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Defending the Polygon: The Emerging Human Right to Communal Property

Talk by Thomas T. Ankersen, J.D.
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January 13
12:45-1:45pm
Grinter 376

Biography:
Thomas T. Ankersen is the Director of UF’s Conservation Clinic and the Costa Rica Joint Program in Environmental and Land Use Law in Costa Rica. He holds an M.A in History from the University of South Florida and a J.D. from University of Florida. Thomas Ankersen is also a Legal Skills Professor at the Levin College of Law and affiliate faculty at the Center for Latin American Studies and the Tropical Conservation and Development Program.

Content:
Formal recognition of communal land rights may be increasing in some parts of the world. Peoples who have a shared cultural conception of “territory” within nation-states have begun to adopt the dominant western property paradigm of land titling to formalize their rights to that territory. We contend that the international human rights system, through its generationally described “progressive development,” represents a key factor in this trend, as states seek to reconcile the dominant western liberal model of property as a marketable commodity, with deeply rooted non-western cultural conceptions of property as homeland. In the parlance of the common law of property, the “bundle of sticks” that is the human right to property includes the associated and indivisible rights to life and health, religion, and culture among others. Land policy will best be served by recognizing and guaranteeing customary land tenure arrangements, a conclusion reached by a growing number of nations, by domestic courts, and most recently, by international human rights tribunals.

Tropilunch is a weekly seminar run by graduate students from the Tropical Conservation and Development (TCD) Program. It provides a forum for a range of discussions and presentations related to TCD work and research. Students are provided with an opportunity to present and discuss their research projects with peers and faculty. In addition, discussion sessions on issues of current interest are also held. Visiting scholars and conservation practitioners also participate when available. It is held every Tuesday at 12:45 p.m. in Grinter 376.