A human rights-based approach

A gate to development of African women's land rights?

Karin Tengnäs

.....

Abstract: The global competition for African land is at a historical peak. Local effects of large-scale land acquisitions depend on multiple factors, but women's rights and livelihoods are generally very fragile due to historical and contemporary injustices. Good land governance is important for turning the land acquisitions into equal and equitable development opportunities. The human rights-based approach promotes good governance by adding strength and legal substance to the principles of participation and inclusion, openness and transparency, accountability and the rule of law, and equality and nondiscrimination. By empowering rights-holders and enhancing duty-bearers' capacity, international development cooperation can lead to wider and more gender-balanced inclusion of civil society in negotiations of large-scale land acquisitions and greater adherence of duty-bearers to the rule of law. This is especially important in African countries with large amounts of land and weak legal and institutional frameworks to protect rights, especially those of women.

Keywords: Africa, human rights, human rights-based approach, land governance, land rights, large-scale land acquisitions, women

Global land hunger and local rights

For millions of people, land is a vital resource for local livelihoods and for the fulfillment of a number of human rights, such as the rights to property, health, an adequate standard of living (including food, clothing and housing), equality and nondiscrimination, and economic, social, and cultural development.¹ Secure land rights can increase people's access to public services and sources of credit, and encourage investment in improved dwellings and in the land itself. Land rights are linked to social and political status and participation, and to a sense of self-esteem, confidence, security, and dignity (Englert & Daley, 2008, p. 1; FAO *Land tenure* (n.d.); Ikdaahl, Hellum, Kaarhus, & Benjaminsen 2005, p. 1; UN-HABITAT, 2008,

pp. 3, 13). Land is also a core element of people's ethnicity and origin (identity) and their cultural and religious practices. As one member of a local watchdog group, working with women's land rights in Kakamega in Kenya, stated during an interview: "Land is the mother of life. Everything you need you get from it."

The importance of land is visible not only on a local but increasingly also on a global level. Although large-scale expansion of farmland historically has happened in all of the world's major regions, the global hunger for land has reached a historical peak. In addition to more traditional private investors, other actors, such as governments (domestic and foreign), have developed an enormous interest in land acquisitions, especially in sub-Saharan Africa (Whitehead, 2010, p. vii; Deininger, Byerlee, Lindsay, Norton, Selod, & Stickler, 2011, pp. xiv, 10–16; Odeny, Leonard, Borrás, & Rocha, 2010, pp. 5, 8–10; Cotula, Vermeulen, Leonard, & Keeley, 2009, pp. 3–4, 99; Cuffaro & Hallam, 2011, pp. 2–5). The Food and Agriculture Organization (FAO) estimated in 2010 that in the previous three years, 20 million hectares (ha) had been acquired by foreign interests in Africa (Odeny et al., 2010, p. 9; Graham, Aubry, Künnermann, & Monsalve-Suárez, 2009, pp. 5, 20). A single acquisition can be very large. Some examples include a 452,000 ha biofuel project in Madagascar, a 150,000 ha livestock project in Ethiopia, and a 100,000 ha irrigation project in Mali (IIED, 2009, p. 1; Cotula et al., 2009, p. 4). Spawned by the world food crisis on the one hand and the broader financial crisis on the other, a main factor underpinning this "rediscovery of the agricultural sector," as explained by Deininger et al. (2011, p. xxv) is the demand for food and other industrial raw materials as a source of security (Deininger et al., 2011, p. 1; Cotula et al., 2009, p. 4; GRAIN, 2008, pp. 2–9). Food-importing countries with land and water constraints but rich in capital, such as the Gulf states, are at the forefront of these new investments. Countries with large populations and food security concerns such as China, South Korea, and India are also seeking opportunities to produce food overseas (von Braun & Meinzen-Dick, 2009, p. 1; Hallam, 2009, pp. 2–3). Another main factor is the demand for biofuel feedstock as a result of policies and mandates of key consuming countries, for example those within the European Union (Deininger et al., 2011, pp. 11, 15; GRAIN, 2008, p. 9; Cotula et al., 2009, p. 5; Odeny et al., 2010, pp. 5–10, 36–37). Tandon (2011) estimates that that two thirds of the biomass needed to reach the European Union's goal for 2020 will come from Africa. According to Graham et al. (2009, p. 18) six European countries are among the largest direct foreign investors in agriculture. In descending order they are Italy, Norway, Germany, Denmark, the United Kingdom, and France. Domestic development goals put additional pressure on the land. In Kenya, the

Kenya Vision 2030 report states that a goal is to put up to 1.2 million ha of arid and semiarid lands under irrigation, in addition to the at least one million additional ha of idle land in existing farming areas that is to be put into productive agricultural use.

Win-win opportunities or land-grabbing?

Large-scale land acquisitions can be recognized as “win-win opportunities” by referring to outcomes such as improved rural infrastructure and increased production of food crops that can supply local and national consumers in addition to overseas consumers (von Braun & Meinzen-Dick, 2009, p. 2; Chachage & Baha, 2010, p. 13; ILC, Oxfam Novib, AFA, Corporfam, Roppa, ActionAid, & City University London, 2011, p. 1; Paradza, 2011). In the case of Dominion Farms Ltd in Yala Swamp in Kenya, where 17,500 ha of land have been acquired for the production of rice, another perceived positive impact is new employment opportunities for women. Chris Abir (interview, 2011), director of Dominion Farms Ltd, highlights that many of the women are the main breadwinners for their families and for children orphaned by HIV/AIDS. Providing additional employment opportunities for them is seen as a means to strengthen their economic position and rights.

Others claim that large-scale land acquisition is “land-grabbing,” which violates the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Alden Wily, 2011, p. 2; IIED, 2009, 1; von Braun & Meinzen-Dick, 2009; Cuffaro & Hallam, 2011, pp. 2–4; Chachage & Baha, 2010, p. 13; Odeny et al., 2010, p. 6; Paradza, 2011; Tandon, 2011; Kamel, 2011). For example, despite the new employment opportunities created by Dominion Farm Ltd in Yala Swamp, a concern expressed by five farm employees interviewed for this study was “the uncertainty of employment.” Further, Odeny et al. mention that

in the rice fields, women can be seen armed with sticks to chase away the birds which prey on the cereal. According to the villagers, they have to stand in the mud from dusk to dawn for miserable pay and even remain there when the plantation is sprayed with pesticides. ... [V]illagers claim that even the cattle are destroyed by contaminated water. (2010, p. 23)

This raises real human-rights concerns in relation to article 7 of the ICESCR, which recognizes “the right of everyone to the enjoyment of just and favorable conditions of work,” including “safe and healthy working conditions,” or article 15 of the African Charter on Human and Peoples’ Rights, which states that “every individual shall have the right to work under equitable and satisfactory conditions.”

