LEARN, SHARE AND BE INSPIRED
LEARNING FROM ILC DATABASE OF GOOD PRACTICES

COMMITMENT 10

PROTECTED LAND RIGHTS DEFENDERS

INTERNATIONAL LAND COALITION
LEARN, SHARE AND BE INSPIRED
LEARNING FROM ILC DATABASE OF GOOD PRACTICES
The International Land Coalition's Commitment 10 seeks to respect and protect the civil and political rights of human rights defenders working on land issues, combat the stigmatization and criminalisation of peaceful protest and land rights activism, and end impunity for human rights violations, including harassment, threats, violence and political imprisonment. ILC’s Database of Good Practices provides concrete examples and guidance to Coalition members and partners on how to achieve this commitment.

What processes, tools, and methods have ILC members successfully used to overcome some of the challenges they face in respecting and protecting the civil and political rights of human rights defenders working on land issues? Learn about:

**ADVOCACY AND CAMPAIGNING**

How ILC members have used alternative reporting tools to highlight unjustified arrests of land rights defenders.

**LEGAL ASSISTANCE, LEGAL EMPOWERMENT, AND ACCESS TO JUSTICE**

How ILC members and partners used legal support, legal assistance, sustained legal action and legal and psycho-legal counselling to support land rights defenders.
ADVOCACY AND CAMPAIGNING

- **Alternative reporting** can be used to protect land rights defenders in the wake of arbitrary arrests, assault and malicious and unjustified prosecution. In 2013, CODECA (C0128) conducted research and produced a report on agricultural conditions in Guatemala, highlighting human rights violations by powerful land owners, and the persistent breach of national and international laws and agreements. In reaction to the report, there were 40 arrests, 117 acts of aggression, 2 deaths and a media campaign defaming and discrediting CODECA. CODECA used alternative reporting to highlight the challenges faced by land rights defenders. The main objective of the campaign was to encourage other organisations and international mechanisms to put pressure on the Guatemalan government to respect the law and due process, and to release the imprisoned land rights defenders. The involvement of diplomats, international journalists, and human rights organisations and their visit to prison brought international attention to the matter. Furthermore, CODECA’s leadership, in close cooperation with the International Commission of Jurists, put forward a technical team and defence plan for the detained defenders. With the support of the UN Working Group on Arbitrary Detention, CODECA finally secured the acquittal of 3 land rights defenders. Unfortunately, the wave of violence against land rights defenders still persists.
LEGAL ASSISTANCE, LEGAL EMPOWERMENT, AND ACCESS TO JUSTICE

- **Legal assistance** to unfairly arrested and criminally charged land rights defenders can secure their release and acquittal. In **Cameroon (C0017)**, the Mbororo community leader, Ardo Adamu, was arrested and assaulted in police custody for protecting the land rights of the Mbororo Community. Ardo Adamu was charged with the criminal offence of using immovable property belonging to the Catholic University of Cameroon without due authorisation. The land dispute between the University and the Mbororo community emanated when the University was granted a Temporary Grant of Rights over 46 hectares, 38 acres and 98 metres of land by the Minister of State Property and Land Tenure. However, the University claimed 300 hectares of the Mbororo community land. As a result, the Mbororo community resisted all attempts to evict them, resulting in the arrest of land rights defenders and community leaders. **MBOSCUDA** worked with paralegals and lawyers to defend Ardo Adamu. The case was however stalled, with the University’s witness not attending court. After 10 postponements, Ardo Adamu’s lawyers assisted in having the case dismissed for lack of diligent prosecution, thus securing his acquittal on all charges.

- **Legal support** in judicial actions can strengthen communities’ defence of their sacred religious territories and their right to free, prior and informed consent (FPIC). In **Mexico**, the Wirikuta community led an international human rights campaign for the defence of their sacred territories and the environment. The government had granted 78 mining concessions to foreign companies without FPIC of indigenous peoples. **Consejo Regional Wixárikapor la Defensa de Wirikuta (C0099)** supported local communities to defend their land rights by following a case it had brought to court and conducting legal workshops to sensitise people about the proceedings. The UN Special Rapporteur on the Human Rights of Indigenous Peoples and the National Human Rights Commission of Mexico called on the government to respect the protected historical and religious sites of indigenous peoples. Eventually, the Administrative Court ordered the suspension of the mining concessions.

- **Legal and psycho-legal counselling** strengthens legal literacy and access to justice for land rights defenders. In **Cameroon**, the Mbororo community were displaced by sedentary non-Mbororo farmers, leading to loss of land. **MBOSCUDA (C0066)** used psycho-legal mechanisms to engage the Mbororo community to strengthen their capacity to enforce their land rights. Psycho-legal counselling prioritises creating a single voice of the community in defence of their land rights by engaging with pastoralist communities to assess and strengthen their legal education, capacity to mediate land disputes and enforce
their land rights. MBOSCUDA assisted local communities to form Common Initiative Groups, and gave both legal and psychological support to group members and individuals. As part of a broader Access to Justice Project, they also worked with legal advisors and paralegals to provide legal counselling to indigenous pastoralists. As a result, communities became more confident in identifying themselves as indigenous minorities and were confident to defend and protect their land rights.

- **Sustained legal action** and access to justice strengthens communities’ ability to use the court system to overcome intimidation by land grabbing social elites. In Bangladesh, social elites used a combination of harassment, intimidation and institution of false cases against peasants in attempts to take possession of public Khas land that was occupied by the peasant community. On several occasions, 30 land rights defenders were unjustly arrested at the behest of the social elites. The land rights defenders spent between 15 days and 9 months in prison. To assist the land rights defenders, CDA (C0034) mobilised local community members into Peoples’ Organisations (POs) that supported the land rights defenders during the period of arrest and intimidation. CDA staff also received various threats from gangs for the support they were giving the community and the land rights defenders. Despite all these challenges, the POs approached the District Court for relief. The court quashed all false claims against the land rights defenders and ordered the validation of the community’s usufruct over 24.5 Acres of land and 2 water bodies. Because of the community’s sustained legal action, in 2009, the court finally ruled that the government must issue land titles to the landless peasants. 120 community members received land titles over 115 acres of land and 7 water bodies for collective management.

The ILC Database of Good Practices is organised around the 10 commitments for people-centred land governance. The case studies in the Database provide concrete examples and guidance to the members and partners of ILC on how to achieve each of these commitments.