *as of right*.

example, one may argue, following Sen (1999) and Nussbaum (2000), that human capabilities are deeper ethical values that we may safeguard and enhance by advancing the respect for human rights, a view I have discussed in relation to land (Wisborg 2006: 338–340).

A sympathetic attempt to acknowledging such dependency of humans on land is to argue that “land rights are human rights,” Borrás and Franco (2010: 521, fn. 43) agree with the view that the rights of rural communities to land are “implied in other human rights” (Monsalve Suárez 2003, 2006), specifically that the human right to food supports the idea of “a human right to land and to other productive resources” (citing Committee on Economic 1999; FAO 2005). Most contributors to an online debate supported the view of land rights *as* human rights (Meggiolaro for LandPortal 2011). Although not in absolute contrast, my cautious or skeptical view is that land rights are *not* human rights, for the following reasons: (1) Human rights are universal, grounded in our shared humanity; land rights, on the contrary, are specific individuals’ rights to specific resources and not universally necessary to protect the existence or dignity of human beings. (2) Human rights instead protect the “deeper” rights to life, food et cetera, including the right to *hold property* and *not be discriminated* with regard to property (UDHR 17), but not any given property right. Therefore, UDHR 17.2 only bans *arbitrary* deprivation of property. (3) Turning land rights into human rights could sanction unjust land rights, such as those obtained through force, and obstruct justifiable redistribution. It is also likely that those with statutory rights, often the more powerful, would be better positioned to get their land rights sanctioned as human rights than poor women and men with poorly recognized access to land. (4) The high complexity of property rights—to access, use, extract, manage, and alienate (Schlager and Ostrom 1992)—make it difficult to determine which rights of which individuals should be sanctioned as “human rights.” (5) Protecting land rights as human rights, making them inviolable, would appear to empower property holders to hinder socially important projects in an unreasonable way—if land rights were human rights, human rights could not be a normative reference for assessing and reforming a given system of land rights.

Against my position, one can argue (re 1) that “work,” just as land, is not a universally necessary for individual existence and dignity and, indeed, that the protection of the right to work, and not land, may be seen to discriminate against rural, land-based populations and individuals as compared to members of industrial societies. A protection of only property rights *principles* (re 2), but not the concrete rights that individuals have, may seem vacuous and against the individual orientation of human rights. One can argue (re 3) that unjust land rights (achieved through forceful dispossession and so on) would not gain legitimacy due to the violation of other human rights in the process. One can argue (re 4) that it is equally hard to ascertain the precise content of other human rights as explored in the General Comments by the Committee on Economic, Social, and Cultural Rights on, for example the right to food or the right to work. Also, (re 5) land rights may be foundational for the autonomy of (minority) peoples who may need protection against a dominant society. Despite such counter-arguments, I believe that an emphasis on the human rights to equality, legal standing, information, water, livelihood, food (and so one) would yield a significant protection of land rights and

other property. This is also implicit in Banning's view that that when all or most human rights are well protected, the particular protection of property rights as human rights is less important (van Banning 2002). I think the casualty of protecting the *wrong* land rights as human rights is serious. I therefore suggest that land rights and human rights are mutually reinforcing, a relationship I seek to make more explicit in the following.

Four Dimensions of the Relationship Between Land and Human Rights

I suggest four dimensions—governance, fair process, just outcomes, and development—of the interface: (1) *Human rights based governance* promotes equitable and secure tenure to land; (2) land transactions involve *rights to fair process*; (3) *equitable and secure tenure promotes human rights realization*; (4) together, these *advance a human rights based development*. This is not a *classification of rights*, since any human right may affect governance, processes, outcomes and development. The fairness of process and justness of outcomes (2 and 3) deal most directly with a particular case of land appropriation while (1) and (4) are the more contextual (governance) situation prior and dynamics of social change over time.

Human Rights Based Land Governance

According to the Universal Declaration of Human Rights (UDHR 28),² everyone has a right to an institutional order that protects human rights and such an order would contribute to the security of land tenure. Human rights ban discrimination on the basis of, among others, race, color, gender, and religion (UDHR 1, 2, 7); International Convention on the Elimination of All Forms of Racial Discrimination (ICERD 1, 2); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1). Land governance must promote racial equality (UDHR 1, 3, 7; ICERD 1, 2; ACHPR 2, 4, 5) and gender equality (CEDAW 1, 3, 5, 14, 14.2; African Charter on Human and Peoples' Rights, which requires the elimination of "all discrimination against women" and "the protection of the rights of the woman and the child as stipulated in international declarations and conventions," ACHPR 18.3). Removing discrimination and promoting equality will particularly increase the tenure security of those who are weakly protected due to, for example, gender, marital status, age, ethnicity, or poverty. The state must support land tenure and governance, for example through education (UDHR 26.1, ACHPR 17), vocational training (CEDAW 10a) and equal access to public service (CCPR 25c; ACHPR 13, CEDAW 10–15). Land governance must be democratic (UDHR 2, 21.1; ACHPR 3, 9, 10, 11, 13; International Covenant on Civil and Political Rights, ICCPR, 26).