Figure 1 • *Large-scale land acquisitions: a gate to development?* A rice farm in Kenya, photo by Karin Tengnäs

According to Odeny et al. (2010, pp. 24–26) and local inhabitants interviewed, loss of land and livelihood for locals is another concern in the case of Yala Swamp. This is also a major concern in other places, such as Tana River in Kenya—one of the most fertile agricultural areas in the country, which has been a target of several controversial agricultural development initiatives. According to Odeny et al. (2010, pp. 18–20), nearly all the land in the Tana Delta districts is public land, that is, held by the state, and an overwhelming majority of the land’s users lack title to their ancestral land. Many farmers engage in small-scale fishing in the rivers and numerous ponds. At the same time, the area provides pastoralists from as far away as the Somali and Ethiopian borders with dry-season grazing land for 60,000 cattle (Rice, 2008). Considering the severe drought that Somalia is currently experiencing, the issue of decreasing access to land for dry-season grazing has become an urgent matter.

Tsikata (2010, p. 20) emphasizes that an important factor in determining the local impact of large-scale land acquisitions is the social hierarchies and power relations connected to land, such as gender. According to Paradza (2011) and Rossi & Lambrou (2008, p. 4), men and women are affected differently by the environmental and socioeconomic transformations resulting from the growing global pressure on land. As noted in the

case of BioShape in Kilwa in Tanzania: while a highlighted positive outcome of the investment is the provision of 1,750 new employment opportunities, promoting the right to work as recognized in articles 6 and 7 of the ICESCR, a significant portion of the labor force that was involved in farming food crops was transferred to the biofuel company, raising concerns about the right to food, as recognized in the ICESCR's article 11. This "Bioshape hunger" (Chachage & Baha, 2010, p. 52) poses challenges to many women, as they are the primary breadwinners responsible for feeding their families. A local woman said, "we are desperate for food. Nowadays food comes from the city to be sold in the village and not vice versa as before. We cannot afford to buy food because the wages we are paid are very little. We do not produce our own food as before because our land has been taken over by foreign companies under privatization policy to produce biofuel farms. Everybody is talking of hunger as a consequence of *mabadiliko ya hali ya hewa* (climate change) but for me our reason is that we are farming in unproductive lands. Increased biofuel production has resulted in massive deforestation and has severe implications for our food security, as energy crops replace our normal land uses. Please tell the government we do not like this behavior of biofuel farms" (Chachage & Baha, 2010, pp. 52–53).

Understanding the local context of African women's land rights

Although gender inequalities existed before globalization, scholars of sustainable development have noted that globalization has added pressure toward social inequality between men and women, which in turn has led to more inequitable distribution of resource benefits at the expense of women (Buckingham, 2011). In the context of large-scale land acquisitions, African women's rights and livelihoods run a particular risk of going unrecognized because of what Daley (2011, p. 50) calls the "constraints and systemic discrimination they generally face in relation to their access to, ownership of and control of land, including the level of legal protection of their land rights." According to Daley (2011, p. 4) and Palmer, Friccka, & Wehrmann (2009, p. 38), most African women do not hold secure rights to the land from which they derive their own and their families' livelihood, although they carry out the vast majority of the work in agricultural small-holder production, producing about 60–80% of all food grown in African countries. As Daley (2011, p. 52) continues, women frequently also face discrimination in sociocultural and political relations, "most particularly in relation to their role in decision-making and their ability to freely exercise both 'voice' and 'choice' in decisions that affect their lives

and livelihoods.” In the context of large-scale land acquisitions, “women are not party to these negotiations and are not in a position to prevent land leases” (Wandia, 2009).

Land rights of local African populations in general, and also those of women, need to be understood in the light of a complex set of rights to land and a pluralistic system of tenure. Land rights in an African context are generally not restricted solely to registered rights and especially not to individual property rights. Land rights must rather be seen as a continuum, ranging from various rights of use, including grazing, cropping, and accessing water resources, to conditional or full rights, including selling the land, leasing it, and controlling its use (GLTN FAQs, n.d.). These rights are often overlapping. Land tenure is in turn associated with a range of property rights to the land, and as stated by Mitchell (2011, p. 4) “each of these rights may be considered as a stick in the bundle of rights.” Formal, *statutory* tenure includes the provision of a title or a certificate that governs the right to use, control, and transfer land. The predominant form across the continent is *customary* tenure, which is based on traditional practices and social, religious, and cultural norms (Englert & Daley, 2008, p. 3).

According to customary rules, African women’s access to and right to use land are frequently attached to their membership in communities through their relationships with the male members. In the contemporary context of increasing population, scarcity of land, and deepening poverty, previous customary systems and institutions that were available to protect women’s rights and livelihoods have collapsed. The traditions that denied them direct access to land have persisted, however, with the result that a woman can no longer be guaranteed access to land through her male kin (Ochieng Odhiambo, 2006, pp. 9–12). The colonialism that most African countries faced during the 19th and 20th centuries has played an important role in the evolution of the discriminatory practices. Many of the land reforms during this era registered land almost exclusively in the names of males. Women, frequently subsumed under the guardianship of fathers, husbands, or elder brothers, were excluded from the formal decision-making processes concerning the allocation and transfer of land. Property was held by the husband on behalf of the family. In the event of divorce, the woman was entitled to keep what was seen as her property: mainly the dowry, often in terms of cattle and cooking utensils. In the event of the man’s death, it was commonly held that daughters did not inherit on an equal basis with their brothers and that widows could not inherit (Palmer, 2008, pp. x–xi; Englert & Daley, 2008, pp. 1–5; Ikdahl et al., 2005, pp. 6–9). Historical injustices and discrimination against women have subsequently been institutionalized in processes of formalization and privatization of land rights during the years after independence. This

has frequently resulted in the narrowing of recognized rights to a single—usually male—person, despite the fact that many countries now allow for rights to be held jointly between the husband and wife (Englert & Daley, 2008, pp. 6–7).

