

Estrategizing for international advocacy



Defining responsible authorities and priorities



Coordinating with others in Geneva



Grassroots representatives testify



Preparing the Committe for interactive dialogue



The Concluding Observations ...tool for advocacy

The right to land and to natural resources

The Committee recommends that the State party grant **recognition to indigenous peoples** in its Constitution. It also recommends that the **State party incorporate mechanisms for recognizing the rights of indigenous peoples over their traditional lands and their natural resources**. The Committee urges the State party to conduct an up-to-date census of the indigenous population and to continue strengthening measures to ensure their effective enjoyment of their economic, social and cultural rights.

Consultation of indigenous peoples

The Committee urges the State party, in connection with the exploration and exploitation of **mining** resources and hydrocarbons, to adopt expeditious measures to carry out **consultations to allow free expression of consent to the desirability of such projects, sufficient time and opportunity to reflect and take a decision, together with measures to preserve cultural integrity and provide reparation**, where necessary. In this respect, the Committee recommends that the State party urgently establish a legal mechanism for conducting such consultations, in accordance with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and with the United Nations Declaration on the Rights of Indigenous Peoples. It also recommends that the State party **revise the legislative and institutional provisions relating to projects for the exploitation of natural resources, in consultation with the indigenous peoples, and that it strengthen its capacity to oversee extractive industries and ensure that they do not have a negative impact on the rights of indigenous peoples, their territory and their natural resources**

Malnutrition and the right to food

The Committee urges the State party to intensify its efforts to **combat and prevent malnutrition among children, in particular those living in rural and remote areas**. It also recommends that the State party ensure that **sufficient financial and human resources are available and that the necessary measures** are adopted to guarantee the effective implementation and sustainability of the Zero Hunger Plan, strengthening the components that address the structural causes of malnutrition. It particularly urges the development, within the framework of the National Policy for Comprehensive Rural Development, of the **mechanisms necessary to prevent the expansion of monocultures from exacerbating the food insecurity of rural communities**

Using Tenure Guidelines

- Belgium: Crisis of farmers – Suicides

The Committee recommends that the State party **protect small-scale farming** in Belgium and implement the plans designed to preserve it. The Committee also recommends that the State party take into account the **Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security** adopted by the Food and Agriculture Organization of the United Nations (FAO) in November 2004 (Voluntary Guidelines on the Right to Food) and *the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, adopted in May 2012 by the FAO Committee on World Food Security, promoting the adoption of specific support measures for small farmers, by safeguarding and enhancing their access to agricultural land.

Colombia: Case Monte Oscuro

The Committee recommends that the State party develop agricultural policies which prioritize the production of food; implement programmes that protect national food production with incentives for small producers; and ensure the restitution of lands taken from indigenous and Afro-Colombian peoples, as well as peasant communities.

Nepal: Access to land for marginalized and disadvantaged

- 5.5 Mio Landless – Let at the mercy of big farmers and landlords
- Termination of traditional collective tenure of land
- National land use policy silent on granting tenure security

Concluding Observations

(c) Guarantee the right of indigenous peoples to own, use and develop their ancestral lands, territories and resources, so as to enable them to fully enjoy their economic, social and cultural rights;

- **Seek their free, prior and informed consent before launching any development project;**
- **(e) Continuously monitor the projects being developed so as to take corrective measures, if necessary;**
- **(f) Provide displaced families and groups with fair and adequate compensation;**

- Strengthen its efforts to **reduce poverty**, in particular among the most **marginalized and disadvantaged groups**, such as Hill and Terai Dalits, as well as women in rural and remote areas and indigenous peoples, including by expanding its programmes under the Poverty Alleviation Fund;
- **Facilitate access to, and ownership of, land for those groups and access to income-generating activities.**
- **Facilitate access to, and ownership of, land for those groups and access to income-generating activities.**

Burkina Faso: Undernutrition, discrimination,

- Kounkoufouanou – Forced evictions – Protection of ancestral lands
- Ziro: Impact of agribusiness – Access to resources
- Essakane – Impact of mining – Compensation
- The Committee recommends that the State party redouble its efforts to guarantee the right to adequate food and to step up the struggle against hunger and malnutrition, in particular for children under the age of 5 years. It notes that it might be useful in this respect to introduce a framework law on the right to food. The Committee also recommends that the State party introduce measures to **encourage the rational use of land and to end existing discriminatory practices, particularly as they affect smallholders, and to supervise agricultural investments strictly in order to ensure that they do not impede access to resources by local communities and that the conditions to which investors are subject are strictly supervised.** It refers in this respect to the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, adopted in 2012 by the Committee on World Food Security. The Committee also recommends that the State party take steps to promote access by smallholders to appropriate technology and to improve their access to local markets, in order to raise incomes in rural areas, particularly by promoting the spread of agroecological practices. The Committee would refer the State party to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the Food and Agriculture Organization of the United Nations.

Reference to the cases and ...

37. The Committee recommends that the State party adopt effective measures against forced eviction, in line with international human rights standards, and guarantee the victims of forced evictions an effective remedy to obtain restitution of their property or the grant of adequate compensation.

Extraterritorial Obligations

Germany:

The Committee is concerned that the State party's development cooperation programme has supported projects that have reportedly resulted in the violation of economic, social and cultural rights, such as in the case of the land-titling project in Cambodia (arts. 2.1, 11, 22 and 23).

The Committee recommends that the development cooperation policies to be adopted by the State party contribute to the implementation of the economic, social and cultural rights of the Covenant and do not result in their violation.

Norway

- Ethical Guidelines for Pension Funds including Human Rights Assessment – Negative impact of investments – RtF Violations Guatemala, Brasil, Sierra Leona

The Committee recommends that the State party ensure that investments by the Norges Bank Investment Management in foreign companies operating in third countries are subject to a comprehensive human rights impact assessment (prior to and during the investment). The Committee also recommends that the State party adopt policies and other measures to prevent human rights contraventions abroad by corporations that have their main offices under the jurisdiction of the State party, without infringing the sovereignty or diminishing the obligations of the host States under the Covenant. The Committee draws the attention of the State party to its statement on the obligations of State parties regarding the corporate sector and economic, social and cultural rights (E/2012/22, annex VI, section A).