

# GLOBAL LAND RIGHTS INDEX



## Tracking Legal Recognition of Land and Resource Rights

The land and natural resources that millions depend on worldwide are routinely stolen or under constant threat of expropriation due to a lack of legal recognition. An estimated 80 percent of the global population does not have access to formal systems to protect their land rights and in many countries the majority of the land area is not legally recognized. This singular reality is one of the fiercest drivers of global poverty and inequality. Farmers cannot invest in their land due to fear of dispossession; women are denied their rightful inheritance; lack of legal ownership depresses credit and investment markets; trees, water, minerals and other resources are taken from community lands with no compensation; large investment projects displace entire villages. Furthermore, overly-centralized resource ownership has been shown to create the condition known as the “resource curse”, which suppresses economic growth, creates disincentives for good governance, leads to poor management of natural resources, and foments conflict.

### United Nations, Universal Declaration of Human Rights (1948)

Land Rights - Article 17:  
*(1) Everyone has the right to own property alone as well as in association with others.*  
*(2) No one shall be arbitrarily deprived of his property.*

Outdated laws and regulations contribute greatly to this scenario. Despite decades of constitutional and legal framework modernization support, the land laws of many countries still do not recognize women’s inheritance or joint ownership, fail to recognize indigenous and other customary forms of ownership, and provide for blanket state-ownership of all natural resources, even those on individual land. These legal principles often date back to colonial laws or reflect expired approaches for centralized economies. While international human rights and legal treaties have guided many other legal reforms, land and resource rights law has largely been absent from the international human rights discussion and universal periodic review process, despite its clear articulation in the 1948 United Nations Universal Declaration of Human Rights (see box).

### Sustainable Development Goals – Land Rights Goals

#### Goal 1 - End poverty in all its forms everywhere

*Goal 1.4* - By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance

#### Goal 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture

#### Goal 5 - Achieve gender equality and empower all women and girls

*Goal 5.A* - Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

The Global Land Rights Index (GLRI) is the first international effort to track and categorize the national legal framework for land and resource rights across all countries. The GLRI fills the vacuum created by the lack of international conventions on land rights and allows for quantification of progress toward commitments in the Sustainable Development Goals (SDGs; see box). The Index also builds on and moves beyond the UN Voluntary Guidelines on the Responsible Governance of Tenure and other global principles and standards, by analyzing and ranking the performance of all countries with regards to recognition of individual and community land and resource rights, including rights to forests, water, minerals and other subsurface resources and rights for women and vulnerable populations.

## Rankings and Indicators

The first phase of the Global Land Rights Index focuses on measuring the legal and rights framework for land across 40 countries, particularly as pertains to vulnerable populations. Each country is given an aggregate score of 1-10 (10 the best, 1 the worst), composed of sub-category scores measuring a spectrum of the strength of rights.

Phase I of the Index analyzes international treaties that a country is party to and has/has not ratified, national constitutional provisions, national laws, and related implementing policies. Phase II of the Index, to be completed in 2018, will expand the analysis to 80 countries. Phase III of the Index will focus on measures of legal implementation, enforcement and institutional quality related to land rights.

### Global Land Rights Index Categories

The Global Land Rights Index is a composite index that ranks and scores (1-10) countries based on sub-categories of land rights important to individual and community participation and empowerment. The GLRI and sub-categories will contribute to measurements for the SDG Indicators. Categories include:

- 1. Protection from Arbitrary and Unfair Expropriation** – measures the existence of constitutional provisions for state expropriation of land/natural resources, including requirements of “fair, market compensation” and “public purpose” (UDHR, Article 17 -... (2) *No one shall be arbitrarily deprived of his property.*)
- 2. Women’s Rights to Land** – measures constitutional and/or legal provisions that guarantee equal gender rights to land ownership, including provisions for customary law recognition, as well as inheritance and joint-ownership and custody for wives (informal or formal). (SDG Indicator 5.A.1 - a) *Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure; SDG Indicator 5.A.2 - Proportion of countries where the legal framework (including customary law) guarantees women’s equal rights to land ownership and/or control)*
- 3. Indigenous, Customary and Communal Rights** - Constitutional and legal provisions that recognize unique customary and/or indigenous land tenure systems and the spectrum of their primacy vis-à-vis state or other statutory land and resource rights. (SDG Indicator 1.4.2 - *Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure)*
- 4. Natural Resources Rights** – measures whether country governments devolve legal ownership over natural resources – land, forests, water, minerals, hydro-carbons - to individual or communities. (SDG Goal 1.4 - *By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources...*)
- 5. Private v. State Property** – many state constitutions provide that all land is owned by the state in stewardship for the people, which has led to centrally-controlled large land-based development schemes that relocate communities. This category measures the existence of public or individual/community-oriented land legal frameworks.
- 6. Use, Alienation and Exclusion Rights** – measures the existence of the “bundle” of rights that extends legal recognition and rights beyond occupation/use to right of possession, control, exclusion, transfer, and sale.

Results for Phase I of the GLRI will be completed in September 2017. For more information, including complete methodology, please contact Tiernan Mennen, CEO, Haki [tiernan@hakinetwork.org](mailto:tiernan@hakinetwork.org)

