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SOIL RESTORATION FOR ACHIEVING THE 2063 + 2030 AGENDAS IN AFRICA: LINKING GLOBAL AMBITIONS TO LOCAL NEEDS

Title	Human rights Monitoring & Learning Processes for Responsible Land Governance
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Organizer/s	Anna Kramer , Research Associate, Global Soil Forum, IASS Charlotte Beckh , Research Associate and Coordinator Land Governance, Global Soil Forum, IASS Margaret Muthee , Programme Manager, Network of African National Human Rights Institutions Christine Kuria , Katiba Institute Michael Windfuhr , Deputy Director, German Institute for Human Rights Deniz Utlü , Researcher and Policy Adviser, German Institute for Human Rights
Moderator/s	Prof. Karuti Kanyinga , Associate Professor at the Institute for Development Studies (IDS), Nairobi University
Co-Hosts	Network of African National Human Rights Institutions (NANHRI) Katiba Institute German Institute for Human Rights (DIMR) Töpfer, Müller, Gassner (TMG) Think Tank for Sustainability Global Soil Forum, Institute for Advanced Sustainability Studies (IASS)
Rapporteur/s	Anna Kramer , Research Associate, Global Soil Forum, IASS

1 | DESCRIPTION

The question of land governance in many parts of the world remains unresolved and is a source of many violent conflicts associated with gross human rights violations. Responsible land governance is crucial to achieve the national and global goals of food security, poverty eradication, social justice, sustainable use of natural resources, and enhancing economic development. Several countries have started to tackle the challenges of land tenure, and progress has been made. Yet, in many countries, there remains a gulf between human rights-based principles and actual land governance.

Recent regional and global agreements provide additional impetus to the much-needed investment in responsible land governance, such as the Agenda 2063, the 2030 Agenda, the Paris Agreement on Climate Change, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) of the UN Committee on World Food Security, the Framework & Guidelines (F&G) on Land Policy of the African Union, and the UN's Guiding Principles on Business and Human Rights.

National human rights institutions (NHRIs) are bodies established to promote and protect human rights at the national level through inter alia monitoring, providing advisories and reporting on state compliance with human rights obligations. Their broad mandate allows them to work on a wide-range of human rights issues, individually and jointly with other actors. A more robust and deeper engagement of NHRIs in the efforts to address the question of land governance is needed. This session provided a platform to have an open dialogue on the promotion of monitoring and learning processes for responsible land governance and to discuss the role of NHRIs and human rights CSOs in this objective.

2 | Main Discussion points

The session was opened by **Dr. Chemuta Divine Banda**, Chairman of the National Commission in Human Rights and Freedoms (Cameroon) and the current chair of the Network of African National Human Rights Institutions (NANHRI). He highlighted that NHRIs should play a major role in the implementation of Agenda 2030 and 2063 and that neither the VGGT nor land governance actors have, so far, recognized the importance of the role that NHRIs can play in the monitoring and enforcement of responsible land governance and in national review processes.

Dr. Gilbert Sebihogo and **Margaret Muthee** of NANHRI then expanded on the role of the network in monitoring and highlighting the connection between land and human rights issues, e.g. access to land and non-discrimination. They also emphasized the accountability role of NHRIs and stressed the importance of alliances between actors to address land governance issues.

Christine Kuria of Katiba Institute explained the role of the Institute as a civil society organization when it comes to land issues. They are active in, among other things, litigation, advocacy, policy review and monitoring of state performance – also vis-à-vis international obligations. She expressed her own curiosity to learn from other experiences and examples and encouraged everyone to be open and learn from each other.

Concluding the introductory part of the session, **Dr. Jes Weigelt** of the Global Soil Forum and TMG-ThinkTank for Sustainability centered his input around the dangers that come with a shrinking democratic space in many places, such as the weakening of inclusive processes and empowerment. He pointed towards the challenge of implementing voluntary agreements and instruments in the face of this shrinking democratic space and equally highlighted the need for strategic alliances to effectively address the human rights principles that the VGGT are based on and to live up to 'leaving no one behind' as stipulated in the 2030 Agenda. Being able to do so requires monitoring mechanisms that go beyond quantitative statistical data and that rely on inclusive multi-actor processes to hold governments accountable.



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The moderator, **Prof. Karuti Kanyinga** of Nairobi University, briefly elaborated on the concept of land in the African context highlighting that land is more than a commodity - it's a source of economic wealth, a cultural value, a political asset. Land ownership is intrinsically linked to power structures and cultural meaning and, hence, there is a need to look beyond agricultural and economic activities when discussing land. With the session focusing on human rights based monitoring and learning processes, he then opened the participatory part of the session by having participants reflect on what they associate with human rights based monitoring for responsible



land governance. Responses included: participation, accountability, non-discrimination & equity (both regarding ownership of and access to land) especially related to gender, security of tenure, control over land use, transparent land administration processes, food security, law and legal awareness, links to international binding human rights law.

