

The right to land in the UNDROP



A major achievement ... with
open questions for women's
rights to land

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Struggles and Strategies

The UNDROP as a new tool to advance our fights for the right to land



- The right to land as a NEW international HUMAN RIGHTS, recognized in the UN Declaration on the Rights of Peasants (2018)
- This is a major achievement and victory, won by the rural constituencies who pushed for this at the UN (La Via Campesina in alliance with other rural groups, fisherfolk, pastoralists, IP working the land, workers)
- Outcome of 17 years of struggle, that originated in **Indonesia** in late 90s

Key achievements/advances



- RTL as a **stand-alone new** human right
- **Collective** dimension (land as communally owned and managed)
- **Customary**/informal tenure (not only individual property)
- Peasant's **connection** to the land (dependency and attachment)
- **Social function** of the land and state obligations to **distribute** land
- State obligations to ensure sustainable use (e.g. **agroecology**)

Key components of the right to land (art. 17)



- **Individual and collective RIGHT to:**
 - access to, sustainably use and manage land
 - legal recognition for land tenure rights, including customary land tenure rights; protection of legitimate tenure
 - Protection from arbitrary/unlawful displacement
 - Right to return
- **State obligations:**
 - Agrarian reforms (to limit excessive concentration; social function)
 - Conservation and sustainable use of land
 - Why I prefer the term right to land over land rights

More work needed to advance women's full rights to land



- **What UNDRP recognizes:**

- RIGHT TO equal access to, use of and management of land and natural resources;
- equal or priority treatment in land and agrarian reform and in land resettlement schemes;
- prohibit all forms of discrimination relating to the right to land;
- Gender equality and non-discrimination principles;
- Replicates CEDAW art 14 provisions.

More work needed to advance women's full rights to land



• **What UNDROP does not recognize:**

- women's rights to inherit land
- equal tenure rights in agrarian reform processes, including through the redistribution or allocation of communal land;
- women's rights to equality in marriage and in family relations;
- women's sexual and reproductive health and rights;
- the disproportionate burden of unpaid reproductive and agricultural labour performed by women;
- and gender identity as well as sexual orientation as grounds for discrimination;
- Patriarchy as a source of structural oppression
- Ecofeminism or feminist principles.

(this is based on research done with Joanna Bourke-Martignoni)