Reflecting an anti-colonial context, the international covenants of 1966 shared a pivotal commitment: "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of

² Selected human rights conventions and acronyms are listed in the "Appendix." Numbers refer to articles.

international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence” (ICCPR 1.2, and the International Covenant on Economic, Social, and Cultural Rights, ICESCR 1.2). Furthermore, ILO Convention 169 advances the land rights of “indigenous and tribal peoples” (14, 15), bans removals (16), and asserts the right to consultation (17), particular in view of how important land is for cultural and physical autonomy. Individuals may practice their culture, including land tenure, when consistent with other human rights (ICCPR 27; ILO 169: 8, 12, 14, 15). Whereas ILO 169 enjoyed rather narrow support, in 2007 143 member countries adopted the United Nations Declaration on the Rights of Indigenous Peoples (DRIPS) in which the control and enjoyment of land are core principles. Peoples must “be secure in their enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities” (20) and have the right to protection of the environment and the productive capacity of land (29). States shall obtain free, prior and informed consent before implementing measures that affect them (19) and provide redress for lands “confiscated, taken, occupied, used or damaged” without their consent (28). Interestingly, the UN Permanent Forum on Indigenous Issues states that, ‘the Declaration creates no new rights and does not place indigenous peoples in a special category’ (UN News Centre 2007), which suggests that it could have general applicability.

Fairness of Process

Human rights principles—participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law—are valid for interventions in agriculture and food production (FAO 2007). Individuals have the right to equality before the law (UDHR 7, 10; CEDAW 15); to information, freedom of expression and participation in governance (UDHR 19, 21.1; ICCPR 19; ACHPR 9). Everyone has a human right to “own property alone as well as in association with others” and not to be “arbitrarily deprived” of this property (UDHR 17). ACHPR (14) confirms that the “right to property ... may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.” Thus, individual, family and community land rights may only be changed on the basis of law that is consistent with human rights (UDHR 17; ACHPR 3, 14, 18). A central requirement is gender equal participation. Women must participate equally with men in rural development, agrarian reform and resettlement (CEDAW 14.2). The Protocol on the Rights of Women in Africa (PRWA 18) requires the “participation of women at all levels in the conceptualization, decision-making, implementation, and evaluation of development policies and programmes.”

Justness of Outcomes

Equitable and secure land tenure promotes the right to a “standard of living adequate for health and well-being,” including food, clothing, housing, and medical

care, with emphasis on vulnerable groups (UDHR 25, Convention on the Rights of the Child, CRC 4 and 6). It facilitates employment (UDHR 23; ICESCR 6, 7; ACHPR 15) and contributes to protecting the rights to family, privacy, home, security, and freedom of residence (UDHR 3, 12, 13.1; ICCPR 17; CEDAW 15.4; ACHPR 6, 12). Secure land tenure supports the economic and political autonomy that individuals and groups need to participate in democratic society. Human rights analysis must consider diverse groups through multiple stages of land deals from appraisal, to monitoring (Behrman et al. 2012). The elderly, the disabled (ACHPR 18.4) and children require special attention (ACHPR 18.3; CRC 4, 6; Save the Children 2002). Women's rights to secure access to land, fuel and water and food security are emphasized in the Protocol on the Rights of Women in Africa.³ A balanced human rights assessment must consider that land and associated investments may improve employment, incomes and services.

The strongest recognition of the land–human rights connection concerns food. States must respect, protect and fulfill the human right to food⁴ (ICESCR 11), the “physical or economic access, at all times, to adequate food or means for its procurement” (Committee on Economic, Social and Cultural Rights 1999: 6). Heri (2011: 4) argues that states violate the right to food if they fail to regulate private entities that threaten this right. States must also ‘improve methods of production, conservation and distribution of food’ including by “developing or reforming agrarian systems [including land] in such a way as to achieve the most efficient development and utilization of natural resources” (ICESCR 11.2a). Haugen (2010: 47) observes that this provision is rarely quoted and applied but the obligation of states to govern global food supply and distribution is as topical as when it was formulated: ‘Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need’ (ICESCR, 11.2b).

Human Rights Based Development

In theories and policies of human rights based development (UNDP 1998; ODI 1999) human rights are both standards of change and instrumental of development (refer Sen 1999). The 1966 UN Covenants committed States Parties to creating an “international order” that recognizes self-determination and free disposal of natural resources; protects individuals against deprivation of the means of subsistence; promotes “international assistance and cooperation” (ICESCR 2.1, ICCPR 1.2, ACHPR 20, 21); and reforms agrarian systems (ICESCR 11.2). This is the opposite of “land grabbing,”

³ “States Parties shall ensure that women have the right to nutritious and adequate food. In this regard, they shall take appropriate measures to: (a) provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food; (b) establish adequate systems of supply and storage to ensure food security (PRWA, 15).”

⁴ “Respect” means to not hinder what people do to realize a human right; to “protect” means to hinder third parties from infringing on the right; ‘fulfil’ means (1) to “facilitate,” or “proactively ... strengthen” people’s access to the means of enjoying their rights, or (2) to “provide” for those who cannot enjoy the human right for reasons beyond their control (Committee on Economic, Social, and Cultural Rights 1999: 15).

Large-scale land acquisition and other changes in globalized land–agro–food–energy systems provide renewed urgency to such commitments. Human rights can therefore inform alternative ways of thinking about land and development (De Schutter 2011). However, the application of human rights to land is subject to political and social processes and “human rights” and “development” may be “ships passing in the night” (Alston 2005).

Outlining these four dimensions, I have sought to elaborate the view that land rights and human rights are closely intertwined, and that the multi-dimensional nature of both human rights and land requires a comprehensive human rights approach that integrates both civil and political rights and the everyday life of work, food, gender relations, and so on. We often lack explicit recognition of the links between human rights in the instruments as well as a comprehensive reading of these links. The interpretation of the detailed and mainly legalist reading presented here will obviously be contentious, just as the application and enforcement demanding. Nevertheless, applying human rights in policies on land acquisition is in my view well grounded in major human rights instruments and a theoretical understanding of land as a human rights issue.

