

Land as a Human Right

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Research and scholarly literature across disciplines, renewed global policy commitments and the monitoring of states' treaty obligations have raised land and land policy as influential factors in the contexts of conflict, peace building, sustainable development and human rights. With the mandate to assess states' performance of their duties to respect, protect and fulfill economic, social and cultural human rights (ESCHR), the UN Committee on Economic, Social and Cultural Rights (CESCR) both monitors and interprets the International Covenant on Economic, Social and Cultural Rights (ICESCR) in the multiple contexts of state parties to the Covenant.

In doing so over recent years, CESCR has assumed the inescapable challenge to clarify state obligations under the Covenant as related to land. However, this attempt at legally defining land-related obligations and recommended actions toward respect, protection and fulfillment of Covenant-guaranteed human rights calls for an unprecedented interrogation of land not only as a policy context, but as a shared and finite economic, social and cultural asset, resource and potential subject of a formal human right: The human right to land. As a contribution to that debate, this article approaches the question in favor of the recognition of land as a classical element of human life and a universal human right.

At its autumn 2020 session, CESCR carried out a first reading of its draft General Comment (GC) on the subject, facing the dilemma over whether to (1) give the element of land its *bona fides* as a human right that states parties must respect, protect and fulfill, and/or (2) to treat land as one in a chain of elements needed toward the enjoyment of other human rights, and/or (3) rather to consider land as a policy context in which state parties are to respect, protect and fulfil other covenanted individual or collective human rights (e.g., housing, food, health, culture and self-determination, etc.).

In light of scientific fact, interpretive precedent and human rights methodology, the present argument concludes that land is actually all three. Thus, we conclude that everyone has a universal human right to land, arising first from the universal human need for land, and that land is the first element in a chain that enables the realization of a bundle of other codified, universal human rights. This perception and corresponding legal fact should influence policy and state performance across sectors. Thus, treating land within the field of human rights, in general, and under ICESCR, in particular, can begin to resolve this question by adopting the established methodology and approach of human rights determination applied in foregoing General Comments elaborating specific human rights, rather than a field of endeavor such as ESCHR in the context of sanctions (GC No. 9) or business activities (GC No. 24).

Although not explicitly mentioned in the Covenant, land arguably represents a subject of human rights. However, recognizing such a "human right to land" calls for exploring the classical element of land beyond the usual consideration of landed property, as typical in domestic law. Those legal references typically express a "right to land" as a material thing to be possessed or exchanged, or even corresponding entitlements or privileges exercised toward the realization of other already-codified economic human rights. That is even when that exercise as an exclusive property right comes at the expense of the human rights of less-fortunate others.

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The treatment of land as only a material thing to be possessed or exchanged is not available to the guardians of, or states parties to ICESCR. For the Covenant enshrines no “human right to property” with corresponding state obligations. That human right is only theorized in the Universal Declaration of Human Rights (UDHR) in the very narrow sense of *ownership* individually, or in association with others.¹ Enshrined in UDHR, the recognition of that right has no binding effect in international law, except as an unenforceable customary law principle. At the time of adopting state obligations in the form of the Human Rights Covenants (1966), ideological considerations, owing to bi-polar Cold War politics of competing powers and social thought, caused the universally declared “human right to (own) property” to fall out of both treaties.

Precisely because of this omission of a “human right to property” in ICESCR, is it *the* appropriate instrument to frame the recognition and understanding of the human right to land. Its silence on property enables—indeed requires—a focus rather on the symbiotic relationship between the land and its people (humans) as a matter of equity, not merely as a subject of freehold tenure or exchange, or other accessory value. ICESCR also enables the simultaneous consideration of land’s economic, social and cultural dimensions...and functions.

Since the adoption of ICESCR, land has remained a subject of competition and dispute, and various scales of conflict over land have been more common than examples of cooperation in its use and governance.² This may be attributable to the typical treatment of land as property, a commodity to be won or lost, in the absence of an authoritative alternative norm.

