



The Right To Land (A Human Right)

May 2021

**Research and Studies Unit at the Forum for Development and
Human Rights Dialogue**



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Introduction

The right to land is one of the human rights and it is an inherent and indispensable right. Land directly affects the enjoyment of a number of human rights and it is a source of livelihood for many people. In terms of human rights, it affects a range of issues, including poverty reduction and development. Land rights, especially in developing countries, are closely related to the right to food and health, the right to work and a range of other human rights and in many cases, the right to land is associated with the identity and livelihood of the local community, land thus its very survival. For farmers, peasants and fishermen, land represents a vital component of a certain way of life.

Agriculture in Egypt is the mainstay of the Egyptian economy; It contributes a large share to the comprehensive development and advancement of society and its importance increases as a profession linked to it and its various activities by more than half of the population, whether in the production, marketing or industrial activity of agriculture. The agricultural sector is considered an effective sector in the Egyptian economy, as it is responsible for achieving security The national food sector and the percentage of workers in the agricultural sector is 31% of the total workers in Egypt.

Peasants and agriculture are the backbone of the Egyptian economy which must be supported by all ministries and institutions in the country concerned with the agricultural sector throughout the year and to provide ways for the success of the agricultural season but what is happening on the ground is the opposite. So we find the farmer suffers from high prices for fuel, labor, seeds, fertilizers and pesticides.

In this research paper, we will try to know the right to land through international covenants and legal legislation, and then study the most important problems facing the Egyptian farmer in recent times.



The Right to Land in the Charters of the United Nations:

Land issues related to human rights have become a constant source of tension in both developed and developing countries and the global craze for land has affected a range of basic human rights, forcing governments to place land issues at the top of their agendas; As a result of the increased interest in food insecurity, climate change, the unsustainable use of natural resources and rapid urbanization, there has been renewed interest in how land is distributed, used and controlled and it has become a very important and dangerous issue at the local and global levels.

It is worth noting that there is still no provision in international human rights law regarding the “human right to land” as a universal right, but human rights instruments refer to land, such as Article 11, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, and paragraph 2(g). From Article 14 of CEDAW, which explicitly refers to land in relation to the right to food and the rights of rural women, and the regulation of most land matters is left to the national law of states.

Land issues are dealt with by many international instruments such as the African Commission on Human and Peoples’ Rights, the Inter-American Court of Human Rights, the European Court of Human Rights and the European Committee of Social Rights. in adequate housing, food, water, health, sanitation, work, freedom of opinion and expression, the rights of indigenous peoples and the right to self-determination, as well as the right to participate in public affairs and cultural life.

Article 1, paragraph 3, of the Charter of the United Nations requires Member States to take joint and independent measures “to achieve international cooperation in solving international questions of an economic, social, cultural and humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to sex.” language or religion and there is no distinction between men and women.” The charters affirmed that member states are also required to ensure that they avoid multilateral organizations of which they are members, including international financial or trade organizations.



The United Nations charters indicate the extent to which economic and social rights, including the rights to food, housing, water, health, work and an adequate standard of living, are directly affected by land administration decisions. These decisions can guarantee the enjoyment of these rights or lead to the weakening of social security networks which impedes the realization of these rights.

Access to land and productive resources may be the appropriate way to ensure the realization of the right to adequate food. Conversely, this right may be violated whenever restrictions on access to or use of productive land are imposed on people who depend for their food on land, such as land-owning farmers. Smallholders, landlords, livestock keepers, fishermen and indigenous peoples.

Rural and suburban land is a critical factor in the realization of the right to adequate housing; The enjoyment of that right is jeopardized by insecurity of land tenure and forced land evictions. Health-related rights and conditions may also be at risk when evictions, displacements and relocations deprive people of access to food.

The Right to Land in the Charter of the International Covenant

People around the world depend on access to land and natural resources for their survival and livelihood. Population growth and the loss of arable land as a result of soil degradation and the production of “cash crops” or biofuels have intensified competition for land.