Human Rights in Contemporary Policy Initiatives on Land Acquisition

A Review of Major Policy Initiatives

Against the perhaps state-centric conception of human rights, civil society organizations (CSOs), and media were central in bringing the human rights dimension of land acquisition to global attention from around 2008. GRAIN (2008: 8–10) argued that land is “the very basis on which to build food sovereignty” and “is simply being bartered away” through deals that frequently lack transparency or support authoritarian regimes. A ‘Stop Land Grabbing’ manifesto referred briefly to human rights (La Via Campesina et al. 2010). FIAN (e.g., 2010) used human rights in analysing specific cases. Civil society protests led to extensive media coverage of the phenomenon (refer Palmer 2010), and some reports considered human rights dimensions, giving voice to both the affected and the leaders who were justifying deals. For example, MacFarquhar (2010) told about Malian peasants who were dispossessed of land for production of export rice and subjected to beatings and imprisonment instead of receiving the promised “compensation.” McCrummen (2009) reported that foreign land acquisitions in Ethiopia were displacing villagers and offered poor labor conditions while Butler (2010) reported a “political clampdown” to repress resistance to land deals, as also argued in later studies (Rahmato 2011; Human Rights Watch 2012).

In the initial global policy initiatives, the UN Special Rapporteur on the right to food, Mr. De Schutter, contributed substantially to linking land acquisition and human rights. He argued that states are in violation of the human right to food if they permit foreign or domestic land appropriation that deprives people of access to life sustaining resources; his eleven human rights-based core principles was the most important human rights statement on transnational land acquisition until the

advent of the Voluntary Guidelines of 2012 (UN Special Rapporteur 2009).⁵ The principles of responsible investment in agriculture (RAI)⁶ prepared by the World Bank, UNCTAD, FAO and IFAD (FAO et al. 2010) were generally laudable norms but attacked by CSOs for being vague and non-committing for governments and investors, seeking to legitimize land grabbing as a “corporate (foreign and domestic) takeover of rural people’s farmlands” (La Via Campesina et al. 2010). The World Social Forum (2011) found it contradictory that land governance and human rights are under the jurisdiction of “national parliaments and governments” that also “bear the greatest share of responsibility for these land grabs.” The Forum demanded that each state should be held responsible for the impact of its policies and companies abroad and that international trade and finance regimes, which encourage speculation in natural resources and agriculture, should be made similarly accountable to human rights.

Regional, nation state, and corporate levels of governance are all key to addressing transnational land appropriation. In its Declaration on Land Issues and Challenges in Africa, the African Union (2009: 2) has resolved to “ensure that land laws provide for equitable access to land and related resources among all land users including the youth and other landless and vulnerable groups such as displaced persons.” The “Framework and Guidelines on Land Policy in Africa” (AUC et al. 2010: 2.7) argues that crises of energy, food supply and climate change are causing a “new scramble for Africa’s land resources”, so that African states need to “put in place adequate policies to ensure that the risks associated with these changes and, in particular the risk of uncompensated loss of land rights by the poor are avoided or effectively managed”. The document acknowledges *de jure* and *de facto* discrimination of women in access to land and reaffirms the commitments in the Protocol on the Rights of Women in Africa, while other human rights commitments go unmentioned. Notwithstanding capacity problems, De Schutter (2011: 265) argues that the African Union Land Policy Initiative can help in coordinating and guiding African states in regulating land transactions.

The role of “investor” country government, often also “donors” (of bilateral aid), is in need of investigation. France (2010) and Germany (2009) have proposed human rights based policies to prevent violations resulting from transnational land appropriation but cursory evidence suggests that investor governments have mainly referred to the responsibilities of host governments and/or emerging global policy. For example, a Norwegian government Report to Parliament (Norway 2011) did not respond to a civil society demand for a ban on land deals that violate human rights,

⁵ The principles proposed by the UN Special Rapporteur are: (1) transparency; (2) consultation and free, prior and informed consent; (3) safeguarding the rights of host communities; (4) ensuring that revenues benefit the local population; (5) maximizing employment; (6) protecting the environment; (7) establishing clear investor obligations, sanctions and independent assessment of compliance; (8) requiring a minimum of sale of food crops locally; (9) carrying out impact assessment [appraisal] prior to entering agreements; (10) complying with indigenous people’s rights; and (11) protecting the human and labour rights of workers.

⁶ The RAI principles are: (1) respecting land and resource rights; (2) ensuring food security; (3) ensuring transparency, good governance and an enabling environment; (4) consultation and participation; (5) responsible agro-enterprise investment; (6) social sustainability; and (7) environmental sustainability.

or import from such deals (Spire 2010) but instead recommended capacity building in the South and international guidelines to protect people against the loss of land, homes, and food.

The era of large-scale land acquisition coincides with increased emphasis on the human rights responsibilities and agency of companies and corporation. The United Nations Global Compact (2011) requires that businesses “support and respect the protection” of human rights and “make sure that they are not complicit in human rights abuses,” for example by upholding labor rights and working against corruption. The Special Representative of the Secretary-General on business and human rights, Special Representative of the Secretary-General 2011, John Ruggie (2011: Article 6) provides that states must protect individuals against human rights abuses by third parties, including businesses, which “should act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved.” The specification of the different and complementary roles of governments and businesses are quite important for the issue at hand, since lack of state capacity should not be used as pretext for either corporate negligence or overextension (personal communication, Kendyl Salcito). The “Round Table on Sustainable Biofuels” and the “Guide to Human Rights Impact Assessment” by international organizations also require businesses to include human rights in impact assessment and decision-making (Haugen 2010; see Salcito et al. 2011 for a case-based illustration). The Institute for Human Rights and Business (2011) have prepared (draft) “Guidelines on Business, Land Acquisition and Land Use: A Human Rights Approach”: advocating principles of transparency, non-discrimination and accountability, recommended measures include: conflict analysis, protecting women’s rights, information and consultation, recognizing property rights. It seeks to protect culture, human rights, local incomes and continued access to land when it is compatible with company interests. With this facilitating approach, the “Guidelines on Business, Land Acquisition and Land Use” seek to use human rights to facilitate and adjust land appropriation, rather than criticizing or seeking alternatives.

