Reimagining Property Rights through Environmental Justice: Toward Equitable Land Distribution for a Sustainable Future

Research Series

Foreword

By

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About the Author

Alma Rocío Segoviano Basurto, PhD, is a legal expert specializing in environmental justice, land tenure, and property rights. With over 18 years of experience, Alma has collaborated with Afro-descendant, Indigenous, and diverse communities worldwide to promote equitable resource distribution and sustainable development. She is the founder of **KHaRMAlma KALEJ (Knowledge, Humanity, and Resources for Meaningful Advocacy)**, a project dedicated to advancing equity through consultancy, advocacy, and education. As part of this initiative, Alma leads the **KHaRMAlma Journal**, a platform that bridges research and community voices to inspire innovative solutions.

Reimagining Property Rights through Environmental Justice: Toward Equitable Land Distribution for a Sustainable Future

Goal: This research series seeks to bridge the gap between environmental justice and traditional territorial rights, proposing a transformative framework to rethink property systems and advance equitable land rights for Afro-descendant, Indigenous, migrant, and vulnerable populations.

Powerful Question: *How can environmental justice and traditional territorial visions synergize to redefine property rights, advancing equitable land access?*

FOREWORD

In an era marked by environmental crises and deepening social inequalities, the limitations of current property rights systems have become undeniable. Marginalized communities—including Afro-descendant, Indigenous, and migrant populations—face systemic barriers to accessing and maintaining land and resources. These inequities perpetuate cycles of exclusion, environmental degradation, and social injustice.

This series of papers explores the interplay of historical legacies, cultural perspectives, and contemporary challenges to envision a future where land and resource distribution aligns with justice, equity, and sustainability. Drawing on the metaphor of the "Door of No Return," we reflect on the enduring impacts of historical injustices, particularly colonization, and chart a path toward transformative change.

Present-day property systems often fail to protect marginalized communities, leaving their rights to land and belonging vulnerable. When rights frameworks no longer meet the needs of our global challenges, they must evolve. This requires revisiting traditional land tenure concepts and addressing the dominance of systems that have historically excluded vulnerable populations.

The series delves into the intersections of environmental justice, traditional territorial practices, and the deconstruction of entrenched legal frameworks. It argues for more flexible, inclusive systems that respond to the realities of marginalized communities. By weaving together theory and practical examples, this work envisions new doors to justice, equity, and sustainability—critical lessons for humanity's future.

Paper 1: The Intersection of Environmental Justice and Traditional Land Tenure Systems: Shaping Belonging Beyond a Nation

This paper explores the relationship between environmental justice and historical land tenure practices, highlighting how environmental justice offers a framework to redefine property rights. The focus is on enhancing land rights for Afro-descendant, migrant, and Indigenous communities. Philosophical and legal theories illuminate power dynamics and the equitable distribution of resources, paving the way for a more inclusive and sustainable future.

Paper 2: Migration, Belonging, and Territorial Identity: Public Policies and Case Studies Shaping Land Governance and Property Rights

This paper analyzes how migration and displacement reshape territorial rights, belonging, and land governance, while critically examining the power relations that influence these dynamics. It argues that environmental and territorial justice can transform property systems to integrate migrant, Indigenous, and displaced communities, challenging entrenched hierarchies that marginalize these groups. Drawing on Indigenous perspectives and collective rights, the paper argues how migration not only disrupts but also enriches territorial identities. It highlights how historical and systemic power imbalances perpetuate exclusion, while legal and policy reforms can serve as tools to address these inequities. Strategies to formalize land access, foster inclusion, and promote sustainability are explored through case studies mostly from Mexico, the U.S., and Canada. These examples underscore the importance of offering a cohesive framework for equitable and sustainable land governance.

Paper 3: Recommendations and Policy Implications: Conclusions & Innovative Approaches to Progress

This paper explores innovative strategies for redefining progress in land governance and environmental justice, using Bhutan as a case study and drawing inspiration from analogies like the Spirit of Haida Gwaii. These examples illustrate how fluidity, balance, and creativity can guide the transformation of legal and developmental frameworks. Revisiting the metaphor of the Door of No Return, the paper reflects on the lasting effects of historical injustices, such as colonization and forced migration, and highlights the urgent need for transformative changes that pave new pathways toward equity and sustainability. The argument emphasizes shifting away from rigid, traditional property systems toward legal theories that prioritize inclusivity, adaptability, and sustainability. By addressing historical legacies and integrating innovative concepts, the paper reimagines governance frameworks to position equitable land distribution and sustainable development as fundamental pillars of environmental justice, equipping systems to respond effectively to contemporary challenges. By promoting collective ownership and fostering robust community networks through established community norms, these examples provide a blueprint for actionable, sustainable policies. This section concludes with specific recommendations for policymakers, focusing on equitable, inclusive, and sustainable approaches to migration governance and

land distribution. These measures aim to inspire progress that uplifts marginalized communities, ensuring that justice and sustainability remain at the core of developmental priorities.

Connecting the Series

This series connects historical perspectives, migration dynamics, and innovative legal theories to reimagine property systems for a just and sustainable future. Each paper builds upon the last, weaving together philosophical insights, practical examples, and forward-thinking strategies to address the pressing need for equitable land governance. As **Venerable Geshe Kelsang Gyatso** reflects, ***"The mind has the extraordinary quality of first creating objects through imagination and then transforming them into a reality of our daily life. In fact, everything originates in imagination. If no one had imagined our house, it would never have been built. The mind is the creator of everything we experience."*** This vision of the mind's transformative power underscores the necessity of imagining and creating equitable systems that address today's challenges and shape a sustainable future.

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