Land as a Human Right
Masterclass 4, 24 February 2021

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Housing and Land Rights Network-Habitat International Coalition
"Land is the foundation of life on earth and it's important for everything. How land is used and managed influences nature, food, water, energy and the climate."

- Vera Boerger, Senior Land and Water Officer, FAO
How did water become a human right?
كيف أصبحت الماء حقاً من حقوق الإنسان؟
Water and the Human Body

60% of the average adult’s weight is made up of water

73% of the heart is composed of water

80% of the brain is composed of water

80% of the lungs are composed of water
A human can go without food for about three weeks,
but typically would last only three to four days without water.
A Human Right to Water

Basis in international human rights law:

• the human right to adequate housing
• the right to food (ICESCR, Art. 11)
• the human right to the highest attainable standard of...health (ICESCR, Art. 12)
• CESC General Comment No. 15 (2002)
• A/RES/64/292. “The human right to water and sanitation” (2010)
Economic and Social Council

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GENERAL

E/C.12/2002/11
20 January 2003

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
Twenty-ninth session
Geneva, 11-29 November 2002
Agenda item 3

General Comment No. 15 (2002)

The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)
1. **Water** is a limited natural resource and a public good fundamental for life and health. The **human right to water** is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights. The Committee has been confronted continually with the widespread denial of the **right to water** in developing as well as developed countries…. The continuing contamination, depletion and unequal distribution of **water** is exacerbating existing poverty. States parties have to adopt effective measures to realize, without discrimination, the **right to water**, as set out in this General Comment.
Resolution adopted by the General Assembly

[without reference to a Main Committee (A/64/L.63/Rev.1 and Add.1)]

64/292. The human right to water and sanitation

1. Recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights;
What about Land?
“With regard to the exercise of the cultural rights protected under article 27, the Committee observes that culture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law. The enjoyment of those rights may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions which affect them” (para. 7).
to African Charter on Human and Peoples Rights

Article 15: Right to Food Security

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;…
Article 19: Right to Sustainable Development

...(c) promote women’s access to and control over productive resources such as land and guarantee their right to property;...
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Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional customs, traditions and land tenure systems of the indigenous peoples concerned.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
Article 17

1. Peasants and other people living in rural areas have the right to land, individually and/or collectively…access to, sustainably use and manage land …to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

2. States shall take appropriate measures to remove and prohibit all forms of discrimination relating to the right to land…. 
3. States shall take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law, recognizing the existence of different models and systems. Ensure that peasants and other people working in rural areas are not arbitrarily or unlawfully evicted and that their rights are not otherwise extinguished or infringed. Recognize and protect the natural commons and their related systems of collective use and management.
Support of MENA States

- International Labor Organization: Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries (1989);
- United Nations Declaration on the Rights of Indigenous Peoples (2007);
- United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2019)
Land as a Human Need
"Land is the foundation of life on earth and it's important for everything. How land is used and managed influences nature, food, water, energy and the climate."

- Vera Boerger, Senior Land and Water Officer, FAO
• Law;
• Culture;
• Defense;
• Statecraft;
• Agriculture;
• Geophysics;
• Extractivism;
• Climate change;
• Electromagnetics;
• Poverty eradication;
• Human settlements,
• Environmental policy;
• Trade and investment;
• Project implementation;
• Urban planning/renewal;
• Housing and urbanization;
• Infrastructure development;
• Rural and territorial development;
• Public administration and governance;
• Biodiversity protection and preservation;
• Environmental protection/nature conservation;
• Conflict avoidance, resolution and peace-making;
• Food security, food sovereignty and food systems;
• Natural and resource allocation for public and private purposes;
• Non-self-governing territories; foreign occupation and nation’s and peoples’ self-determination
Land in Human-made Law