Ochieng Odhiambo (2006, pp. 6–7) recognizes that, as a result of nations' integration into the global economic framework, "policy interventions relative to the management of land and natural resources have increasingly been responses to imperatives from the global domain." A large number of African countries, including Ghana, Rwanda, Mozambique, Tanzania, and Kenya, have undertaken comprehensive reviews of their land sectors (African Union Commission, African Development Bank, & Economic Commission for Africa, 2010, pp. 24–25). Bringing voices together from Deininger et al. (2011, p. 23), Cotula et al. (2009, p. 5), and participants at the African Women's Land Rights Conference 2011 in Nairobi, Kenya, the objectives of land reforms are both to protect local land rights and prevent conflict, and to increase incentives for land-related investments and make land transfers easier. In some countries, women's equal rights to land have been explicitly recognized in law. In Tanzania, the 1999 Land Act and Village Land Act, which prohibited discriminatory practices against women in relation to land, were hailed as a triumph for the women's rights movement in the country (Sundet, 2005, pp. 5, 11). However, today's debate on land focuses mostly on facilitating a market for land and the use of land as collateral, as many politicians, including the leaders in Tanzania, have recently been inspired by Peruvian economist Hernando de Soto (Nyamu-Musembi, 2008, pp. 19–20; Ikdahl, 2005, pp. 33–42). In 2000, de Soto published the book *The mystery of capital: Why capitalism triumphs in the West and fails everywhere else*. According to de Soto, formal property rights unlock the capital potential of an asset by turning it into "living capital," leading to increased access by the poor majority to the benefits of capitalism (Nyamu-Musembi, 2008, pp. 18–19; Benjaminsen, Holden, Lund, & Sjaastad, 2006, pp. 2–3). While supporters of de Soto, according to Benjaminsen et al. (pp. 3–4), emphasize the fundamentally sound idea of providing poor people with secure rights to their assets and the potential increase in asset value that the formalization may bring, critical voices, such as that of Nyamu-Musembi (2006), accuse him of "breathing life into dead theories about property rights." The mere formalization of land rights is described as being "synonymous with transformation and increased visibility of men's control over land, and the simultaneous disappearance or invisibility of women's established usage rights" (Nyamu-Musembi, 2006, p. 21). Tsikata (2010, p. 29) alludes to this as the road to "reinforced male-centered tenure arrangements." Many laws are based on norms, values, and practices that favor male land rights

and livelihood, an inherent gender bias that many fear may result in de facto discrimination. Additionally, formal land laws and policies commonly coexist with customary tenure systems in which women often are insufficiently represented and in which women's rights to land are often, as stated by the International Fund for Agricultural Development (IFAD), "secondary, derivative and temporary" (IFAD, 2008, p. 5).

But some cases, such as that of Janet A. Alusa in Kakamega, Kenya,² show that a formal right to land can enhance tenure security for women by allowing for enforceable claims. In the context of large-scale land acquisitions, the formalization of land rights may also have a protective function for many locals, in that it increases local control over what is happening to the land, and its legal force enhances the likelihood that the right will be recognized by domestic and foreign investors. The perception that formal property rights help to mitigate negative impacts of the investments must be complemented, however, by due acknowledgement of all the issues that are raised by the processes of formalizing land rights for women. Formal property rights are not a sufficient guarantee against dispossession (Daley, 2011, p. 55). With the domination of powerful economic interests in land, and with deficient regulating laws and policies, there is still much work to do before universal secure land rights are fully protected and large-scale land acquisitions are turned into development opportunities for all, including women.

The principles of transparency, accountability and participation

Where large areas of land have been converted to large-scale commercial agriculture, it is frequently observed that insufficient transparency, accountability, and local participation have a negative impact on development opportunities.³ For instance, the International Institute for Environment and Development (IIED) states in a brief that

where international land deals are seen as a useful element of strategies to promote national and local development, a number of factors need to be in place: greater transparency, effective regulation, skillfully negotiated contracts, and robust social and environmental impacts assessments and management systems. (IIED, 2009, p. 4)

Enhanced transparency enables civil society to monitor the implementation of investments and hold governments as well as corporations accountable for their acts and omissions. Transparency, as stated by Cuffaro & Hallam (2011, p. 11), is also a "very good prerequisite for effective cor-

porate self-regulatory codes,” and in the words of von Braun & Meinzen-Dick (2009, p. 3) is a prerequisite for “free, prior and informed consent” of the local communities concerned. The latter has been confirmed by the United Nations Special Rapporteur on the Right to Food, in his report of “recommended principles and measures to discipline ‘land grabbing’” (United Nations, 2009). The importance of transparency is recognized in many other guidelines, governance frameworks, and codes of practice that have been developed in relation to large-scale land acquisitions.⁴ For example, principle 3 in the World Bank’s *Principles for responsible agricultural investment that respects rights, livelihoods and resources* states that processes for accessing land and associated investments should be “transparent, monitored, and ensure accountability by all stakeholders, within a proper business, legal, and regulatory environment” (FAO, IFAD, UNCTAD, & the World Bank Group, 2010). As recognized in these instruments, the principle of transparency generally responds to the demands of many transnational corporations for transparent land acquisition processes and a favorable investment climate.⁵ FIAN International, Focus on the Global South, & Via Camocial Network for Justice and Human Rights (2010, p. 4), however, argue that there are “legal” and transparent investments that nevertheless dispossess farming, fishing, pastoral, and forest communities. Transparency is therefore not in itself a guarantee of favorable outcomes for people living in poverty.

The principle of accountability relates to the possibility and capacity of local communities to hold investors, that is, their own or foreign governments, corporations, and others, accountable for their actions through legal or procedural mechanisms. However, in countries with weak state capacity and a lack of protection of local rights, the ability of local populations to hold investors accountable is very limited. Although progressive laws and procedures that seek to increase local voices in policy-making and local benefits are developing, gaps between theory and practice—between statute books and reality on the ground—can be immense. These gaps are revealed, for example, in governance issues and corruption, which result in major costs for local populations (Deininger et al., 2011, pp. xiv, xxxii–xxxiii; Cotula et al., 2009, pp. 7, 101–102). The principle of accountability also relates to domestic governments holding investors responsible to the people. While government land allocations are often subject to an investor’s compliance with the investment plans for the first years of the project, African governments have often conducted very limited continuous monitoring and sanctioning of investment performance throughout the lifespan of projects (IIED, 2009, p. 3). Some reasons may be that the wording of the contracts is too weak to be enforceable, and that international law often compounds imbalances to the disadvantage of the

host country (Cotula et al., 2009, pp. 7, 102; IIED, 2009, pp. 2–3; Cuffaro & Hallam, 2011, pp. 8–9).

Civil society's capacity to engage with stakeholders of large-scale land acquisitions, who often have divergent perspectives on both the potential value of the deals for local development and the potential opportunities for local people (IIED, 2009, p. 4; Daley, 2011, p. 48), is a key aspect of ensuring that land deals maximize the investments' contribution to local development. According to the Association for Women's Rights in Development (AWID), the principle of participation is important in order to safeguard local rights and promote local ownership and long-term sustainability (AWID, 2002, p. 8). In negotiations leading to large-scale land acquisitions as well as in the process of formalizing land rights, the inclusion of local stakeholders is necessary for governments and investors to obtain accurate and relevant information about land rights and practices. Such information is a prerequisite for effective land administration and governance. IFAD (2008, p. 12) further argues that an in-depth understanding of land tenure systems is crucial, since these systems determine who will benefit and who will lose from a commercial initiative. In a formal setting, land rights are often registered in some way, which enhances the availability of information, although this does not necessarily mean that the information is correct. In a customary setting, information may remain unwritten, preserved within a community through collective memory and the use of witnesses (FAO, 2002, p. 13).