Many CESCR reviews of states’ treaty performance reveal a pattern of Covenant rights affected by inequitable access to, use of, and/or control over land; the concentration of land tenure, including ownership, as a feature of unprecedented global disparity in wealth and income³; the core subject in non-self-governing territories; and unsettled claims over indigenous, occupied, traditional and rural peoples’ rights to their community lands and related natural resources. In such cases, land often lies at the source of protracted conflict and its prevention, as well as resolution (in the aftermath of failed governance).⁴ Nonetheless, contention over land as property has helped to make the human right to land politically untouchable in multilateral forums, but also a reason why deliberation, understanding and treatment of land as a human right are so important, timely and needed.

Legal Lacuna

Human reproduction, population dynamics, sustainable development, politics, participation in culture and economics are broad categories of human endeavor that depend upon land. More-specific contexts requiring an appreciation of the human need and, therefore, human right to land include human settlements, housing and urbanization; rural and territorial development; land governance; urban renewal/beautification; conflict avoidance, resolution and peace-making; natural and other resource allocation for public and private purposes; environmental policy, project implementation; extractivism; infrastructure development; environmental protection; nature conservation; biodiversity protection and preservation; climate change; trade and investment; food security, food sovereignty and food systems; non-self-governing territories; foreign occupation and the exercise of nation’s and peoples’ self-determination increasingly concern land and its economic, social and cultural human rights-related dimensions and normative principles.

Human rights law establishes normative criteria that apply to each of these human endeavors, but the guidance remains general and non-specific as to the position of human rights applied to the land, an essential element in each pursuit. As every complex task requires getting the theory right, constructing a “human right to land” requires a multidisciplinary approach found at the convergence of legal, social and physical sciences, and evidence-informed practice. Of these, the law—i.e., international human rights law—remains the weakest link and last-evolving of all theoretical fields. As mentioned, more-specific domestic law only regulates land as a property to be held and exchanged for ulterior purposes. Therefore, the consideration of land as a subject of international law governing states’ human rights performance has but to rely on the other fields more-advanced in relating to the subject.

So far, the phrase “right to land” appears in numerous human rights legal and interpretive texts. The CESCR General Comment No. 4 on adequate housing even refers to mere “access to land” as “an entitlement” (or “a right among rights,” in the official Arabic version) under the human right to adequate housing.⁵ However, these references do not rise to recognition of land as a stand-alone “human right” beyond a property needed to access another distinct human right. Indeed, other independent human rights experts have recognized the need for a definitive codification of a human right to land. Notably, at least one Special Rapporteur of the UN Human Rights Council has appealed to the Human Rights Treaty Bodies to do just that.⁶ However, no human rights procedure or mechanism has yet put up the argument needed to compel an explicit recognition of a “human right to land.”

A strictly legalistic case could rest on black-letter treaty law, in particular, the provisions of the Covenant and its jurisprudence, CESCR’s state-party reviews, as well as relevant general principles and peremptory norms of international law. However, such an approach would be insufficient, since the available case law, so far, also has demurred on the question of land as a human right. Meanwhile, other disciplines complement the lawyer’s usual references and tools of the trade. The social sciences offer crucial sources on the theories of human need⁷ and justice,⁸ but these only infer the importance of land to human well-being.

Catching up to the Science: The Universal Human Need for Land

Complementing legal philosophy and beyond ideological considerations about human relations to property, the physical sciences bring needed clarity to the essential nature of this classical element of land⁹ as a requisite to human life, well-being, dignity, maintenance and, indeed, survival. Thus, the hybrid approach is indispensable to understanding the normative content of the human right to land through the inextricable link between land and humans’ physiological (and metaphysical) existence. And this, within a framework of equity and social justice, is where human rights discipline comes in handy.

The inquiry into the human rights dimensions of land also aligns with complementary standard-setting precedents, as in CESCR’s General Comment No. 25 on the right of everyone to enjoy the benefits of scientific progress and its applications, the right most frequently invoked in relation to science. However, the purpose of GC25 was not confined to ensuring Article 15 human right’s enjoyment in greater freedom and equality. It also seeks “to develop the relationship more broadly between science and economic, social and cultural rights.”¹⁰ Although GC25 concerns itself with the principles of equitable benefit from, and participation in scientific progress, this broader relationship should also ensure that those human rights are *informed* by science. The task of developing a GC on land returns the opportunity to CESCR to demonstrate that science indeed informs human rights, and how.