International and regional human rights and land rights instruments Article 17 of the Universal Declaration of Human Rights states:

- 1) Everyone has the right to own property, alone or jointly with others.
- 2) No one shall be arbitrarily deprived of his property.



The reference to property rights has been dropped completely in the two International Covenants on Human Rights (the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) adopted by the United Nations in 1966).

In dealing with the right to be free from hunger, Article 1 of the International Covenant on Economic, Social and Cultural Rights contains only an indirect reference to land, encouraging states parties to the Covenant to develop or reform “systems of agricultural land distribution in such a way as to ensure the best development and utilization of natural resources” (See Module 12 on this point), and Protocol I to the European Convention on Human Rights and Fundamental Freedoms states that: No one may be deprived of his property except for the common good, and in accordance with the conditions established by law and general principles of international law, and not in that Infringe in any way the right of the State to impose such laws as it deems necessary to ensure the use of property in a manner consistent with the public interest.

The Peasants' Charter 1979

The Food and Agriculture Organization of the United Nations (FAO) and the International Labor Organization were concerned with land rights, whether in the agreements, declarations and recommendations they adopted. During the International Conference on Agrarian Reform and Rural Development held by the Food and Agriculture Organization of the United Nations in 1979, the Declaration of Principles and Program of Action “Charter peasants”,

This charter is concerned with the reorganization of land tenure and calls for the imposition of maximum limits on land ownership in countries that have an urgent need to reorganize land tenure and distribute it to farmers and small tenants who do not own land, as part of a rural development strategy to redistribute power.

The charter includes interest in reforming the land lease system, regulating changes to the system of customary tenure, and community control over natural resources.



The International Labor Organization Convention No. 117 of 1962, known as the Social Policies Convention: Basic Objectives and Standards, includes a set of measures aimed at improving the standard of living of agricultural producers.

Article 17 "States shall take appropriate measures to ensure legal recognition of land tenure rights, including customary tenure rights covered by the protection of land rights that are not legal, and recognize the existence of different models and systems.... States protect lawful tenure and ensure that farmers and other workers are not subjected to in rural areas of arbitrary or unlawful eviction...States recognize and protect the natural commons and related systems of employment and management."

The Right To Land In National Legislation

Land issues raise a number of urgent challenges to human rights, given that land is an essential component of the realization of many of those rights. Land rights in domestic law are based on two basic principles on which most national legal systems, constitutions and local laws are based on the issue of land ownership:

The first principle: the right to private property

This right includes not only the right to use and enjoyment but also the right to exclude others, and most land ownership systems in local laws try to support and recognize this concept of private ownership, which gives absolute control and exclusive rights on the basis of legal ownership sponsored by the state.

The second principle: the land belongs to the state

It is the common and fundamental principle behind the local laws on land, and it is a principle associated with previous monarchy regimes, which states that land is the property of the state, and this principle is associated with the idea that land does not fall within the scope of private ownership except with a grant from the state, and one can clearly realize the inevitability Conflict arises between these two principles.



Most of the struggle is on the front of local laws in order to eliminate the negative aspects resulting from the introduction, if not change, of these two principles, which have their origins in most countries of the developing world back to the colonial era.

State obligations in relation to land issues

States, as the primary duty bearer, have an obligation to respect, protect and fulfill the human rights of persons within their jurisdiction.

National laws, policies, and customs determine how land is used, controlled, and transferred, and thus, legal recognition of individual titles to land enhances its security of tenure.

But when statutory laws do not recognize tenure rights that are exercised as customary or subsidiary tenure, individual titles can actually undermine the opportunities to acquire and control land for people who depend for their livelihoods on land.

Discriminatory inheritance laws, including customary rules, often undermine women and girls' equitable access to land.

The right to land has emerged within the Egyptian constitutional legislation, especially the 2014 constitution, through several articles:

Article (35) of the Egyptian Constitution of 2014, which deals with the protection of property and the prohibition of expropriation except in a case of public interest.