Land governance and human rights

A fundamental core obstacle to turning large-scale land acquisitions into development opportunities is the issue of land governance, defined as "the process by which decisions are made regarding access to and use of land, the manner in which those decisions are implemented and the way that conflicting interests in land are reconciled" (GLTN, *Finding Common Definitions*, n.d.). Good governance incorporates the principles of participation, transparency, and accountability, and ensures that political, social, and economic priorities are based on a broad consensus in society and that the voices of the affected populations are equally heard in decision-making on the allocation of development resources (Governance for Sustainable Human Development, n.d.). On the one hand, the mutually reinforcing relationship between good governance and human rights means that human rights provide a set of values guiding political and social actors in their governance, and that human rights are a set of performance standards against which these actors can be held accountable. Human-rights norms

and values inform the content of good governance efforts, in terms of the development of legislative frameworks and policies. On the other hand, good governance is crucial for the respect and protection of human rights in a sustainable manner. The implementation of human rights relies on a conducive and enabling environment, including appropriate legal frameworks and institutions as well as political and administrative processes that respond to the rights of the people (OHCHR, 2007, pp. 1–2). For some international organizations, such as CARE, incorporating the principles of transparency, accountability, and participation as “procedural rights” is seen as a useful entry point to issues of governance and issues of power and equity (Blomley, Franks, & Maharjan, 2009, p. v).

The human rights–based approach

The human rights–based approach (HRBA) takes as a starting point the universality, interrelatedness, interdependency, and indivisibility of human rights, and commonly focuses on, and operationalizes, the core principles of *participation and inclusion, accountability and the rule of law, openness and transparency, and equality and nondiscrimination*.⁶ Simultaneously, the HRBA focuses on the linkage between the rights-holders and duty-bearers, the empowerment of the former, and the enhanced capacity of the latter to respect, protect, and fulfill human rights (Blomley et al., 2009, pp. vi, 1; OHCHR, 2002, p. 2; Sano, 2010, p. 4). By identifying rights-holders, the HRBA changes the status of beneficiaries from that of passive aid recipients to that of active subjects, capable of claiming their rights. The norms and values promulgated in the framework of human rights have the inherent potential to empower, merely by introducing the concept of rights itself (AWID, 2002, p. 3; Blomley et al., 2009, pp. vi, 1–4; HRBA Portal, n.d.; Ikdaahl et al., 2005, pp. 13–15; OHCHR, 2002, pp. 1–2; OHCHR, 2003; OHCHR, 2006, p. 15; Regeringskansliet, 2010, pp. 11–13).

What does the legal human rights framework say about the core principles?

The legal human rights framework adds strength and substance to the core principles of the HRBA. Article 9 of the African Charter on Human and Peoples’ Rights states that “every individual shall have the right to receive information.” Article 19 of the Universal Declaration of Human Rights (UDHR) and article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) state in turn that everyone has the right to

freedom of opinion and expression, including the right “to seek, receive and impart information and ideas,” through any media and regardless of frontiers. According to article 19(3) of the ICCPR, the right may be subject to restrictions, but these “shall only be such as are provided by law and are necessary for the respect of the rights and reputation of others or for the protection of national security or of public order or of public health or morals.” Thus, according to a legal human-rights framework, negotiations leading to agreements on large-scale land acquisitions should, as a matter of principle, be conducted in full transparency. Based on the recognition that states as well as other duty-bearers are answerable for observing human rights, and that they “have to comply with the legal norms and standards enshrined in human rights instruments” (OHCHR, 2003), it is the duty of all stakeholders involved in large-scale land acquisition to make reliable and valid information about the deals available. Where they fail to do so, “aggrieved rights-holders” are, according to the principle of accountability, “entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law” (OHCHR, 2003). The principle of the rule of law ensures in turn full equality and fairness to all parties before the law, and that there is no impunity for human-rights violations (AWID, 2002, p. 8).

Moreover, as recognized by the UN Special Rapporteur on the Right to Food (United Nations, 2009), large-scale land acquisitions have to be conducted with the participation of the local communities whose access to land and benefits from it may be affected as a result of the investment. This is supported by the norm that “every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized” (OHCHR, 2003). The equal right of women to receive and impart information, as well as to participate in decision-making in land matters, is in turn recognized by the principle of equality and nondiscrimination. The preambles of the ICESCR and the ICCPR establish that “the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” Article 2 of the ICESCR and article 2 of the ICCPR also state that all human beings are entitled to human rights “without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” This is confirmed by the African Charter on Human and Peoples’ Rights through article 19, which states “all people shall be equal: they shall enjoy the same respect and shall have the same rights.”

The principle of equality and nondiscrimination is one of the most basic tenets in the human-rights framework, and adds weight to the necessity of assessing the gender impact of large-scale land acquisitions. The principle recognizes that power is unequally distributed and that certain sectors of the population, such as women, are systematically excluded from the development process (Blomley et al., 2009, pp. 2, 12). By applying HRBA, one rationale for working toward more secure land for women becomes the inherent dignity, integrity, and equality of each individual as an end in itself, rather than the contribution of women to reducing poverty (Ik Dahl et al., 2005, p. xi)—challenging the role of “equal economic efficiency” (Ik Dahl et al., 2005, p. xi), that is, the idea that women qualify for more secure land rights because they “often contribute more to the welfare of their families than men, and supposedly attribute greater importance to food security than men” (Englert & Daley, 2008, p. 8). From a human-rights perspective, all human beings should be due equal rights and equality of treatment under the law, “in their own right” (Englert & Daley, 2008, p. 9), and the human-rights standards are to be met even if the outcomes might be economically more expensive or less productive (Ik Dahl et al., 2005, p. xi).

Furthermore, the principle of equality and nondiscrimination is particularly important considering that some of the international initiatives for formulating guidance and regulatory frameworks for large-scale land acquisitions so far contain little if any gender perspective (Daley, 2011, p. 48). The International Land Coalition (ILC) takes as an example the *Large-scale land acquisitions and leases: A set of minimum principles and measures to address the human rights challenge* (de Shutter, 2009), and highlights that the word “gender” is mentioned once, under principle 9. The gender analysis is limited to the preamble’s acknowledgment of the importance of recognizing other user rights to land, such as grazing and gathering wood, as crucial sources of livelihood for women (Daley, 2011, p. 48). Greater inclusion of gender in the tools, procedures, and measures for handling large-scale land acquisitions must be promoted, therefore, by adding an emphasis on the principle of equality and nondiscrimination.

Assessing rights-holders and duty-bearers in the context of large-scale land acquisitions

The assessment of rights-holders and duty-bearers determines the main stakeholders of a development program. The relationship between them, be it deprivation and discrimination or neglect of obligations, needs to be addressed in a holistic manner (Kirkemann Boesen & Martin, 2007, p.