Embracing a hybrid approach to human rights law informed by science enables numerous possibilities and new horizons. It allows the first logical step in addressing whether or not any element or economic, social or cultural good subject to claim as a human right qualifies as universal; i.e., a universal human need. An inquiry as to land’s use by all should precede its application to special circumstances or in relationship to particular groups as an indispensable exercise to determine equity and/or meet special needs.

Such a forensic method has operated, for example, in the emergence of water (and sanitation) as a codified human right, first elaborated in the CESCR’s legal interpretation of state parties’ related obligations under ICESCR,¹¹ and then in the form of a resolution adopted by the UN General Assembly.¹² By comparison, the codification-process model of the human right to water is especially apt, since that other classic element also evaded the drafters and negotiators of ICESCR.

Upholding that codification-process standard calls for consulting the science to test whether a classical element constitutes a human need, as a prerequisite to determine if it—as in the precedent-setting codification of water as a human right—could and should be applied similarly to land. A scientific universality test of such an emerging human right is especially appropriate in the case of land, since human rights and other international law are so silent about the subject, except, as noted, as an economic, social and/or cultural good to be enjoyed by certain groups in particular circumstances toward the realization of other human rights, property aside.

Normative Content

The recognition and elaboration of land as a human right in international law would both complement and remain distinct from domestic legislation regulating land, which primarily treats the tenure relationship of legal persons with real property. Rather, if land, analogous to water, constituted an element upon which human life and/or dignity and well-being depend, human rights law should articulate it.

Is land always and everywhere such an essential natural resource and public good of finite quantity fundamental to a life of well-being and dignity for human beings as an earth-bound species? Settling that question is where the natural sciences come in handy.

With such grounding, as it were, land as a human right must understood to be a common element on which we all depend that is to be administered—i.e., sustainably developed, monitored, distributed, administered, protected and preserved for current and future generations—as any finite public resource in the context of human activity. So, what is this element, and what are its characteristics? We should ask how land relates to the four fundamental forces of nature: gravity, electromagnetism and nuclear forces, both weak and strong.

In the first instance, our interrogation would reveal that the functioning of every human body ultimately relies on a relationship to land by virtue of its coexistence with the physical forces of gravity.¹³ Human life originated and evolved on Earth over 2.4 million years,¹⁴ constantly adjusting to the gravitational force that was already an integral part of the landmass on which humans found their habitat.

Of the fundamental forces of nature cited, only gravity and electromagnetism influence life processes. Electromagnetism is directly associated with all biochemical processes that sustain life: from birth, growth, reproduction, death and recycling/regeneration. Gravity has no direct involvement in the chemistry of life, but indirectly and deeply influences organisms' response to it.

The gravitational force on the surface of the Earth is generally described as one g (1g).¹⁵ Plants, for instance, have developed mechanisms to sense this 1g force, and have developed a variety of physiological adaptations and mechanical strategies accordingly. For example, these enable plant roots to grow toward the direction of the center of Earth (positively gravitropic force), and shoots to grow upwards toward the sun (negatively gravitropic), enabling branching patterns. This fact establishes land as a normative element of the human right to adequate food (ICESCR, Article 12) and, eventually, an equally timely—but still-emerging—human right to (a clean, safe, healthy and sustainable) environment.

Our musculoskeletal system has evolved to support the human body mass and provide structural and postural stability, as well as mobility to humans, as well as other animals. The sensory-motor system evolved so that organisms can recognize the gravity vector and orient themselves. This normative marker adds to land's additional link to the human right to freedom of movement (ICESCR, Article 12).

The 1g force of land's gravity also keeps moisture and gases from escaping from the surface of the Earth into the æther, keeping vital oxygen close to us. Humans' dependent relationships with photosynthesizing plants especially rely on plants taking in CO₂ within the same gravitational sphere.