Article (78) of the Egyptian Constitution of 2014, which stipulates the right to adequate housing for citizens in a way that achieves social justice.



Egyptian peasant crises

The Egyptian farmer lived long times oppressed, suffering neglect and struggling with difficult conditions. In the past ten years, the farmer has suffered from many problems and his conditions have deteriorated severely. The biggest concerns of the Egyptian farmer is that he faces problems in marketing his production as the state abandoned its role in receiving some important strategic crops. Moreover, cooperatives do not fulfill their role and leave them prey to black market traders, to the chaos in the pesticide markets in Egypt, where the pesticide markets are the most random markets in the world, and official reports indicate that more than 43% of farmers are poisoned and damaged as a result of the use of pesticides.

This is in addition to the frequent fertilizer crises. Even after lifting the fertilizer subsidy, and shifting the price of the sack from 35 to 75 pounds, the farmer still pays more than 100 pounds, a price difference in each sack, and thus the farmer is spending billions of pounds from his pocket, which go to the merchant in the black market.

The farmer also suffers from recurring irrigation crises constantly, in addition to pollution in canals and banks, which has reached a frightening extent, which affects the quality and quantity of the crop.

The biggest problems that farmers face in the summer season is the problem of low prices of live livestock, and their dairy and leather products, with the high cost of breeding, of fodder and veterinary care, which impedes the development of livestock, and widens the gap between production and consumption, where hardly A farmer's house is devoid of livestock, which is the farmer's support for his livelihood and management. Therefore, the deterioration of livestock prices increases the burdens of millions of families, who depend heavily on livestock breeding, trading in them, or working with one of their products.



The farmer is suffering from the conflicting policies of the Ministry of Agriculture and the failure to fulfill its promises. At the time when it announced its responsibility for marketing the cotton crop and set the price of the quintal at 2,700 pounds, we find that this decision was ink on paper and no centers were opened to market the cotton. Low for private gins and dealers.

The area of cotton cultivation decreased during the 2019 season by 100 thousand acre, reaching approximately 236,000 in the 2019 season due to the failure of marketing and the sale of quintals of cotton according to the bidding system that ruled for the average world price of 2100 per quintal of cotton in Lower Egypt and 1800 pounds per quintal of cotton in a tribal face. On the average world price of errors that led to the farmers' reluctance to grow cotton after the low and fluctuating world prices, these conflicting policies will lead to the farmers' reluctance to grow cotton and turn to planting beets, which represents security and safety for them as one of the contractual crops, and will also lead to farmers' migration to their lands and joining other professions.

What the farmer suffers from the problems of seeds, lack of fertilizer, spending it after his time and scarcity of water requires the need to change the future vision to solve and advance the problems of the farmer and agriculture and the work of listening committees in Parliament to the problems of the farmer and trying to solve them.

The farmer faces many problems. The farmers' many and continuous sufferings and successive crises caused by the government represent a severe threat to Egyptian agriculture, such as bird flu, foot-and-mouth disease, fertilizer shortage, diesel crisis, and the crisis of marketing crops.



In addition to the lack of support he receives and the losses he incurs as a result of the successive difficulties he encounters, all of this has made the agricultural situation now in Egypt a painful reality after if Egypt was a pioneer in agricultural production and export and was already an agricultural country, and this will not return again unless it is resolved The problems of the farmer and to reduce the burden on his shoulders so that he can produce food and clothing for this people. Also, strategic crops have become useless for the farmer due to the high cost of the sale price.



Conclusion

The importance of the craft of agriculture is growing at the present time; Given the existence of a food gap that is still large and affecting the national economy in the main grain crops, especially wheat and yellow corn crops, which makes the issue of food security one of the most important priorities that must be taken care of and always work to narrow and reduce that gap and achieve all the demands of the Egyptian farmer and eliminate his problems and increases The food import bill destroys the farmer and makes him leave this profession and go to the ranks of consumers, not producers.



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