21). But who then is a rights-holder and who is a duty-bearer? Article 1 of the UDHR states that “all human beings are born free and equal in dignity and rights,” and article 29(1) asserts that “everyone has duties to the community in which alone the free and full development of his personality is possible.” That all members of the human family have “equal and inalienable rights” is also recognized by the preambles of the ICCPR as well as the ICESCR. Moreover, the preambles of the ICCPR and the ICESCR realize that “the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant.” The African Charter on Human and Peoples’ Rights, in chapter II on “duties,” states that “every individual shall have duties towards his family and society, the State and other legally recognized communities and the international community. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.” Traditionally the human-rights framework has identified the state as the duty-bearer. However, based on the aforementioned provisions, duty-bearers can also be other actors than the state. Within the framework of a HRBA, the determination of who is a duty-bearer becomes relative to who is the rights-holder (OHCHR, 2003; interview with U. Jonsson, former Senior Human Rights Adviser to the Executive Director of the United Nations Children’s Fund, 23 May 2011).

In the context of land, the question of who is defined as a rights-holder and who as a duty-bearer deserves special attention, for several reasons. First, large-scale land acquisitions often take place in environments characterized by weak state capacity and lacking legal or procedural mechanisms to protect local rights and interests. In an environment of weak (or in some cases collapsing) states, a universal human-rights framework may seem to have little relevance (Blomley et al., 2009, p. 3). While the state remains a duty-bearer in such contexts, there may be other powerful actors, such as militant groups, who play a role in relation to the rights-holders and should also be identified as duty-bearers.

Second, a challenge for most African countries is the dual system of tenure, with formal law and customary law running parallel to one another. Next to the formal institutions, claims and norms enforced by local customary institutions or governments play a crucial role in securing land rights. The role of these “agents of development” (Blomley et al., 2009, p. 3) should not be underestimated. As land rights in general, including those of women, are determined by the interplay between these two tenure systems, Daley (2011) argues that that

strategies to support and promote women's land rights must be suited and responsive to the situation on the ground. Where existing customary institutions can be used as a vehicle for this, why not use them? Equally, where existing customary institutions have become weakened, why not pursue alternative strategies? (p. 51)

Hence, in the context of natural resource (land) management, and in particular community-based natural resource management, the duty-bearer may be a village committee, a community institution, or a traditional structure such as chieftaincy, elders' group, or a religious order (Blomley et al., 2009, p. 9).

Third, the view of the state as the sole duty-bearer runs the risk of neglecting other duty-bearers such as private-sector organizations and development agencies (Blomley et al., 2009, p. 3). This is of particular importance in the context of large-scale land acquisitions, since many of the stakeholders involved are not necessarily governments but also (trans)national corporations and private investors.

Consequently, to effectively use a HRBA to protect local land rights and human rights in the context of large-scale land acquisitions, a pragmatic strategy must be adopted. While the primary duty-bearer remains the state actors, non-state actors such as bilateral and multilateral donors, private contractors, corporations, and customary institutions and authorities, as well as development actors, including nongovernmental organizations, must also be recognized as duty-bearers and potential collaboration partners (AWID, 2002, p. 3; Kirkemann Boesen & Martin, 2007, pp. 11–12; OHCHR, 2003). For example, the Agriculture and Natural Resources Program of Care Ghana supports platforms at community, district, regional, and national levels, through which the civil society as rights-holder can make claims to land and other natural resources with local and national duty-bearers. At the local level, the program supports primary landholders and users in making legitimate claims against non-state duty-bearers, such as traditional authorities, and holding them accountable for their actions. At the national level, duty-bearers include state actors like the Forestry Commission (Blomley et al., 2009, p. 14).

The use of a HRBA when designing and operating programs in the context of land

When formulating program objectives and procedures, as well as when assessing the potential and real impacts of an intervention, the HRBA can be an analytical tool. Sano (2010, pp. 11–12) presents a “model of impact analysis” based on what he perceives as the two core pillars in a HRBA:

accountability and empowerment. While the model used in this article (see Figure 2) derives from Sano’s idea, it has been modified according to the findings of the study on which the article is based, with the aim of protecting local rights and livelihoods in the context of large-scale land acquisition (Tengnäs, 2011). Rather than adapting the wording of Sano, that is, accountability and empowerment, the model used in this article takes the perspective of empowerment (of the right holders) and the capacity-building (of the duty bearers). In line with Sano’s idea however, the model provides for an understanding of the linkage between “impulses” that influence policies, behavior, and methods; “processes” that represent

Figure 2 • HRBA Model of impact in a context of large scale land acquisitions

schedules of implementation and action, and wider outcomes or “impacts” of intended or unintended change. The model reveals that internal and external impulses (including those which monitor the policies and activities of governments and corporations) influence, capacitate, and alert the duty-bearers and rights-holders, and result in processes of action. In the context of large-scale land acquisitions, on the part of duty-bearers these impulses may result in the development of new policies and procedures to ensure the protection of local rights and livelihoods, in changed governance measures, and in new models of collaboration with the civil society. On the part of the rights-holders, they may in turn result in the enhancement of knowledge, in organizational development and capacity-building, in direct actions to claim rights, and in the formation of new channels of interaction. By mainstreaming the principle of equality and nondiscrimination throughout the program, the impacts may in turn be changes in the values and principles of land governance toward a greater recognition of women’s rights, altered power balances, more gender-balanced inclusion of civil society in negotiations of large-scale land acquisitions, and more human rights-friendly land deals.

Challenges to the HRBA as an operational tool

Operationalizing a HRBA within a context of land or other natural resources may provoke a number of challenges that need to be assessed and addressed. For example, as has been cited in the *Rights, equity and protected area program (REPA) I and II* reports by Care Uganda, there may be a need to work in tandem on the immediate social and economic well-being of poor and marginalized groups, along with promoting an improved “social position” of rights-holders and an “enabling” environment relating to public, private, civic, and social institutions (Blomley et al., 2009, p. 5). In *REPA II*, a more pragmatic approach was adopted, and the promotion of HRBA principles was synthesized with the immediate needs of the poorest populations (Sano, 2010, pp. 7–8).

Many of the immediate social and economic needs can often be linked to more specific human rights, such as the rights to health, food, or housing. Instead of synthesizing a “needs-based approach” on the one hand and a HRBA on the other, one could rather merge (1) an outcome-focused HRBA,⁷ and (2) a process-focused HRBA, recognizing the core principles presented earlier. The former focuses on clearly defined human rights as an outcome (corresponding to needs), and the latter on the power relations between rights-holders and duty-bearers, on the structural causes behind injustices and on the procedures of land acquisitions.

While a HRBA may contribute to more equitable and sustainable development, a major challenge is also to find space and resources for the approach in countries with weak state capacity and poor levels of governance, where an immense need for economic development dominates—particularly within the agricultural sector. There are many powerful actors in the international arena, with large amounts of capital, who do not have a primary interest in taking a HRBA for the purpose of upholding the public good. For an African government, it may seem more interesting and even more relevant to collaborate with these stakeholders to boost economic development, rather than with less powerful development cooperation agencies who only “complicate” governance by bringing issues of human rights, equitable and equal distribution of benefits, transparency, and accountability onto the agenda. Nonetheless, it is predominantly in the countries with large amounts of “available land,” which are also those suffering most from global power injustices on the one hand and are characterized by internal land governance issues on the other, that local rights are at greatest risk and a HRBA is most needed.