Wittingly or unwittingly, humans, too, have evolved a variety of mechanisms to sense their position, maintain balance and uprightness, with other vital bodily functions. The land-bound forces enable blood to circulate regularly through our hearts to reach our brains and extremities as they have evolved through the human experience over time. This makes land an essential element to the normative content of the human right to the highest attainable standard of mental and physical health (ICESCR, Article 14).

Of the 94 naturally occurring elements, plants are made up of about 17, and humans about 25. Six of these (carbon, hydrogen, nitrogen, oxygen, phosphorus and sulfur) are absolutely essential for all life found on the Earth; i.e., land and its gravitational biosphere. Hence, land is an essential element to the human right to life (ICCPR, Article 6).

The land pulls fruits and seeds down to Earth, so that the next generation of plants can grow, replenishing the earthly habitat. Even at this legally abstract, but biologically indispensable point, the now-codified human right to water relates to land in many forms. We then store land-bound and gravitationally flowing water for numerous basic human needs and uses, including agriculture (adequate food), domestic use (adequate housing), energy generation and industry, arguable components of the human right to adequate livelihood (ICESCR, Article 11).

Water could be lacking, in such abundance as to cause floods and other hazards and crises, or it could be non-potable, highly polluted, contaminated and otherwise denied due to private interest. However, gravity is constant. On Earth's landed surface, gravity could be altered for experimental purposes only in laboratories, not in nature. The exception, of course, is in weightlessness state in outer space, which we know causes a significant loss of muscle and bone mass.¹⁶

Human contact with land also represents a potential treatment and remedy to a variety of degenerative diseases,¹⁷ and a primary factor in regulating the endocrine and nervous systems.¹⁸ This link to, and indispensable content of the human right to health (ICESCR, Article 14) has been explained by science, well before the law had a chance to catch up to it.

The dominant electromagnetic frequency of the earth (7.83 Hz)¹⁹ is the same as the dominant frequency of the human brain and extremely close to that of alpha rhythms, the electrical frequency of the human brain at rest.²⁰ In the current technological era, in which the human is regularly bombarded by multiple electromagnetic frequencies, including wireless signals, we are becoming increasingly aware of how rises in electromagnetic fields in the human habitat factor among multiple environmental pollutions affecting human health and well-being.²¹ The Earth and its land remain the constant source of the natural frequency that human mental and physical existence require to function in a healthy way.

The intense negative charge carried by the Earth's landmass is electron rich, and the human body's direct physical contact with the land is a potent antioxidant as well. Actual contact with land has been proved to represent a potential remedy to a variety of degenerative diseases,²² ranging from chronic stress to autonomic nervous system dysfunction, inflammation, pain, poor sleep, heart rate variability, hyper-coagulable blood and cardiovascular disease,²³ and effectively regulates the chemical functions of the endocrine system and electro-neuron processes.²⁴

On the planet Earth, this inextricably link of humans' physical access to, and contact with land is, therefore, an indispensable factor of humans' well-being. In this contemporary context, a return "back to the land" takes on a material value. This physiological reality makes land an indispensable factor of humans' well-being in their primordial habitat and/or built environment. Land, therefore, is an essential element in the human health equation, along with sunshine, clean air and water,²⁵ nutritious food,²⁶ and physical activity.²⁷

Land's Organic Link to Culture

The notion of land as a common and indispensable part of the human habitat is expressed in many cultures. Inherent in the traditions and customs of traditional and indigenous peoples is the concept of collective guardianship of land and the unconscionability of land's treatment as a commodity. Notably also in Islamic cultures is the prophetic Tradition that "people share in three things: water, (pasture) land and fire" and "it is forbidden to put a price on them."²⁸

In many earthly human cultures, the synchronicity and symbiosis with the human are considered sacrosanct.²⁹ For millennia, Sioux people have expressed the life-giving force of the land and soil as part of their nature.³⁰ Modern cultures still consider physical access to land as a therapy known as "grounding," or "earthing," or what Germans call *Waldbaden* and Japanese refer to as *shinrin'yoku* (森林浴).