The Voluntary Guidelines on Governance of Tenure

Despite polarization over policies on land acquisition, a certain movement towards normative consensus is expressed in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forest and Fisheries in the Context of National Security (hereafter the Voluntary Guidelines) adopted by the World Committee on Food Security in May 2012 (the CFS is made up of FAO member states, international agencies, the corporate sector and civil society). The Voluntary Guidelines give human rights a fairly prominent place but this only came about after consultation and negotiation. Following global consultations in 2009 and 2010, the FAO presented the “Zero Draft” Voluntary Guidelines for public consultation in April 2011 (FAO 2011a; Munro-Faure 2011; Hallam 2011). In an input to the consultation, the International Land Coalition (ILC) argued that “the Zero Draft is not adequately linked to the existing and binding international human rights framework ... the language used is often vague and ... and there is a risk that the VGs can be used to avoid compliance with international human rights treaties,

especially on critical issues, such as investments and concessions, and expropriation and evictions” (ILC Secretariat 2011: 8). Particular concern was expressed that provisions about transnational land acquisition omitted the human rights obligations of investors, international organizations and financial institutions (ILC Secretariat 2011: 14). Women Organizing for Change in Agriculture and NRM stressed global and regional gender commitments, including CEDAW, and argued that the Voluntary Guidelines, “... should not *encourage* responsible investment but *require* it based on human rights and environmental law” and argued that states should have the right to terminate non-transparent and unaccountable deals (WOCAN, ILC Secretariat 2011: 8). The Asian NGO Coalition for Agrarian Reform and Rural Development argued that states ‘should’ support vulnerable and marginalized groups, rather than “may consider” (ANGOC, ILC Secretariat 2011: 11). An experienced land consultant observed that the draft did not grant women and men an option to reject alienation of their land (McAusland, ILC Secretariat 2011: 15, 20). Fiona Flintan, pastoral development expert, stressed the right to protest and mobilize democratically (20). The Uganda Land Alliance requested specific directions on democratization of land governance (20). I argued that the Zero Draft Guidelines were vague on gender equality and should refer to CEDAW and the rights to participation and property and equitable access to land, energy, and water in the African Charter and its Protocol on the Rights of Women in Africa. I also suggested that human rights could form the basis of a definition of “land grabbing” (Wisborg 2011: 9).⁷ Based on these inputs from a range of actors, the ILC suggested, among others, that alienation of land and other natural resources should only take place on the basis of free, prior and informed consent, due diligence by international organizations, gender-disaggregated impact assessment, and access to an independent appeal body by affected parties (ILC Secretariat 2011: 16–18, objectives 18–23). As a result of these and other inputs, the renegotiated (FAO 2011b) and final Voluntary Guidelines refer extensively to human rights (CFS 2012a). Civil society found that the CFS demonstrated its capacity to coordinate actors in seeking solutions to acute, global conflicts over access to natural resources (FIAN 2012). ILC (2012: 2) found the final document “now firmly anchored in a human rights framework” and that the process was a “model that should be replicated in similar UN committees.”

The Voluntary Guidelines deal with transnational land acquisition under the euphemistical headings of “transfers and other changes to tenure rights and duties,” and the sub-headings “markets,” “investments,” land reform and expropriation—*land grabbing* is not named. A representative of FIAN said that CSOs failed to get a

⁷ In the ILC Tirana Declaration, the International Land Coalition adopted a modified version, when it denounced and defined land-grabbing as acquisitions or concessions that are *one or more of* the following: “(1) in violation of human rights, particularly the equal rights of women; (2) not based on free, prior and informed consent of the affected land-users; (3) not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered; (4) not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and; (5) not based on effective democratic planning, independent oversight and meaningful participation” [my suggestion had included “illegality” and violation of the right to gender equality as separate criteria]. Determining when violations of human rights occur is possible (Chapman 1996) but made more challenging by the complexity of land issues.

ban on land grabbing incorporated, as seen in the Tirana Declaration (ILC 2011), something she initially saw as a defeat.⁸ States should “recognize and facilitate fair and transparent sale and lease markets” for tenure rights (11.1) possibly suggesting an obligation to move towards *market* transactions in land rights. However, they should also promote investments by right holders (12.2) and consider alternatives to the ‘large-scale transfer of tenure rights to investors’ (12.6).

Considering *governance* (refer the four dimensions in “[Human rights in contemporary policy initiatives on land acquisition](#)” section), the Voluntary Guidelines require that “all programmes, policies and technical assistance to improve governance of tenure” must be consistent with the full range of civil, political, economic, social and cultural human rights (1.1, 4.8). “Home states” must ensure that “businesses are not involved in abuse of human rights and legitimate tenure rights” and “business enterprises should act with due diligence to avoid infringing on the human and legitimate tenure rights of others” (3.2). The rights of individuals and communities on public lands (8) and indigenous people’s land rights should be respected in accordance with human rights (9), with safeguards for all who have unrecorded rights (11.6). States should remove and prohibit all forms of discrimination related to tenure, securing equal rights for women and men (4.6).

