On December 7-8, 2017, the Program on Human Rights and the Global Economy (PHRGE) will host its twelfth annual Human Rights Institute at Northeastern University School of Law (NUSL). Each fall, the PHRGE Institute convenes scholars, practitioners and advocates to explore a pressing social issue from a human rights perspective, and to consider appropriate human rights research directions and advocacy strategies. The issue focus of this year’s Institute will be the central importance of secure land rights to rural livelihoods and the role of governments in securing and protecting those rights. We will pay special attention to the effectiveness and viability of a particular research and advocacy strategy advanced to address tenure insecurity, the creation of a Land Tenure Security Index. We will examine both the challenges and opportunities faced by current efforts to develop such an index, the gaps in the information gathered to date and the extent to which that information has been made available to communities most impacted by insecure land rights.

Alfred Lahai Brownell—Liberian human rights activist, environmental lawyer, founder of Green Advocates, Liberia and PHRGE Visiting Scholar—is hosting the 2017 PHRGE Institute.

Access to land, community resilience and climate change

While the international human rights framework does not define a specific human right to land, access to land is closely related to the realization of international human rights and standards in areas such as the right to food and the right to life, and to important global climate change commitments such as preventing deforestation and reducing greenhouse gas emissions. Without secure access to land, the human rights of the world’s landless rural population of over two billion people are in question. The ability to access land for shelter, food production and other activities is the most important single factor in the sustainability of rural livelihoods, and access to land for shelter is also an indispensable part of sustainable livelihoods in urban settings. Gender is a decisive factor in determining whether or not a community has secure access to land. Where women do not have access to land, land tenure is neither just nor secure, and human rights have not been
realized.

Respect for the rights of community members—especially land rights, in rural settings—is a critical factor in the ability of communities to respond and adapt to natural disasters, destructive social conflict and other external shocks, such as those being driven by climate change in many parts of the world. Such community resilience greatly influences the sustainability of rural livelihoods. It is no surprise, therefore, that two major international agreements completed recently—the Sustainable Development Goals (SDGs) and the Paris Agreement on Climate Change—both highlight the importance of land rights.

Land tenure is also related to climate change in other ways. The science of climate change shows that deforestation and the general degradation of rural environments are important drivers of increased carbon levels in the Earth’s atmosphere. This finding connects rural ecology directly to the phenomenon of climate change, and makes the debate about security of rural land tenure a topic of interest to policy makers far outside of the agricultural and forest sectors. Goal 15 of the SDGs asserts that sustainable forest management combats both land degradation and biodiversity loss.

Academics continue to debate the impact of subsistence agriculture on environmental degradation and, therefore, climate change. PHRGE believes, nonetheless, that recent research makes a compelling case that community management of rural land, especially forested land, slows deforestation and the ecological degradation that contributes greatly to climate change. In any case, it is increasingly clear that access to rural land is intimately linked to climate change.

**Rural landlessness and land grabbing**

Globally, billions of people attempt to survive in rural areas without access to land adequate for food production or other agricultural activities. Millions more gain legally-tenuous access to land through customary arrangements that, in some cases, have survived for centuries. Despite their longevity, these arrangements often lack a clear foundation in the modern system of individual property rights, as defined by the possession of legal title to land. Since the state often retains formal ownership of land used communally through the exercise of customary rights, such land tenure is secure only insofar as those with political power respect customary arrangements.

The livelihoods of the landless depend on seasonal agricultural labor, small-scale market activities and the mutual support of kinship networks. The precarious nature of such livelihoods is a primary driver of the global trend toward mass urbanization, one response to the precarious nature of rural livelihoods. Another path taken by the landless rural population is social organization. Throughout the world, landless laborers have organized to demand agrarian reform, a democratization of land ownership and control to provide secure and sustainable access to land for all.
One important goal of this global effort is to decrease the number of rural landless people by providing landless people with the basis of a sustainable existence on the land. In countries such as Brazil and Indonesia, these movements have made great strides, but all indications are that the number of rural landless people continues to grow.

The growth of the rural landless population has many causes. One of these has certainly been the trend toward large-scale acquisitions of land in rural areas, often by outside corporate actors and usually for a commercial purpose (plantation agriculture, mining, power generation, tourism, etc.). Hailed by some as an engine of economic development in “backward” areas, from a human rights perspective these are “land grabs” that violate the rights of the people whose land is being “grabbed.” This is true whether or not the farmers using the land have “clear title” to it, or not.

Because land grabbing increases both landlessness and deforestation, it drives rural-to-urban migration. Such migration accelerates the formation of informal urban communities, which are flashpoints for social conflict in many areas. This process also feeds cross-border migration, thus contributing to the current “migration crisis,” with its many attendant challenges, observed in Europe and elsewhere.

Regardless of how it takes place, the transfer of land from community management to corporate control expands the ranks of the landless in countries where this kind of transaction takes place. Equally important, if the analysts who see a connection between community land management and diminished deforestation are correct, then these land transfers promise higher rates of deforestation and accelerated changes in the world’s climate patterns. Much evidence gathered over the past few years makes a convincing case that this the case. Finally, given the attachment of communities to their land, land-grabbing generates intense social conflict. In countries like Liberia, people fear such social conflict for very good reasons.