Before recent decades of development in the social sciences, religion, ritual, cognition and cultural symbolism, on the one hand, and such concerns as sustenance, adaptation, production and consumption, on the other, had maintained separate domains. In their course, more-holistic and multidisciplinary approaches have brought these fields closer as to be intimately intertwined. In the midst of this confluence, nothing has brought together more symbolic connotations and legal philosophies as land, and the literature is now replete with findings of the symbiosis of land and human cultures.³¹

Functions of Land

Land is also attributed with multiple functions: economic, social, cultural and ecological.³² Both expressions of land as a universal human need and human right, as well as the special relationship of human populations to the basic element and resource of land, underscore these economic, social and environmental functions of land as a common good and resource. Understanding land as a human right makes it both an individual and collective prerequisite to the realization of other internationally guaranteed rights, but through a new lens. Respecting, protecting and fulfilling secure and equitable access, management, use and secure tenure of adequate land constitute primary elements in a domino causality toward the realization of other human rights, ranging from housing and food to self-determination, the same sacrosanct legal principle and peremptory norms upon which our international order is premised.

Identifiable land territory and the community's habitual relations to, and interaction with it are essential to the sustainability of land-based cultures and, at a grander scale, the sovereignty of states. Most human cultures and national groups emanate from that relationship with the land, notwithstanding the common urban and class bias, national amnesia about the contributions of, and discrimination against rural populations manifest across civilizations. The needed appreciation of such functions of land highlights the importance of articulating clear and consistent human rights obligations of states, as well as shared responsibilities, in relation to land as a distinct human right, as well as an essential element for the realization of other rights guaranteed in the Covenant to which they are party.

UN member states recognized the "social function of land" for the first time in the New Urban Agenda in 2016;³³ however, the legal concept of a social function long predates that recent global policy commitment.³⁴ The concept of the social function of property has been incorporated by a significant number of European and Latin American legal systems and been instrumental in political struggles in some countries to achieve more-equitable land distribution.³⁵ In Latin America, for example, the social function of property has been included in several constitutions and has been instrumental in advocating agrarian and urban land reform in several countries.³⁶

Equity not Property

Many colleagues, including many in human rights fields, intuitively still perceive the claim to a "human right to land" as a property right. However, the properly interpreted codification of "land as a human right" through the ICESR would disabuse observers of that premise. The subject of land within human

rights methodology requires an alternative instinct to consider land rather as a subject of equity, not property. Having passed the universality test, land as a human right could not be reduced to a mere property right, which—at least in the UDHR formulation—arguably remains dubious, to say the least. That common property-right perception could be a slippery slope toward hoarding, deprivation and tyranny, the very antithesis of human rights.

The Vancouver Declaration and Action Plan, Habitat I (1976) already noted that “The ideologies of States are reflected in their human settlement policies. These being powerful instruments for change, they must not be used to dispossess people from their land or entrench privilege and exploitation.”³⁷ This injunction echoes the Human Rights Covenants, which both warn in their common Article 1.2 “In no case may a people be deprived of its own means of subsistence.”

Nonetheless, the historic pattern involves more-powerful humans occupying and appropriating a disproportionate amount of land, pushing out other humans and other life. Without recognition as a human right, land has become a platform for us to stage conflict, rather than a living space to share equitably, even defying the essential equity-exchange principle of willing seller/willing buyer. The primitive pattern of land usurpation, replicated through time until the present day, has acquired a passive acceptance as normal. The recognition and codification of land as a human right would be a crucial step toward developing critical thought and alternatives to current inequitable treatment of land in all jurisdictions.

Although far from a human rights process, the Habitat III process culminated in the 2016 “New Urban Agenda,” further envisaged:

“cities and human settlements that [f]ulfil their social function, including the social and ecological function of land, with a view to progressively achieving the full realization of the [human] right to adequate housing as a component of the right to an adequate standard of living, without discrimination...”³⁸

This recognition tethers land to a single human right (adequate housing) and complements that link already observed in connection with legal security of tenure in CESCR’s General Comment No. 4 on the normative content of the right:

“Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner occupation, emergency housing and informal settlements, including occupation of land or property....”