Conclusion

There is an urgent need for change in practices related to large-scale land acquisitions, to protect human rights, prevent conflict, and achieve sustainable development. Improved land governance—properly negotiated investments, equal and equitably distributed benefits, and practices adhering to the rule of law—should be in the interest not only of local people, but also of investors and host governments, if the investments are not to become “politically unacceptable,” as von Braun & Meinzen-Dick put it (2009, p. 4). As we are approaching a “crisis era,”⁸ in which access to land is crucial for all, changed practices should also be in the interest of other development actors. The decisions made now will have major repercussions on the livelihoods and food security of many people for decades to come. Today’s choices must therefore be based on strategic thinking about the future of agriculture, the place of large- and small-scale farming, and the role and nature of outside investment (IIED, 2009, p. 3). Because of the transnational character of large-scale land acquisitions, a combination of international law, government policies, and the involvement of civil society, the media, and local communities is needed to minimize the threats of loss of land and livelihood and related human rights violations, and to foster equitable and equally distributed benefits of large-scale investments (von Braun & Meinzen-Dick, 2009, p. 4).

The HRBA has the capacity to add strength and legal substance to the principles of participation and inclusion, openness and transparency, accountability and the rule of law, and equality and nondiscrimination, by operationalizing these norms through development strategies. The values and principles of the HRBA can provide significant guidance for land governance strategies that link rights-holders and duty-bearers. International development cooperation, as “impulses” contributing to processes of change, may enhance good land governance and promote equal and equitable development opportunities from large-scale land acquisitions. This is especially important in African countries with large amounts of land and little legal and institutional capacity to protect rights, especially those of women. Through the incorporation of the fundamental values of freedom, equality, justice, and dignity for all, the HRBA may also act as a supplement and complement—as well as a challenge—to a neoliberal discourse or a “market-based approach to land rights” (Ik Dahl et al., 2005, p. 30). In this sense, the HRBA can act as a tool to bridge policies of economic development on one hand, and strategies for social development on the other, thus contributing to greater policy coherence.

Finally, the HRBA must be further investigated by researchers and practitioners of international development cooperation if it is to be successfully operationalized in relation to land governance. An explicit gender perspective must be developed in relation to land in order to establish measures to guarantee equal and equitable development opportunities of large-scale land acquisitions and to ensure the protection, fulfillment, and promotion of human rights on a nondiscriminatory basis.

ACKNOWLEDGEMENTS

I would like to express my sincere appreciation to all those people in Kenya, who happily received me with open arms—sometimes with very short notice—and who provided invaluable inputs to the dissertation on which this article is based.

KARIN TENGNÄS is a Swedish sociologist, holding a European master’s degree in human rights and democratization. She conducted her master’s thesis, entitled *Global land hunger and local rights: A human rights-based approach in a context of large-scale land acquisitions*, at the University of Luxembourg in 2011. This article is based on that thesis. Karin graduated as one of the top 15 students and is currently in Geneva at the Internal Displacement Monitoring Centre of the Norwegian Refugee Council, where she is assisting the Senior Advisor on Land, Housing and Property Issues and the Senior Advisor on Natural Disasters.

NOTES

1. These rights are recognized, for example, in the Bill of Rights, i.e., UDHR, ICESCR, and ICCPR, but also in the African Charter on Human and Peoples' Rights. The right to development is also recognized in the Declaration on the Right to Development.
2. After Ms Alusa's husband died as a result of AIDS in 2004, conflicts arose with the brothers-in-law and the stepsons, who did not want her to keep the house. The title was in the name of her deceased husband. Soon after his death, she was evicted from the house with her six daughters. When she refused to leave, she was physically and psychologically abused by the relatives. In 2005, a contact with a local grassroots organization in Kakamega, advocating for women's land rights, gave Ms. Alusa the strength and knowledge to bring legal justice to the case. While the local chief did not recognize her legal right to the land, the District Officer did. Through the marriage certificate, she was able to claim the equal right of spouses to control the land and secure her tenure, as recognized by the National Land Policy. In 2009 the land was nevertheless sold, and the case is now pending in the High Court in Kenya.
3. One example is Qatar's acquisition of 40,000 ha of land for food production in Tana River in Kenya, where reliable information about the details of the investment, such as where exactly it will take place, is very scarce. For more information, see Odeny et al. (2010, pp. 18–20).
4. Many national and international actors have recently recognized the issue of an increasing global interest in land and the challenges of secure and equitable land rights. A number of international initiatives to provide regulatory frameworks for large-scale land acquisitions and investments in developing countries have been developed. In 2010, the *Principles for responsible agricultural investment that respects rights, livelihoods and resources* were launched by FAO, IFAD, the World Bank group and others. FAO has also led the global initiative of developing the *Finding common ground. Voluntary guidelines on responsible governance of tenure of land and other natural resources*. Other initiatives are International Food Policy Research Institute's five *Key elements for a code of conduct for foreign land acquisitions* (von Braun & Meinzen-Dick, 2009) and, in the text mentioned, *Large-scale land acquisitions and leases: A set of minimum principles and measures to address the human rights challenge* (de Schutter, 2009). Whether these efforts to link high standards of business practice with ethical behaviour in (trans)national land deals actually will enhance positive outcomes is not yet clear.
5. For example, the *Principles for responsible agricultural investment and respects rights, livelihoods and resources* (FAO, IFAD et. al., 2010) states that "lack of transparency creates distrust and deprives relevant actors of the possibility to resolve minor problems before they escalate into large conflicts. On the other hand, greater transparency will also reduce transaction costs for all involved, thus benefiting host countries and investors alike through more efficient competition. Clarity in the regulations governing investment incentives and the way in which they are applied also makes it more likely that host countries can attract investors who will make tangible contributions to long-term development."

6. The number and order of the principles may vary slightly, but according to Kirkemann Boesen & Martin (2007, pp. 15, 42) they are generally consistent and refer to the ethical impetus of ensuring justice and dignity for each individual. The principles used in this article derive from Ik Dahl et al., 2005, pp. 12, 16–26; AWID, 2002; Blomley et al., 2009, p. 12; OHCHR, 2002, pp. 2, 13–17; OHCHR, 2006, p. 17; Kirkemann Boesen & Martin, 2007, pp. 15, 42; Regeringskansliet, 2010, p. 13. The approach is explicitly recognized in the *Human rights-based approach to development cooperation: Towards a common understanding among UN agencies*, a “core document” deriving from the Intra-Agency Workshop on a Human Rights-Based Approach in the Context of UN Reform in 2003, and launched to provide a common understanding of the HRBA and its implications for development programming.
7. Since the incorporation of human rights in development programming, the HRBA has been operationalized in a variety of forms. Blomley et al. (2009, p. 1) recognize that one of these has been a strict legalistic approach, in which “rights are clearly defined and have a high profile (such as with rights of the child, rights not to be tortured and so on).” As recognized by Kirkemann Boesen & Martin (2007, p. 42), the focus of this quite stringent form of HRBA is primarily on the respect for and the protection and fulfillment of human rights as the end goal of development, and not so much on the process.
8. Oxfam (2011, p. 7) refers to an “age of crisis” in terms of food injustice and resource constraints.