Concerning *processes*, principles and guidelines (Part 3) require gender equality (7.4), transparency, adequate information (7.5), and the prevention of forced evictions (7.6). Land appropriation requires prior, independent impact assessment, identification of tenure rights, consultation, information and monitoring (12.10–12.15). States could consider introducing ceilings on the scale of transactions and/or requiring parliamentary approval (12.6). ILC (2012: 2) notes that the right to free, prior and informed consent under DRIPS is only evoked concerning indigenous people (9.9), not other communities (3B6). States should ensure that agreements are enforced and provide mechanisms to raise grievances (12.14), fight corruption and resolve conflicts (21). While more elaborate on implementation than the April 2011 “Zero Draft” (Part 7), the Voluntary Guidelines do not specify the responsibilities of states and other actors identified in article 3.2. The responsibility for overseeing implementation, monitoring and reporting is placed with the Secretariat of the Committee on World Food Security—this forum is valuable for information sharing, advocacy and negotiation, but may prove to be overstretched by such responsibilities.

Concerning *outcomes*, the Voluntary Guidelines require that States should “take measures to prevent undesirable impacts on local communities, indigenous people and vulnerable groups that may arise from, inter alia, land speculation, land concentration and abuse of customary forms of tenure” (11.2). “Responsible investments” should “do no harm, safeguard against dispossession of legitimate tenure right holders and environmental damage, and should respect human rights” and international labor law (12.4). Investor states should ensure that investments abroad promote food security (12.15). The emphasis on restitution of land to those who lose legitimate tenure rights (14 and 25.6) may enhance the protection against future dispossession. More generally, requirements concerning process, outcomes

⁸ Sofia Monsalve Suárez, Global Land Grabbing Colloquium, Den Haag, 11 June 2012.

and impact are mixed together, leaving the specification of and responsibility for impact unclear, as if it follows from an appropriate process: the obligation to make impact assessments is vague (“states should strive to make provisions for different parties to conduct prior independent assessments,” 12.10). Impact on the human rights to food, water, livelihoods, and work are not set out. Reference to human rights indicators (UNDP 2006) and standards for human rights impact assessment (refer Haugen 2010) would have been relevant. Surprisingly, the sections on “Markets” (13) and “Investments,” do not deal with fair and prompt compensation to those who lose (access to) land, which is only explicitly required in the case of expropriation (16.3). Tenure rights acquired “through forceful and/or violent means” are rejected (25.4) but ‘normal’ market transactions may also dispossess. The Pinheiro Principles on the rights of displaced persons to housing and restitution (United Nations 2005) are mentioned in connection with natural disasters (24.2) and conflicts (25.2) but not the ordinary economic and political processes that cause displacement.

The Voluntary Guidelines are concerned with *development* but the conception is not clearly human rights based. One reason given for protecting the tenure rights of small-scale producers is to promote national food security and social stability (11.8). Supporting smallholder investments is justified by their contributions to food security, poverty eradication and environmental resilience (12.2), not their rights to livelihood and equality, although it is required that “transactions in tenure rights” should promote “sustainable human development focusing on smallholders” (12.3). Restitution and redistribution are matters for states to consider “where appropriate under national contexts,” rather than grounded in human rights (e.g., 15.1). The Voluntary Guidelines do not have a proactive, human rights based agrarian reform agenda.

On the conclusion of the negotiations, the CFS Chair opined that, “We all anticipate that [the Voluntary Guidelines] will set the bar for policymakers. In fact, we’re already seeing governments moving to bring their policies and practices into alignment with the guidelines” (quoted by FAO Media Centre 2012). CSOs praised a “gender-sensitive” recognition of the tenure rights of peasants, farmers, indigenous groups, fisherfolk, pastoralists, and nomadic people—and the “commitment not to criminalize the social struggles undertaken [by these groups] to defend their natural resources” (CSOs 2011), a comment that recognizes the threats to land rights-holders and their organizations under current free trade regimes (refer De Schutter 2011). ILC (2012: 5) notes that equitable access is not a guiding principle and that “landlessness” is “still out of the picture.” While the Voluntary Guidelines place tenure governance in the context of international law, the requirements concerning the impact of land transactions on human rights are vague, creating a need for further negotiation between rights holders, governments and civil society nationally and locally. The more recent draft documents on ‘Principles for Responsible Agricultural investments in the Context of Food Security and Nutrition’ (CFS 2012b, 2012c) refer to UN human rights instruments and the Voluntary Guidelines on food (2005) and tenure governance (2012) but so far do not indicate how they are to be used. More contestation may therefore be expected both

in policy-making and the crucial processes of implementation at multiple levels—as discussed in the following case.

A Land Acquisition Case

Orientation

Based on own research,⁹ I will consider the selected features and human rights in a land deal entered between the Agogo Traditional Council (ATC) and the Norwegian company ScanFuel/ScanFarm in southern Ghana. ScanFuel was established in 2007 to invest in and manage agricultural and biofuel development on behalf of private investors who are mainly from the oil rich city of Stavanger in southern Norway. A Ghanaian businessman who had worked in the Norwegian oil industry for many years took some of them to meet the paramount chief of Agogo, who is the custodian of community land and is also a former government minister of high standing. Within a month's time, the ATC and ScanFuel signed an “intentional” memorandum of understanding concerning about 300,000 ha of community land, but it took until April 2009 before a binding agreement was concluded concerning about 13,000 ha of land. The lease is for 50 year, with an option to renew for two more 25-year periods.¹⁰

The land in question is under the custodianship of the ATC. Yet, individuals and families control and use individual plots of farmland, under what the “citizens of Agogo” regard as a fairly strong institution of individual land ownership. It is particularly strong where women or men have developed and taken possession of virgin land. Family and individual land does not revert to the community land but is inherited, along matrilineal lines, which gives women particularly strong interests in and bonds with land. Many immigrants from other parts of Ghana have secondary rights through leasing land from chiefs or the acknowledged landholders from Agogo. The lease area is quite diverse with regard to soils, vegetation, and land use. Some parts are intensively cultivated with plantations of plantain, banana, teak and fruit orchards interspersed with cassava, maize, groundnuts, melons, tomatoes, and other vegetables, others covered by grass, bush or woodland.