The session then focused on **country cases with the National Human Rights Institutions (NHRIs) of Malawi, Nigeria, Cameroon, Ghana, Kenya and Germany** presenting their respective major issues and experiences of monitoring land governance.

The inputs and subsequent discussion were very lively and engaged. **Prominent issues** that were brought up included the challenges of widespread corruption and the lack of meaningful participation at community level as pointed out by **James Mwenda** of the **Kenya** National Commission on Human Rights. The marginalization of women regarding ownership and access to land, but also control over the use of land, was a widely shared concern among all countries. The lack of transparent and time efficient land acquisition processes which often are very technocratic and, hence, limit access to certain population groups was highlighted by **Dr. Isaac Annan** of the Commission on Human Rights and Administrative Justice of **Ghana**. The shortage of available land and degradation, skewed land ownership patterns, discriminatory inheritance laws, insecure tenure, and lack of clear compensation laws were also highlighted.

Also, the **role and potential of NHRIs in monitoring responsible land governance** was intensively discussed. The experiences and mandates of the NHRIs present differed in this regard. **Justin Dzonzi** of the **Malawi** Human Rights Commission for instance explained that they are not empowered to directly deal with land management since it is beyond their institutional mandate. The National Commission on Human Rights and Freedoms of **Cameroon**, on the other hand, has a very broad mandate and is mainly limited by lack of resources as **Dr. Banda** pointed out. **Anthony Ojukwu** of the **Nigerian** National Human Rights Commission emphasized the role of the NHRI to handle individual complaints. The German Institute for Human Rights is, so far, not engaged in land governance monitoring activities within **Germany** but rather focuses on extraterritorial obligations as pointed out by **Deniz Utlu**.

As a concrete **example of ongoing land governance monitoring initiatives**, **Grace Ananda** of ActionAid International presented their ongoing efforts in developing a VGGT monitoring methodology to be piloted in six countries. This includes a scorecard assessing countries in the areas of customary rights, gender equality, effective land administration and conflict resolution mechanisms. She also highlighted the 'Women to Kilimanjaro' initiative - a Pan-African rural initiative with the goal of women developing a charter on demands to be shared with the AUC.

In the subsequent discussion it was pointed out that a human rights based land governance needs to facilitate a strong land legislation that respects human rights. International agreements and instruments clearly have such references. It was also emphasized once more that we do not only talk about land when talking about land governance, but also, for example, water and other associated functions of land.

The session concluded with a short brainstorm in smaller groups on **possible ways forward** by focusing on the areas that would need to be monitored and the needs of the NHRIs if they are to effectively engage in such monitoring processes, as well as their roles and next steps (to do's). Identified **areas to be monitored** include non-discrimination (in particular in land allocation and acquisition for women and land ownership patterns), compensation schemes, participation

mechanisms, availability of and access to information, and laws, policies and legislation at national and regional levels. To be able to engage in monitoring of these areas there is a **need** for information and clear indicators, supported mandates, cooperation with land administration institutions and legal frameworks need to be in place. The **role** of NHRIs and human rights CSOs would mainly be to monitor rights implementation, redress and recommend actions, to support the collection and analysis of data, facilitate political dialogue, and to lobby, advocate and negotiate. The required **next steps** would be to seek cooperation with the relevant land administration agencies and the training of institutions to be able to effectively engage in the monitoring of responsible land governance.



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3 | KEY MESSAGES

- At a time of shrinking democratic space in many places, the implementation and monitoring of voluntary mechanisms such as the VGGT needs strategic alliances among a broad variety of actors to ensure that the human rights principles on which they are based are truly recognized.
- The role of National Human Rights Institutions and human rights CSOs in the implementation and monitoring processes of the VGGT and Agenda 2030 & 2063 needs to be strengthened/acknowledged to ensure that ‘no one is left behind’, e.g. following the Merida guidelines, – especially, in national monitoring processes and action
- It is vital to define areas to be monitored beyond quantitative data to live up to the human rights principles on which instruments such as the VGGT (Agendas 2030 & 2063) are based. These areas include:
 - Laws and legal frameworks
 - Land ownership patterns related to power structures
 - Compensation schemes
 - Control of land usage and land acquisition processes
 - Women’s means to access land and control land usage
 - Non-discrimination and equality, access to information, participation
- Regional mechanisms and mandates: It is important to highlight the role of, for example, the pan-African parliament and regional economic bodies in the implementation and monitoring processes of the 2063 & 2030 agendas and instruments such as the VGGT. Also to specifically address women’s rights & land grabbing.

Further Information: [IISD Highlights](#) [Global Soil Week](#)