REFERENCES

- African Union Commission (AUC), African Development Bank (AfDB), & Economic Commission for Africa (ECA). (2010). *Frameworks and guidelines on land policy in Africa: Land policies in Africa: A framework to strengthen land rights, enhance productivity and secure livelihoods*. Addis Ababa: AUC-ECA-AfDB Consortium.
- Alden Wily, L. (2011). *Nothing new under the sun or a new battle joined? The political economy of African dispossession in the current global land rush*. (Paper presented at the International Conference on Global Land Grabbing). Brighton: Land Deals Politics Initiative.
- AWID (Association for Women’s Rights in Development). (2002). A rights-based approach to development. *Women’s Rights and Economic Change*, 1. Retrieved from <http://awid.org/Library/A-Rights-Based-Approach-to-Development>
- Benjaminsen, A.T., Holden, S., Lund, C., & Sjaastad, E. (2006). *The emerging formalisation agenda and some empirical evidence from Africa*. (Paper presented at the conference “Les frontières de la question foncière – At the frontier of land issues”). Montpellier: IRD/IIED/AGRO/Cirad, et al.
- Blomley, T., Franks, P., & Maharjan, M.R. (2009). *From needs to rights: Lessons learned from the application of rights-based approaches to natural resource governance in Ghana, Uganda and Nepal*. Washington: Rights and Resources Initiative.
- Buckingham, S. (2011). *The unasked questions: Gender, infrastructure and the environment*. (Paper presented at workshop on “Sustainable development: Where are we now?”). Luxembourg: University of Luxembourg.

- Chachage, C., & Baha, B. (2010). *Accumulation by land dispossession and labour devaluation in Tanzania: The Case of biofuel and forestry investments in Kilwa and Kilolo*. Dar Es Salaam: Land Rights Research and Resources Institute.
- Cotula, L., Vermeulen, S., Leonard, R., & Keeley, J. (2009). *Land grab or development opportunity? Agricultural investment and international land deals in Africa*. London/Rome: IIED/FAO/IFAD.
- Cuffaro, N., & Hallam, D. (2011). "Land grabbing" in developing countries: Foreign investors, regulation and codes of conduct. (Paper presented at the "International Conference on Global Land Grabbing.") Brighton: Land Deals Politics Initiative.
- Daley, E. (2011). *Gendered impacts of commercial pressures on land*. Rome: The International Land Coalition.
- De Schutter, O. (2009). *Large-scale land acquisitions and leases: A set of minimum principles and measures to address the human rights challenge*. United Nations General Assembly, A/HRC/13/33/Add.2.
- Deininger, K., Byerlee, D., Lindsay, J., Norton, A., Selod, H., & Stickler, M. (2011). *Rising global interest in farmland: Can it yield sustainable and equitable benefits?* Washington: The IBRD/The World Bank.
- Englert, B., & Daley, E. (2008). Introduction: Women's land rights & privatization in eastern Africa. In B. Englert & E. Daley (Eds.) *Women's land rights and privatization in eastern Africa* (pp. 1–17). Cumbria: Long House Publishing Services.
- FAO (Food and Agricultural Organization). (n.d.). *Finding common ground: Voluntary guidelines on the responsible governance of tenure of land and other natural resources*. Rome: Food and Agricultural Organization.
- FAO (Food and Agriculture Organization). (n.d.). *Land tenure: Access and tenure of natural resources*. Rome: Food and Agricultural Organization.
- FAO (Food and Agriculture Organization). (2002). *Land tenure studies 3: Land tenure and rural development*. Rome: Food and Agricultural Organization.
- FAO (Food and Agricultural Organization), IFAD (International Fund for Agricultural Development), UNCTAD (United Nations Conference on Trade and Development), & the World Bank Group (WB). (2010). *Principles for responsible agricultural investment that respect rights, livelihoods and resources*. Retrieved from http://siteresources.worldbank.org/INTARD/214574-1111138388661/22453321/Principles_Extended.pdf
- FIAN International, Focus on the Global South, & la Via Camocial Network for Justice and Human Rights. (2010). *Why we oppose the Principles for Responsible Agricultural Investment (RAI)*. Retrieved from http://typo3.fao.org/fileadmin/user_upload/fsn/docs/HLPE/RAI_NGO.pdf
- GLTN (Global Land Tool Network). (n.d.). *FAQs: Why emphasize the continuum of land rights?* Retrieved from <http://www.glttn.net/en/faqs.html#19>
- GLTN (Global Land Tool Network). (n.d.). *Finding common definitions: Other terms*. Retrieved from <http://www.glttn.net/en/finding-common-definitions.html>
- Governance for Sustainable Human Development. (n.d.). *A UNDP policy document: Good governance—and sustainable human development*. Retrieved from <http://mirror.undp.org/magnet/policy/chapter1.htm#b>
- Graham, A., Aubry, S., Künnermann, R., & Monsalve-Suárez, S. (2009). *CSO*

- monitoring 2009–2010 “Advancing African Agriculture” (AAA): *The impact of Europe’s policies and practices on African agriculture and food security: Land grab study*. Retrieved from <http://www.fian.org/resources/documents/others/report-on-land-grabbing/pdf>
- GRAIN. (2008). *Briefing: Seized! The 2008 land grab for food and financial security*. Barcelona: GRAIN. Retrieved from http://www.grain.org/briefings_files/landgrab-2008-en.pdf
- Hallam, D. (2009). *Foreign investment in developing country agriculture: Issues, policy implications and international response*. (Paper distributed at the “Global Forum VIII on International Investment”). Paris: Organisation for Co-operation and Economic Development.
- HRBA Portal. (n.d.). *FAQ on HRBA*. Retrieved from http://hrbaportal.org/?page_id=3386
- IFAD (International Fund for Agricultural Development). (2008). *Policy: Improving access to land and tenure security*. Rome: International Fund for Agricultural Development.
- IIED (International Institute for Environment and Development). (2009). *Briefing: “Land grabs” in Africa: Can the deals work for development?* London: International Institute for Environment and Development.
- Ikdahl, I., Hellum, A., Kaarhus, R., & Benjaminsen, A. T. (2005). *Human rights, formalisation and women’s land rights in southern and eastern Africa*. (Revised version of Noragric Report No. 26). Oslo: University of Oslo.
- ILC (International Land Coalition), Oxfam Novib, AFA, Corporfam, Roppa, ActionAid, & City University London. (2011). *Briefing: What are the Principles for Responsible Agricultural Investment (RAI) and why do they matter?* Retrieved from http://landportal.info/sites/default/files/cpl_brief_rai.pdf
- Kamel, J. (2011). *The gendered impacts of land grab as a response to climate change e.g. REDD initiatives and other carbon trading: Do the global negotiations at UNFCCC or national policies offer opportunities?* (Presented at the African Women’s Land Rights Conference). Nairobi: Oxfam/ActionAid/ACORD.
- Kirkemann Boesen, J., & Martin, T. (2007). *Applying a rights-based approach: An inspirational guide for civil society*. Copenhagen: The Danish Institute for Human Rights.
- Mitchell, D. (2011). *Assessing and responding to land tenure issues in disasters risk management: Training manual*. Rome: UN-HABITAT/GLTN/FAO. Retrieved from <http://www.fao.org/docrep/014/i2115e/i2115e00.pdf>
- Nyamu-Musembi, C. (2006). *Breathing life into dead theories about property rights: De Soto and land relations in rural Africa*. Brighton: Institute of Development Studies.
- Nyamu-Musembi, C. (2008). *Breathing life into dead theories about property rights in rural Africa*. In B. Englert & E. Daley (Eds.) *Women’s land rights and privatization in eastern Africa* (pp. 18–39). Cumbria: Long House Publishing Services.
- Ochieng Odhiambo, M. (2006). *Improving tenure security for the rural poor: Kenya, Tanzania and Uganda—case study: Formalization and its prospects*. Rome: Food and Agriculture Organization.