ScanFuel initially planned to produce jatropha biodiesel, and developed 340 ha of land for this purpose. For commercial reasons ScanFuel gave up jatropha¹¹ and changed its name to ScanFarm and switched to large-scale mechanized food production (maize, soybean) for which it had developed another 650 ha by the end of 2011 (in total, about 8 % of the leased land). Since this had to be done on good agricultural land, the conflict with local farmers increased. Both phases of the project also caused significant environmental change through the removal of tree

⁹ Research involved document review and interviews with staff, residents, land users, officials, and civil society during field visits in December 2010 and June 2011.

¹⁰ Lease, Agogo Traditional Council and ScanFuel Ghana Limited, 22 April 2009, Agogo, Ghana.

¹¹ In Ghana, by 2009 an estimated 13 companies had secured about 1,000,000 ha of land for jatropha production, while only about 10,000 ha had been developed (Schoneveld et al. 2010: 2).

and bush cover to allow mechanized land tillage and harvesting. Apparently this led to a gradually increasing level of conflict in the first years of the project. ScanFuel/ScanFarm was criticized in the Ghana press for causing displacement and environmental destruction (Dogbevi 2010). The FoodSPAN civil society coalition headed by ActionAid Ghana focused on biofuel production, also by ScanFuel, as a threat to livelihood and food security (ActionAid Ghana and FoodSPAN 2010; ActionAid Ghana 2011). A Norwegian youth organization reported on “The Norwegian land grabbers in Ghana” (Bull 2010). At the time of study in 2011, the company sought to address this by working more closely with local stakeholders and offering monetary compensation to those who had lost land (Wisborg 2012).

Human Rights at Stake: Governance, Process, Outcomes and Development

The *national and local context and governance situation prior to the deal* offered, as one would expect, a mixture of opportunities and vulnerabilities with regard to land and human rights. Important features included the land tenure situation the authority of chiefs and the traditional council in protecting and transacting with land, which the lease said were “recognized by the Laws of Ghana” as ‘the sole Authority to deal with ... land situated on Agogo Stool Land.’ The legality of the appropriation authorized by the lease agreement was approved by the government (Ghana Land Commission) but questioned by landowners, particularly the right of chiefs to lease out individual and family lands. Given that women are generally excluded from positions in the hierarchy of chiefs, one would expect a risk of marginalization of their voice and interest clearly existed. A favorable attitude of the Ghana government to (foreign) investors appropriating land for commercial development is expressed in Ghana’s Food and Agriculture Sector Development Policy which mentions “new foreign direct investment in horticultural and industrial crop production” as an opportunity to expand agricultural production and trade (Ghana 2009: 19). An official in the Ministry of Food and Agriculture explained that the Ghanaian government welcomes the investments associated with land deals, and remarked, “I hope you are not bringing this land grab agenda” (interview, 2010). The Ghana Investment Promotion Council markets land to foreign companies on fifty-year leases, and has “sensitized individuals and chiefs that they should make available land” (Personal Communication, Official, GIPC, 2011). In my view, problematic issues such as the role of environmental resources and smallholder agriculture in food security, women’s rights to land, the presence of vulnerable immigrants with secondary land rights, and other local land conflicts called for clear government guidance and requirements.

Central to the *process of initiating, negotiating, and implementing this land appropriation* were initial meetings and negotiations between company representatives and the paramount chief of Agogo, followed by consultations with lower-ranking chiefs, their councils of advisors and village meetings. The rights to *consultation* were respected to some extent. Using the hierarchy of chiefs and sub-chiefs gave considerable reach into the villages affected but immigrants land users and women had less access to voice and defend their interest. The process did not comply with free, prior, and informed consent, since chiefs at the top of the hierarchy were reported to

block protests. Generally, women featured an inferior position in the decision-making system as they cannot be chiefs and are more constrained from speaking in public. A local woman farmer affected told that women did not try to involve the “Queen Mother,” a fairly powerful advisor to the chief, since it appeared to them that the decision about entering the agreement had already been taken, so that it would be futile. Gender-specific consultations were not held, although the gender bias in the local authority structure and matrilineal land rights really made this necessary to try to fulfill the right to gender equality. Government officials presented the procedures followed by the company as correct: starting by entering an agreement with chiefs, then getting it approved by the Land Commission, and then securing an Environmental Permit from the Environmental Protection Agency. In interviews, ScanFarm leaders stressed this as essential to build an enterprise with political support and commercial viability (interviews 2011). The Ghana government clearly had an opportunity to affect the land appropriation in accordance with its policy goals and obligations, but those who praised it saw the process more in terms of procedures and channels than whether human rights were fulfilled. The government approved the lease but land right holders challenged the inclusion of individual lands. A thorough investigation of land tenure and land use in the area of the lease was not made. The ATC and ScanFuel only surveyed the outer boundary of the 13,000 ha lease area. The company partly discovered the actual land use during a feasibility study just before expanding the area for food production, when the need to resolve tenure conflicts became clear. However, the ATC failed to resolve land tenure conflicts, so ScanFarm took over the responsibility. Company leaders asserted that individuals could choose whether to transfer of their land and would get monetary compensation. However, many landowners did not get a chance to give consent to the physical appropriation of their land. When they did sign contracts about the transfer of rights, it was not entirely free and informed. Proper respect for these rights would have required stronger probing and protection. I agreed with the ActionAid Ghana coordinator that the company did not perform due diligence in terms of investing and protecting local land rights (interview 2011). *Transparency* was not satisfactory, as commitments about activities, employment, and benefit sharing were oral rather than stated in publicly available contracts. The legal documents were only made public in 2011, after pressure from citizens and a local action group. *Democratic participation* was only partially achieved through the collaboration with the chiefly authority system, although it improved somewhat as resistance and the need for “operational peace” (the term used by ScanFarm leaders) made them work more with local actors.