Defining Tenure

International development and human rights forums have long been engaged in defining tenure relationships between people and land at the international level. Social scientists and housing-rights activities also have contributed richly to this debate.³⁹ These cumulative efforts can be summed up in the following definition of tenure as:

A set of relationships with respect to housing and land, established through statutory or customary law or informal or hybrid arrangements, that enables one to live in one’s home [or land] in security, peace and dignity. It is an integral part of the right to adequate housing and a necessary ingredient for the enjoyment of many other civil, cultural, economic, political and social rights. All persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats.⁴⁰

Identifying the inequity in denying that human right, CESCR defines the prominent violation of the human right to adequate housing as:

“The term ‘forced evictions’... is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”

The Global Land Tool Network (GLTN) of partners, hosted at UN Habitat, has adopted a “Continuum of Land Rights” (CoLR) approach as a useful method of envisioning and providing security of tenure for all across a broad spectrum and at scale. The CoLR is a metaphor, not an ideologically bound theory.

It is the recognition of a time-honored reality and “an aid to describing and explaining an existing tenure situation and predicting how a range of tenure types may transform over time, given different scenarios and intervention strategies.”⁴¹

CoLR is described, rather, as a system of thought in which diverse practices of land access and use patterns coexist. The recognition of this plurality allows the prevalence of a diversity of tenure situations, ranging from the most informal types of possession and use, to full ownership. The continuum, which was adopted at the 2011 UN-Habitat Governing Council resolution by member states, is now widely accepted by the development community and UN member states.⁴²

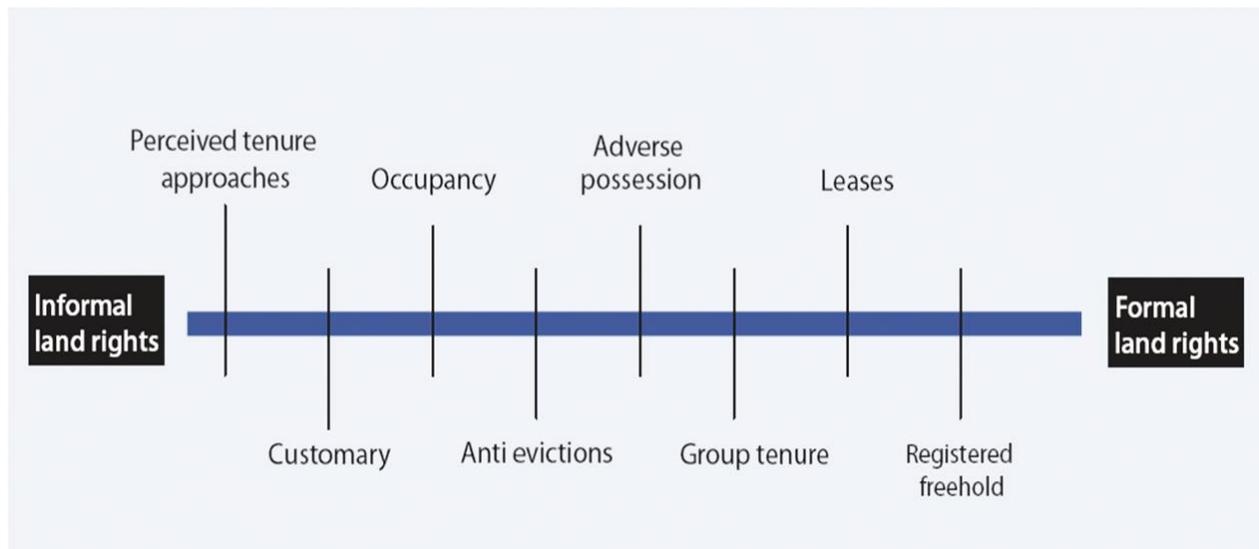


Figure 1: GLTN depiction of the land rights continuum, after removing the GLTN’s arrow at the right-end pole of the straight line.