Alfred Brownell understands the land-grabbing dynamic all too well. As a student, a lawyer and, eventually, Lead Campaigner at Green Advocates-Liberia, Alfred lived through the country’s two civil wars. As Liberia moved into the phase of post-conflict reconstruction, Alfred and Green Advocates played key roles in a number of cases in which global corporations were found to be involved in practices that violated the rights of their workers and other community members, including children. As Liberia’s first environmental law firm, Green Advocates also took on cases related to the protection of the Liberian section of the Upper Guinea Forest, which Alfred has dubbed, “the lungs of Northwest Africa.” Finally, the organization defended local communities in which government land concessions had put customary land rights at risk. Liberian law provided some basis for defending those rights, but local law was not strong enough to overcome the economic power of investors and the government’s desire to pursue this long-questioned path to development.
Land Tenure Security Index: A tool for change?

This experience has led Mr. Brownell and his colleagues across the globe to look closely at strategies for securing land tenure in areas where it is under attack. On the ground in West Africa, these strategies have included a combination of judicial and non-judicial mechanisms to protect customary rights and sanction violators of those rights. In addition to using domestic law, those opposing land grabbing have also referenced to international standards, including human rights standards. Activists and advocates have pursued these strategies at the national and regional (West African) level, and in international forums.

Alfred’s international work has exposed him to the power of social indices, such as the Human Development Index and the Corruption Perception Index, to influence national policy. Even a superficial analysis of the effects of such indices suggests that they have contributed to important changes in government behavior. As a result, Alfred has taken advantage of his research time at Northeastern University School of Law to connect to those nongovernmental organizations and private researchers exploring the validity of a Land Tenure Security Index, a data-based tool that would allow for comparative analysis of the steps taken by various governments to secure land tenure in their jurisdiction. A single statistical tool cannot solve a problem as complex as lack of access to land. Nevertheless, if carefully designed and implemented, and effectively disseminated, such an index could enable assessment of government policy related to land tenure, and provide the basis for advocating for positive changes in those policies.

The 2017 PHRGE Institute: Sharing information, building a community of practice

PHRGE began work on this Institute with a particular sense of urgency informed by Mr. Brownell’s experience as a human rights defender, forced to leave his country because of threats emanating from his work to protect land rights. Work on the Institute began with a survey of a variety of projects already well underway to develop data-based tools to measure land tenure security in different contexts. That research convinced us that there was no need to reinvent the wheel by initiating another separate effort to develop such a tool, but that exploration of the possibility of a more collaborative approach to this work could help advance the work. In addition, our research suggested that gaps in the existing data and weaknesses in the existing methodologies might be addressed effectively by such a collaborative process. With this sense of urgency and the tentative results of our preliminary research, we have designed this year’s PHRGE Institute.

Both days of this year’s Institute will be devoted to discussion of issues related to a Land Tenure Security Index. The first day will include two panels, networking time and a keynote address. One panel will address the creation of social indexes and their use in rights-related advocacy. The second will consider the challenges of
implementing an effective index in the area of land tenure security. Our keynote will offer an overview of the state of land rights in 2017 and reflect on the potential value of a Land Tenure Security Index.

During the second day, a smaller group of participants will engage in discussions to consider more deeply current research on best practices in developing a Land Tenure Security Index, while testing the possibility of developing a more collaborative community of practice to move this project forward. Specific issues to be addressed include:

1. **Scope/Scale:** What is the proper scale for a first attempt at developing a Land Tenure Security Index that would allow cross-country comparisons based on available data regarding government commitments to securing land tenure. Should one attempt to achieve global relevance from the start, or begin in a more modest way—starting, for example, with the Mano River Union countries in West Africa and scaling up from there, as data and expertise allow?

2. **Data Management and Analysis:** What mix of indicators can best provide the data foundation for such an index? What data are currently available? What gaps exist in current data and how can those gaps be filled? How can the insights of modern data science be integrated into this effort without making the assumptions and methodologies used to create the tool inaccessible to the people most affected by insecure land rights? What obstacles have prevented existing projects from being able to achieve cross-country comparison and ranking of countries as has been achieved with other indexes?

3. **The Challenge of Collaboration:** A number of individuals and organizations have been working to develop a data-based tool to measure tenure security. Although there has been some collaboration among the individuals and organizations working on developing a data-based tool to measure tenure security, much of this work is occurring in isolation. Would it be possible to establish the trust and coordination necessary for a higher level of collaboration to find solutions for this difficult problem? How would such a community of practice be organized, coordinated and sustained?

4. **Participation and Accessibility:** In addition to questions concerning the hosting and administration of an index, how can we be sure that people most directly affected by the denial of land rights are active participants in this process? Furthermore, are the data and learning emerging from this experience fully accessible to those same affected communities? Should we make this a high priority and consider “out of the box” solutions to open discussion processes, simplify data sets, and employ creative solutions (mobile technologies, community radio, etc.) to get data into the hands of affected communities.

The overarching goal of the Institute is to reinvigorate the effort to create and employ what PHRGE and many others believe could be a very important tool in
land-related, human rights advocacy. We firmly believe that a well-facilitated discussion of these and related issues could provide the basis for more collaborative, and more effective work in this area in the future. To be successful, such a discussion must bring together land rights advocates, activists and academics, including a critical mass of the people who have already invested blood, sweat and tears into the work of creating this sort of tool. Your participation will help us realize this goal.

The Institute web page (under construction) will contain complete information for participants, including suggested preparatory readings. For further information, contact PHRGE’s Assistant Director, Elizabeth Ennen at e.ennen@northeastern.edu or at 617-373-8194.