

CONFLICT AND LAND ADMINISTRATION

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BACKGROUND

- Building on existing UNGGIM & WG-GISD work
- Facts & figures
- Land-related conflict increasing
- Lens: What users in conflict settings need
- Moving beyond development to include peace & stability
- Global & regional forces impacting nations
- Climate change, population growth, pressure on natural resources, migration, food security, urbanization
- SDGs for development, peace & stability
- UN strengthened focus on land & conflict

INTRODUCTION

Conflict & land administration. What does this mean for the Framework for Effective Land Administration?

- Root causes of violent conflict & its impact on LA systems (UN-Habitat/GLTN: 2017)
- Land-related peace & stability issues – challenges for LA systems
- Evidence from UN field operations of what LA looks like in violent conflict contexts
- Effective LA needed for conflict contexts
- Suggestions for the Framework

ROOT CAUSES OF CONFLICT

ROOT CAUSE

1. ELITE CAPTURE OF STATE INSTRUMENTS

2. GEO-POLITICAL COMPETITION

3. TRADE & INVESTMENT

4. PLURAL LEGAL SYSTEMS

5. NATION STATE FRAGMENTATION

LAND APPEARANCE

LAND REGISTRY, ALLOCATION OF STATE LAND, CORRUPTION

COMPETITION BETWEEN COUNTRIES INVESTORS FOR LAND

LARGE SCALE LAND ACQUISITION

STATUTORY/CUSTOMARY/INDIGENOUS LAND

DYSFUNCTIONAL LA/PARALLEL LA SYSTEMS

ROOT CAUSES OF CONFLICT

ROOT CAUSE

6. POPULATION GROWTH

7. POVERTY & INEQUALITY

8. MISMANAGED NATURAL RESOURCES

9. POLITICS OF EXCLUSION

10. WEAK LAND ADMINISTRATION

LAND APPEARANCE

LAND SCARCITY

LAND & AGRICULTURE GINI CO-EFFICIENT

LOSS OF LIVELIHOODS/INCOMES

IDENTITY & TERRITORY

70% OF PEOPLE WITHOUT LAND DOCUMENTS, INSECURE TENURE

LAND-RELATED CONFLICT ISSUES

- Forced evictions & human rights
- Abandoned/invaded/illegally sold properties
- Registry records (altered, privatized registry, territories under control of armed groups)
- Dispute resolution
- Land grabbing of state & private land
- Settlement of IDPs & refugees
- Resettlement of returnees in host communities
- Restitution of owners/occupants
- Inheritance, widows, orphans

UN LA APPROACHES IN CONFLICT CONTEXTS

- **UN SUPPORT TO GOVERNMENTS: EXTRA-LEGAL TOWARDS LEGAL**
- *Honduras*: Criminals evicting people, new forms of evidence in land registry (UNHCR)
- *Iraq*: Evicted by armed groups, Local Government occupancy certificates (UN-Habitat)
- *Somalia*: Building capacity in Local Government & courts to give IDPs land certificates (NRC)
- *South Sudan*: Territorial land use planning & conflict management (UN Peacekeepers/DPKO)
- *Peru*: Land policy process for mining & indigenous peoples land (UNDP)

LA NEEDED FOR CONFLICT CONTEXTS

- Restitution: Registered rights & 70% (Pinhero Principles)
- Freezing registration/Holding correct data/Cleaning corrupted land files/records/integrating parallel land registry records
- Introducing additional forms of evidence & altering the standard hierarchy of evidence
- Local records % incorporating extra legal land records created at local government levels for 70%
- Rapid planning & conflict management
- LIM for rehabilitation of buildings & settlements & protection of occupants of state land against elite invasions
- Valuation of land & property as territorial agreements as part of peace agreements
- Geo-spatial data to track displacement –origin & settlement
- Identification of state land & host communities & for camps (18 years) & returnees

FRAMEWORK FOR EFFECTIVE LA/1

Recognizing the link between conflict & LA, undertake to use LA to prevent conflict & stabilize land-related conflict situations:

- Build on UNGGIM & WG-GISD work already done & adapt to conflict contexts for users who are displaced & those working in peace & stability
- Base LA activities in conflict areas on human rights principles & conflict sensitivity
- Address the needs of those who have been forcibly evicted, refugees, IDPs & returnees for security of tenure
- Increase effective FFP LA technical capacity to address land-related conflict including through capacity development for those working in conflict settings – local, national, (sub-) regional, international

FRAMEWORK FOR EFFECTIVE LA/2

- Create & use geo-spatial data to prevent & manage land-related conflict & support the restitution of land & property to those who have been forcibly evicted
- Adapt & develop new tools for land & conflict settings – based on the recognition of all legitimate forms of tenure & a fit for purpose approach
- Develop tools for strengthening land governance & state building (state-society relations)
- Strengthen political & peace agreements with LA & technical support
- Support the monitoring, measurement & reporting of land indicators in conflict contexts for the SDGs
- Partner with UN agencies including those working on land-related violent conflict

CONCLUSIONS

- Conflict sensitive land administration is fit for purpose but goes beyond fit for purpose. It ensures that land administration systems & decisions related to them do not fuel conflict, particularly protracted conflict.
- An effective LA system in conflict contexts prevents land-related conflict, stabilizes situations & brings peace.