The CoLR concept theoretically recognizes that:

- Tenure can assume a variety of forms;
- The various rights do not actually lie on a single line, but may overlap with one another;
- Rights at the most-formal end of the continuum should not be seen as the preferred or ultimate form of land rights;
- The points on the continuum are each one of several appropriate and legitimate forms that may coincide; the most appropriate form depends on the particular time and context.⁴³

The linear graphic and the theoretical concepts above may pose some contradictions. The recognition that the various rights do not lie on a straight line and would suggest a form other than a straight line to represent any position, process or movement along the spectrum. Rather than a continuum, this linear progression also does not convey the potential combinations or hybrid cases, let alone allow for movement from more-formal to less-formal tenures. The suggested “progress” along the line, from left to right (favoring the perspective of European-language speakers) implies perpetual movement toward a culmination point or, at least, a process toward the ultimate formality.

Given the hazards arising from that graphic, Habitat International Coalition’s Housing and Land Rights Network (HIC-HLRN) has developed an alternative conception to reflect the CoLR theory. To convey a true continuum and the potential movement in any direction along it, HIC-HLRN proposes a Möbius strip instead of an axis. Facing the further dilemma of representing tenure types not yet depicted on the linear pattern, HIC-HLRN found that the tenure status of the commons, public land, or public-purpose

land lie outside the course of other land claimed by legal persons. Akin to the common use and benefit of land and property, the further recognition of its social function as a feature of *all* forms of land at all times. Therefore, the resulting graphic depicts that constant as penetrating all other types and points on the continuum. Thus, both the commons/public-purpose and the social function of land form aspects that are consistent with, and, hence, axes cross cutting land otherwise belonging or potentially subject to each status and point along the continuum.

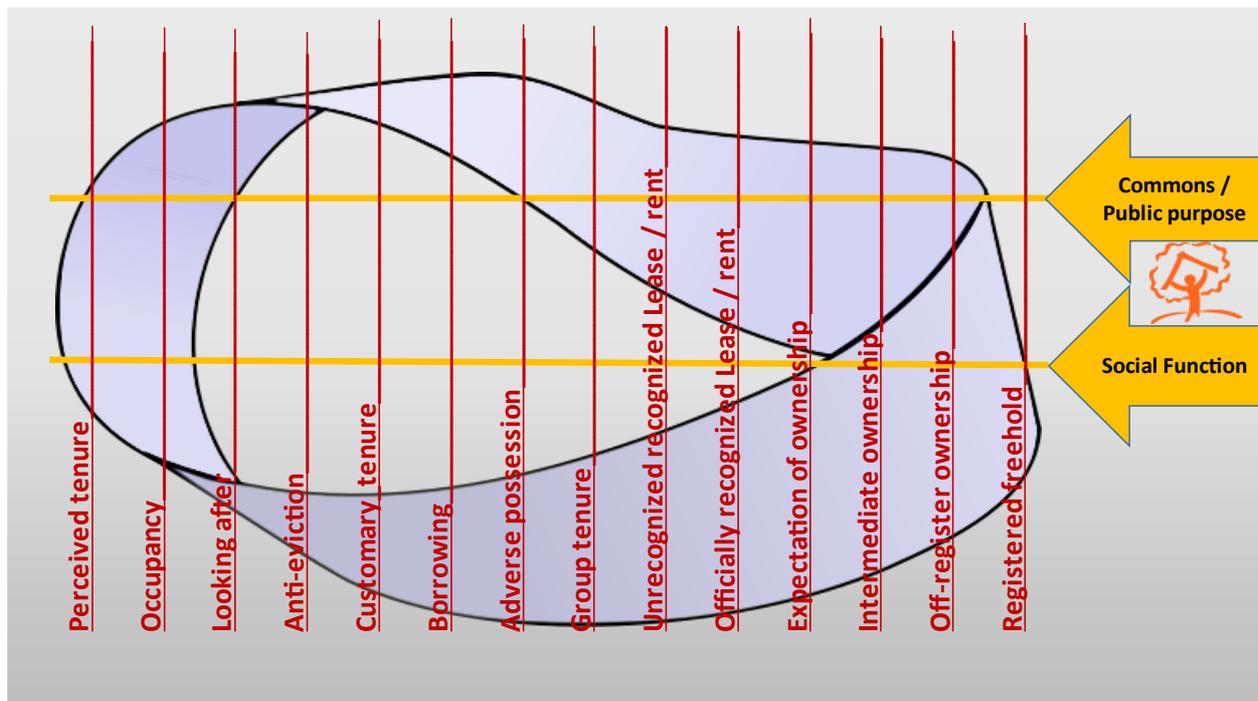


Figure 2: Alternative conception of the land rights continuum based upon a Möbius strip, allowing for nonpolar movement on a plane containing numerous points (types of tenure).