The *outcomes* of the intervention were, as one would expect, contested. The outcomes of the intervention emphasized by the company include the introduction of new technology, production, and job creation. These were, however, not given in written and binding form. Local people said that promises of a thousand future jobs had been made, while at the time of study about 80 permanent and 40 casual staff was employed. Interviews with villagers and landowners brought out a number of grievances. One concerned the removal of trees and other vegetation, which affected collection of firewood, timber for charcoal, wild foods, and hunting. The social and environmental *impact assessment* and permit conditions lacked attention to land use and (gendered) livelihoods, and food security; and no human rights impact assessment

was carried out. In my view, immigrants' vulnerable access to land was not adequately taken into account, and their inferior status with regard to land rights was one of the reasons why the chiefs widely disregarded the diverse uses of the land they chose to lease out. A ScanFarm manager said: "The chief made us aware that those people are squatters; they are there illegally; they must pay taxes to the chief." Loss of (access to) land was probably particularly harmful to women, partly due to matrilineal property rights and partly due to the environmental uses important for food security or livelihoods. Removal of forest cover affected women's collection of shea nuts (for food and cosmetic uses) and African locust bean (for food). The project should have been preceded by an assessment of the impact on various entitlements—land, water, production, income, collection of wild foods, and so on. Nevertheless, ScanFarm emphasized the benefits that employment would bring women. Accepting the argument that the project would empower women and thereby their families, the Norwegian Agency for Development Cooperation agreed to fund the company's training program (Norad 2010). However, women as a group benefited less from employment than men, by 2011 holding an estimated 24 % of jobs created and a 13 % share of wages (because most women had lowly remunerated casual employment). Some women found (rather poorly paid and uncertain) livelihoods in supplying food to workers. Such gendered effects with regard to land rights, land use, power, information, employment, and livelihoods confirm the importance of gender in transnational land deals (Daley 2011; Behrman et al. 2012). In addition to the benefits probably being skewed to the disadvantage of women, right to gender equality was not actively protected and promoted. The company lacked a gender strategy, which should have addressed, among others, women's employment equality and their access to land, water, energy, and food (refer CEDAW, PRWA).

The land appropriation was justified with certain discourse of *development*. ScanFarm presented the project as bringing development to the area in the form of capital, technology, large-scale mechanized food production (supplied locally or nationally), employment, and a stimulus to the local economy of the area. The Ministry of Food and Agriculture awarded ScanFarm "National Best Maize Farmer of 2010," which was a strong signal about support for the type of production following the first year of maize farming, in which ScanFarm staff felt that they struggled to perform acceptably (there were several technical difficulties and the maize yields only about half of the target of four tons per hectare).

A *human rights based development* would have centered on the rights and agency of local men and women, for example their diverse farming practices, use of the environment, enterprises and roles in domestic production and care. Early planning and precaution with attention to affected individuals *as the holders of human rights*—to property, water and food and how they are shaped by gender and immigrant status, for example—could have prevented some violations, reduced the conflict level and improved the prospects for sustainability. However, when I presented a report, including critical comments on rights violations to the company, a senior staff responded to by asking: "But then how is Ghana going to develop?" In his view, the efforts and achievements in agricultural modernizations overrode the concerns raised. Fulfilling human rights during a land acquisition case is complex, demanding and involving several actors. I acknowledge the company have to focus

attention to a number of demanding technical operations but the company and the custodian of land also have responsibilities for respecting human rights and exercising due diligence so they do not become complicit in abuses (United Nations 2011; Special Representative of the Secretary-General 2011). Human rights based development will in many ways depend on the existing institutional protection and culture of human rights in the countries and contexts in question. A prime responsibility rests on the host and investor states, who must create a frame for identifying human rights issues and preventing violations. In this case, I see governments as oscillating between a *supportive* and a *hands-off* approach, affording legitimization and support without demanding human rights accountability. As a consequence, the pressure for human rights based accountability had to come from elsewhere, in this case come from land owners; a citizen activist group; media and civil society; and also, significantly, from the company's interests in securing an "operational peace."