- State = land, people, institutions
- Constitutions: define land and people;
- Domestic legislation regulating land as tenure relationship of legal persons with real property;
- Property rights (individual and collective ownership) in UDHR;
- Human right to property omitted in the two Human Rights Covenants;
- CESCR General Comment No. 25: “develop the relationship more broadly between science and economic, social and cultural rights”
Land in the Law of Nature

• “Universality” test;
• Element upon which human life with dignity and well-being depend;
• Essential natural resource and public good of finite quantity fundamental for human beings as an earth-bound species.
Fundamental Forces

- Fundamental forces of nature: *gravity*, *electromagnetism* and nuclear forces (both weak and strong);
- Electromagnetism affects birth, growth, reproduction, death and recycling/regeneration;
- Bodily functions and gravity: force already an integral part of the landmass;
- Plants sense and adjust to 1 g force;
- Musculoskeletal and sensory-motor systems;
- Constantly gravitational flowing water for numerous basic human needs and uses.
• Earth’s dominant electromagnetic frequency (7.83 Hz) = human brain frequency and alpha rhythms;

• Human contact with land as treatment and remedy to degenerative diseases, and a primary factor in regulating the endocrine and nervous systems;

• Contact remedies degenerative diseases (chronic stress, autonomic nervous system dysfunction, inflammation, pain, poor sleep, heart rate variability, hyper-coagulable blood and cardiovascular disease).
Land and the Human Body

Birth, growth, reproduction, death, recycling / regeneration, and bodily functions depend on the land's gravity.

Contact with land remedies heart rate variability, hypercoagulable blood and cardiovascular disease.

Land’s electromagnetic frequency (7.83 Hz) = human brain frequency and alpha rhythms.

Land is a primary factor in regulating the endocrine and nervous systems.
Land and Culture / الأرض والثقافة

• يهم الثلاثة:
  ﴿الناس شركاء ف الكلأ، والماء، والنار، ومنه Haram﴾

• Waldbaden and şinrin 'yokù (森林浴)

• Sioux: life-giving force of the land and soil as part of their nature / الشبب سيو: القوة الواهبة للحياة ف الأرض والتراب كجزء من فطرته
• The people are partners in three: in the whole, water, and fire, and they are forbidden (الناس شركاء في ثلاثة: في الكلّ، والماء، والنار، وثمنه حرام)

• Waldbaden and șinrin’yokù (森林浴)

• Sioux: life-giving force of the land and soil as part of their nature / الشعب سيو: القوة الواهبة للحياة في الأرض والتراب كجزء من فطرته
Human Right to Land? Basis in international law:

- Right to property (Art. 17, UDHR)
- Dignity and equity
- Human right to the highest attainable standard of physical and mental health (Art. 12, ICESCR)
- Human right to adequate housing (Art. 11, ICESCR)
- Human right to food (Art. 11, ICESCR)
- Human right to (decent) work, livelihood (Arts. 6–8, 11, ICESCR; ILO Conventions)
- Human right to culture (Arts. 15, ICESCR; 27, ICCPR)
- Human right to property (Art. 17, UDHR)
Human Right to Land?

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Housing and Land Rights Network
Habitat International Coalition

For more information:

www.hlrn.org
www.hic-mena.org
www.hic-net.org
المحتوى المعياري لحق الإنسان في الأرض

• الوظائف الفسيولوجية، الاجتماعية (الإنصاف)، الاقتصادية، الإيكولوجية
• الوصول إلى السلع والخدمات العامة والبيئية
• السكن (الظروف المعيشية)
• حيازة مضمونة
• موقعك
• جودة
• موصول phù hợp
• حقوق العملية: المعلومات، والتعليم، والمشاركة، وحرية تكوين الجماعات، والتجمع السلمي، والوصول إلى العدالة (إمكانية التقاضي)

• المبادئ الأساسية: تقرير المصير، وعدم التمييز، والمساواة بين الجنسين، وسيادة القانون، والتحقيق التدريجي، والحد الأقصى من الموارد المتاحة، والتعاون الدولي