

The Right to Land

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Agricoltura contadina: diritto alla terra e sostenibilità.

Per un dialogo tra ricerca ed associazionismo

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The Right to Land in context

1. Significance
2. Integration
3. Genuine interpretation and implementation

The significance of the Right to Land recognition in the UN system

Past approach

- Social justice (land to the tiller)
- National development
- Productivist paradigm
- Political agenda

Current configuration

- Codification
- Human rights framework
- Collective rights = collective capabilities
- Environmental justice
- Food sovereignty/agroecology
 - Peasants' agency and control
 - Land as enabling, co-dependent factor

Putting the Right to Land into context: the importance of the theoretical frame

Land and Human Rights

Neutrality on structural power imbalances - Engrained in the dominant capitalistic system

Land and the Green Economy

Land rights as procedural standards
for business-as-usual investments

Land and the Commons

Commoning relationships

Food sovereignty as Commoning Practices

Dilemma

How to institutionalise a counter-hegemonic theory?

Immediate implementation v. Conservation of transformative aim

Integration of the Right to Land in other policies

Business and Human Rights

LEGALLY BINDING INSTRUMENT TO REGULATE, IN
INTERNATIONAL HUMAN RIGHTS LAW, THE ACTIVITIES
OF TRANSNATIONAL CORPORATIONS AND OTHER
BUSINESS ENTERPRISES (2021)

“To clarify and ensure respect and
fulfillment of the human rights obligations
of business enterprises”

Land and Ecosystem Restoration

ICDD COP DECISION ON LAND 2019

IPCC CLIMATE CHANGE AND LAND 2020

UN DECADE ON ECOSYSTEM RESTORATION - GLO 2022

“Rights-based approaches to land restoration
involve inclusive governance, secure tenure,
and environmental justice.”

Integration of the Right to Land in other policies

The EU context

EU draft Directive on Corporate Sustainability Due Diligence

COM(2022)71

Annex – strong references to land rights

Risk: face-washing or business-driven interpretation of the right

EU draft Regulation on Nature Restoration COM(2022) 304

Top-down, result oriented approach
Vague reference to participatory rights directive

Risks: overlook right-holders

EU CAP and Land Acquisition Initiative ?

Looking for instruments for a genuine implementation of the Right to Land

A Landscape approach for the Right to land

Already explored and applied legal field

Globally Important Agricultural Heritage Systems (GLAHS) 2002

Council of Europe Landscape Convention 2000/2004

“The territorial dimension of human rights”

Bottom-up development involving multiple dimensions of land and natural
resources visions and uses (e.g. **foodscapes**)

Landscape as spatial justice

Concluding remarks

- Right to Land supported by and supporting other UNDROP Rights
- Avoid implementation as mere procedural standard while promoting its diffusion
- How to maintain the significance of the ‘commoning relationships’ in the hegemonic green economy system?
- Landscape as interpreting instrument and regulatory space for a genuine implementation of the Right to Land

Thank you