Discussion and Conclusions: Human Rights as Norms, Policy, and Power

Human rights play a role in current policy initiatives to address transnational agricultural land acquisitions that are putting pressure on the resources, livelihoods and rights of pastoralists, smallholders and other resource users. Rather than seeing "land rights as human rights," in this article I have argued in favor of seeing them as closely *interconnected* under the dimensions of governance, fair process, just outcomes, and development. (1) *Human rights based governance* promotes equitable and secure tenure to land. Governments, those who acquire land and others must therefore consider the human rights protection of those affected, for example by identifying discrimination, say of women or certain ethnic groups, which they may not extend or exploit but should try to reduce. (2) *Human rights to fair process*, such as to information, transparency, and decision-making, are key dimensions of land transactions, affecting and affected by the governance system and shaping the outcomes. (3) *Such outcomes as the enjoyment of the human rights to food, water, work, and livelihood* are promoted by equitable and secure land tenure and may be put at risk by land appropriators who do not protect and promote these connections. (4) Combining these features—governance, fair process, and just outcomes—in equitable agrarian development trajectories is a significant ingredient in *human rights based development* (refer Borras and Franco 2010; De Schutter 2011). A human rights approach is *comprehensive* and *nuanced*, matching the multiple (economic, biological, social and cultural) roles of land in the lives of women, men, and children; it is *contextual*, recognizing that vulnerabilities and consequences are specific to social and environmental settings of land transactions; it is *pre-cautionary*, expecting that land appropriation affects human rights in multiple ways; it applies *available* standards and aims for immediate accountability to individuals, and swayed by claims about future benefits. Human rights and human rights principles, including free, prior and informed consent, attention to consequences, and effective participation yield a *normative definition* of *land grabbing* as ethically unacceptable land acquisition (refer Wisborg 2011; ILC

2011). Transnational land acquisition should not be allowed to trump human rights (De Schutter 2009: 33).

Despite such strengths, global land grabbing in many ways revealed cracks in human rights edifice as far as land is concerned: explicit recognition of property rights and access to land was lacking in human rights instruments (van Banning 2002; De Schutter 2012); global organizations and national governments did not appear to apply human rights (such as the requirements in CEDAW or the African Charter Protocol to on the Rights of Women in Africa) directly. De Schutter (2011: 264–267) argues that a “governance gap” arises due to competition between poor, agriculture-based countries for investments; low state capacity for regulating investments; and global and regional trade regimes that hinder states from imposing performance requirements on investors. Therefore, overlapping but narrow interests of investors and host governments trump human rights and are “insuperable, at least for the foreseeable future” (De Schutter 2011: 251–2). Despite “promising advances” by the African Union, “there is still no strong regional or international approach to regulating large-scale investments in land” (De Schutter 2011: 267). Similarly, Anseeuw et al. (2012: 8) argue that, “in its present form international law offers little redress to people adversely affected by large-scale land acquisitions.” Often the “nobody” who owns and uses land seen as empty or unused—*terra nullius*—comprises individuals whose human rights go un-recognized. This creates the institutional space for ethically questionable appropriation, as seen in a Norwegian case in Ghana, where the two states, the company and the chiefly authorities failed to protect human rights to gender equality, property, and livelihoods.

Despite being initiated before the current wave of attention and having a broader scope than land acquisition, I see the Voluntary Guidelines as illustrating a negotiated re-construction of human rights norms by governments, international, and CSOs and the major global policy effort to date. They go some way in promoting the theoretical potential of a human rights approach to land acquisition and amend the lack of explicit references to land in earlier human rights instruments (De Schutter 2012, email to author).

Questions remain about whether human rights approaches, even with the impetus of the Voluntary Guidelines, can re-shape power relations and practice. Liberal approaches, such as human rights, have been criticized by Mouffe (2005) as depoliticized and non-adversarial, rejecting the political and antagonistic dimensions that seem imminent to land appropriation as competition over scarce resources. Arbour (2008) argues that human rights analysis must identify “obstacles” and clarify ‘the power imbalances in a society that trigger or exacerbate’ insecure access to human rights. Borras and Franco (2010) critique codes of conduct on land appropriation, and similar regulative measures, which in their view tend to condone transnational land appropriation so long as it is subjected to the certain procedures and constraints. This may bracket deeper political economy causes and effects of land appropriation and weaken the attention to social justice alternatives. Yet, Borras and Franco (2010: 521) do ground their political economy and social justice approach in human rights: “Prioritizing truly pro-poor outcomes would require adopting a human rights-based approach, including taking seriously the right to food and the right to land.” Borras and Franco argue that a “right to land” (of the poor, the marginalized and minorities) may be protected *as* a human right. However, my policy review and case study suggest that

human rights approaches are not immune to the political realist critique against codes of conduct. Borrás and Franco (2010: 522) fully acknowledge this when they specify the necessary conditions of an effective human rights approach that, in their view, include transferring land based wealth and political power to the poor, addressing class, gender and ethnic grounds of marginalization, and questioning current patterns of food and energy production. As stated, such an agrarian change agenda did not have broad enough government support to inform the Voluntary Guidelines. Instead, the voluntarism express the frailty of human rights as states and other actors confront contemporary global crises and clashes of interests over land, energy, and food. To confidently advocate human rights as an ethical and political approach to transnational appropriation, we need to grasp the breadth and detail of how women and men access, use, own, and control land to realize their human rights. They must be able to either reject the alienation of their land or to participate effectively in creating patterns of agrarian change that respect their lives, choices and human rights.

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Appendix: Declarations and Conventions Referred to in the Text

UDHR	Universal Declaration of Human Rights	United Nations, 1948
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	United Nations, 1965
ICESCR	International Covenant on Economic Social and Cultural Rights	United Nations, 1966
ICCPR	International Covenant on Civil and Political Rights	United Nations, 1966
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	United Nations, 1979
CRC	Convention on the Rights of the Child	United Nations, 1989
ILO 169	Convention 169 on Indigenous and Tribal Peoples in Independent Countries	International Labor Organization, 1989
ACHPR	African Charter of Human and People’s Rights	Organization of African Unity, 1981
PRWA	African Charter on Human and People Rights, Protocol on the Rights of Women in Africa	African Union, 2003
DRIPS	Declaration on the Rights of Indigenous Peoples	United Nations, 2007

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