Cutting across all types and expressions of tenure are the caveats of the commons; that is, lands belonging to all within a state (e.g., state and national reserves, monuments and parks, etc.), or to all of humanity (e.g., UNESCO World Heritage Sites). As noted in the Committee on World Food Security’s Tenure Guidelines,

All parties should recognize that no tenure right, including private ownership, is absolute. All tenure rights are limited by the rights of others and by the measures taken by States necessary for public purposes. Such measures should be determined by law, solely for the purpose of promoting general welfare including environmental protection and consistent with States’ human rights obligations.⁴⁴

A common restriction on “absolute” tenure types, including freehold tenure/ownership, is the ethical tenet of property realizing its social (and environmental) function. This notion limits tenure and use of land and property so as not to deny greater social needs and priorities, but rather to optimize the social benefits from such properties, as the UN General Assembly adopted in the New Urban Agenda.⁴⁵

Toward a General Comment on the Human Right to Land

In order to articulate the obligations of states in relation to land as a distinct human right, CESCR's authoritative interpretation could overcome the methodological dilemma posed by exclusive legal interpretations treating land not merely as a context in which other Covenant rights are to be respected, protected and fulfilled, but recognizing land as an inherent human need and, therefore, right. By comparison, the Committee's foregoing General Comment No. 24 exemplifies an interpretation of a bundle of established rights in the context of certain human activities, in particular, business activities. Land, however, is not merely a context of certain human activities or particular circumstance to consider other human rights. Land is constant and everywhere, and constitutes an indispensable need and value of human existence and is present in every context and human endeavor.

As developed through the CESCR's interpretation of state party obligations corresponding to other specific human rights, a GC on the human right to land should follow a similar method in elaborating specific human rights, including water. Therefore, building on the multidisciplinary approach proposed in this submission, the GC on land should clarify the normative content, sources in law, state obligations and violations pertaining to land as a human right.

The sources of the human right to land in law are inherent on the Covenant in their collective expression as legal persons addressed in Article 1 as members of a people and/or nation, relying directly or indirectly on secure access, tenure, use and control of their land to realize self-determination and other specific human rights, as recognized in the other right-specific GCs.⁴⁶ Land has been referenced repeatedly in previous GCs of CESCR as essential to the domino causality required for the realization of other Covenant rights. However, given the human need for land as essential to sustain human life, its treatment in a GC should follow the same method of other interpretations of other discrete human rights enshrined in ICESCR, as well as the GC15 on "the right to water." Likewise, by reason of its own attributes as needed for human life, with equitable treatment to ensure a life with dignity, land, as such, constitutes a human right.

Endnotes:

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- ¹ Universal Declaration of Human Rights, A/RES/III/217A, 10 December 1948, Article 17, at: <https://www.un.org/en/universal-declaration-human-rights/>.
 - ² *Land and Human Rights, Standards and Application* (Geneva: OHCHR, 2015), at: http://www.ohchr.org/Documents/Publications/Land_HR-StandardsApplications.pdf; *Land and Human Rights: Annotated Compilation of Case Law* (Geneva: OHCHR, 2015), at: http://www.ohchr.org/Documents/Publications/Land_HR-CaseLaw.pdf; *Realizing Women's Rights to Land and Other Productive Resources* (Geneva: OHCHR, 2013), at: <http://www.ohchr.org/Documents/Publications/RealizingWomensRightstoLand.pdf>; Report of the United Nations High Commissioner for Human Rights on land and human rights, E/2014/86, at: <http://www.un.org/Docs/journal/asp/ws.asp?m=E/2014/86>.
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