- Odeny, E., Leonhard, R., Borrás S., & Rocha, M. (2010). *Land grabbing in Kenya and Mozambique*. Heidelberg: FIAN International Secretariat.
- OHCHR (Office of the High Commissioner for Human Rights). (2002). *Draft guidelines: A human rights approach to poverty reduction strategies*. Geneva: United Nations. Retrieved from http://www.fao.org/righttofood/KC/downloads/vl/docs/Human%20rights%20approach%20to%20poverty%20reduction%20strategies_draft%20guidelines.pdf
- OHCHR (Office of the High Commissioner for Human Rights). (2003). *The Human rights-based approach to development cooperation: Towards a common understanding among UN agencies*. Retrieved from <http://www.un.org/kg/en/publications/document-database/article/Document%20Database/UN%20System%20in%20Kyrgyzstan/Human%20Rights%20and%20Human%20Rights%20Based%20Approach/140-Basic%20documents%20on%20HRBA/1746-the-hrba-to-development-cooperation-towards-a-common-understanding-among-un-agencies-eng>
- OHCHR (Office of the United Nations High Commissioner for Human Rights). (2006). *Frequently asked questions on a human rights-based approach to development cooperation*. New York: United Nations. Retrieved from <http://www.ohchr.org/Documents/Publications/FAQen.pdf>
- OHCHR (Office of the United Nations High Commissioner for Human Rights). (2007). *Good governance practices for the protection of human rights*. New York: United Nations. Retrieved from <http://www.ohchr.org/Documents/Publications/GoodGovernance.pdf>
- Oxfam International. (2011). *Growing a better future: Food justice in a resource-constrained world*. Oxford: Oxfam GB.
- Palmer, D., Fricška, S., & Wehrmann, B. (2009). *Land tenure working paper 11: Towards improved land governance*. Rome, Nairobi: FAO/UN-HABITAT.
- Palmer, R. (2008). Foreword. In B. Englert & E. Daley (Eds.) *Women's land rights and privatization in eastern Africa* (pp. ix–xii). Cumbria: Long House Publishing Services.
- Paradza, G. (2011). *Gender perspectives on the impact of "land grabbing."* (Presented at the African Women's Land Rights Conference). Nairobi: Oxfam/ActionAid/ACORD.
- Regeringskansliet. (2010). *Change for freedom: Policy for democratic development and human rights in Swedish development cooperation, 2010–2014*. Stockholm: Swedish Ministry of Foreign Affairs. Retrieved from <http://www.sweden.gov.se/content/1/c6/14/32/33/14dceded.pdf>
- Republic of Kenya. (2007). *Kenya vision 2030: The popular version*. Retrieved from <http://www.vision2030.go.ke/Popular%20Version.pdf>
- Rice, X. (2008, June 24). Wildlife and livelihoods at risk in Kenyan wetlands biofuel project. *The Guardian*, 17.
- Rossi, A., & Lambrou, Y. (2008). *Gender and equity issues in liquid biofuels production: Minimizing the risks and to maximize the opportunities*. Rome: Food and Agriculture Organization.
- Sano, H. O. (2010). *Making rights work for the benefit of poor and marginalized: Assess-*

- ing the impact of CARE's rights-based work in south-western Uganda*. Copenhagen: The Danish Institute for Human Rights.
- Sundet, G. (2005). *The 1999 Land Act and Village Land Act: A technical analysis of the practical implications of the act*. Working draft. Rome: Food and Agriculture Organization.
- Tandon, N. (2011). *Large land acquisition phenomenon, drivers and regulatory frameworks*. (Presented at the African Women's Land Rights Conference). Nairobi: Oxfam/ActionAid/ACORD.
- Tengnäs, K. (2011). *Global land hunger and local rights: A human rights-based approach in a context of large-scale land acquisitions*. (Unpublished master's thesis). University of Luxembourg, Luxembourg.
- Tsikata, D. (2010). Introduction. In D. Tsikata & P. Golah (Eds.) *Land tenure, gender and globalisation* (pp. 1–34). Ottawa: ZUBAAN.
- UN-HABITAT (United Nations Human Settlement Programme). (2008). *Secure land rights for all*. Nairobi: UN-HABITAT/UNDP.
- United Nations. (2009). Press release. UN Special Rapporteur on the Right to Food recommends principles and measures to discipline “land grabbing.” Retrieved from <http://www.unhchr.ch/hurricane/hurricane.nsf/0/5A171ADA855BF615C12575D30010CEBF?opendocument>
- Von Braun, J., & Meinzen-Dick, R. (2009). “Land grabbing” by foreign investors in developing countries: Risks and opportunities. (IFPRI Policy Brief 13). Washington: International Food Policy Research Institute.
- Wandia, M. (2009). Women's rights will boost food security. *Pambazuka News*, 439. Retrieved from <http://www.pambazuka.org/en/category/features/57225>
- Whitehead, A. (2010). Foreword. In D. Tsikata & P. Golah (Eds.) *Land tenure, gender and globalisation* (pp. vii–xii). Ottawa: ZUBAAN.

Legal Documents

- Declaration on the Right to Development*. United Nations General Assembly, A/RES/41/128. (4 December 1986).
- International Covenant on Civil and Political Rights (ICCPR)*. United Nations General Assembly, A/RES/2200 (XXI). (Effective 23 March 1976).
- International Covenant on Economic, Social and Cultural Rights (ICESCR)*. United Nations General Assembly, A/RES/2200A (XXI). (Effective 3 January 1976).
- The African Charter on Human and Peoples' Rights*. Organization of African Unity, Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58. (Effective 1986).
- Universal Declaration on Human Rights (UDHR)*. United Nations General Assembly, A/RES/217A (III). (10 December 1948).