NEED FOR EFFECTIVE LAND ADMINISTRATION TO ADDRESS LAND-RELATED CONFLICT

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DEJING INTERNATIONAL SEMINAR ON UNITED NATIONS GLOBAL GEOSPATIAL INFORMATION MANAGEMENT: “EFFECTIVE LAND ADMINISTRATION”
27-29 SEPTEMBER 2018
BACKGROUND

• 11 countries globally not involved in conflict
• Climate change, population growth, pressure on natural resources, migration, food security, urbanization
• 7.6 billion people on the planet and growing
• Land-related conflict increasing
• 68.5 million refugees and Internally Displaced Persons
• Moving beyond development to include peace and stability
• Global & regional forces impacting nations
• SDGs for development & peace and stability
• Effective land administration for users in conflict contexts
INTRODUCTION

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

  o Root causes of violent conflict & its impact on LA systems (UN-Habitat/GLTN:2017)
  o Evidence from UN field operations of what land administration looks like in violent conflict contexts
  o Land & human rights instruments
  o Land & conflict nexus & what it looks like
  o What LA is needed in conflict contexts?
  o Conclusions
ROOT CAUSES OF CONFLICT

ROOT CAUSE

1. POPULATION GROWTH & DECLINING NATURAL RESOURCE PER CAPITA
2. POVERTY & INEQUALITY
3. PLURAL (LEGAL) SYSTEMS
4. POLITICS OF EXCLUSION
5. WEAK LAND ADMINISTRATION

LAND APPEARANCE

LAND SCARCITY
LAND & AGRICULTURE GINI COEFFICIENT
STATUTORY/CUSTOMAR LAND SYSTEMS
IDENTITY & TERRITORY
70% OF PEOPLE WITHOUT LAND DOCUMENTS, INSECURE TENURE
ROOT CAUSES OF CONFLICT

**ROOT CAUSE**

6. ELITE CAPTURE OF STATE INSTRUMENTS

7. GEO-POLITICAL COMPETITION

8. TRADE & INVESTMENT

9. TRANSNATIONAL CONFLICT, ARMED GROUPS/REFUGEES/INVESTMENTS

10. NATION STATE FRAGMENTATION

**LAND APPEARANCE**

LAND REGISTRY, ALLOCATION OF STATE LAND, CORRUPTION

COMPETITION BETWEEN COUNTRIES INVESTORS FOR LAND

LARGE SCALE LAND ACQUISITION

REFUGEES, RETURNEES, EXTRACTIVES, RULE OF LAND LAW

DYSFUNCTIONAL LA/PARALLEL LA SYSTEMS
ROOT CAUSES OF CONFLICT

**ROOT CAUSE**

11. LOCAL, NATIONAL, INTERNATIONAL CRIMINAL NETWORKS

12. CHAOTIC URBANIZATION

13. NATURAL DISASTERS

**LAND APPEARANCE**

REVENUE, LAND, REBEL GROUPS

LARGE SCALE INFORMALITY, LAND REVENUE CAPTURE BY ELITES

LAND FOR SHELTER/LIVELIHOODS
LAND & CONFLICT
HUMAN RIGHTS ISSUES

• Forced evictions & human rights violations
• Abandoned/invaded/illegally sold properties
• Restitution
• Binding (UDHR), ratified by states (ILO 169), non-binding (VGGT)
• Universal Declaration of Human Rights (UDHR)
• Interpretation: Right to own property, no-one shall be arbitrarily deprived of property
• Human Rights Council on forced evictions, obligations of business enterprises
• Principles on Housing and Property Restitution for Refugees and IDPs (Pinheiro Principles)
LAND & CONFLICT HUMAN RIGHTS ISSUES

• Destruction of property, exploitation of natural resources – violate Int. Humanitarian Law (ICC)
• Convention ILO 169 on indigenous peoples and their land rights (ratification S.America/Africa) & UNDRIP
• Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests
  o Cover all legitimate tenures
• New Urban Agenda (GA resolution 71/256)
  o Continuum of land rights
• SDG Goal 5 on women: women’s access to & ownership of land
LAND & CONFLICT LA CHALLENGES/1

- Land as root cause; affected by other multiple root causes, or can trigger conflict (e.g. LSLBI)
- Evictions cause homelessness & loss of livelihoods
- Abandoned properties being illegally invaded/sold
- Destruction of property
- Destruction of land registries and their files
- Degradation of land & natural resources
- Land & natural resources of indigenous people taken without their free, prior & informed consent
- Some international & national business & LSLBI & forced evictions & loss of livelihoods
LAND & CONFLICT LA CHALLENGES/2

• Registry records (altered, privatized registry, territories under control of armed groups)
• Land disputes – individual plots, hot spots, identity group territories, national boundaries
• Land grabbing of state & private land
• Camps needed for the settlement of IDPs & refugees (18 years)
• Resettlement of returnees in host communities
• Restitution of owners/occupants where houses are occupied/no land records
LA APPROACHES IN CONFLICT CONTEXTS

- **UN/INGO LA SUPPORT TO GOVERNMENTS: EXTRA-LEGAL TOWARDS LEGAL**
  - **Honduras**: Criminals evicting people, new forms of evidence in land registry (UNHCR)
  - **Iraq**: Evicted by armed groups, returnees get 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)

UN-Habitat/IIRR (2018) *Land & conflict: Lessons from the field on conflict prevention & peacebuilding*
LA FOR CONFLICT CONTEXTS?/1

Use LA to stabilize land-related conflict situations
• Nationally owned initiatives with government & major actors
• Participatory & inclusive processes

LA for rapid response in hot spots
• Inventory of land & property once territory is free
• Planning linked to conflict management
• Dispute resolution & rapid improvement of tenure security
• Land access through resettlement & land regularization
• Fit for purpose LA – rapid, flexible, inclusive, participatory, affordable & support accountability
• Upgrade, scale & incorporate into national systems
• Targeted capacity development
Evicted people need:
  o Land for temporary settlement – state land availability
  o Land for refugee/IDP camps – state land availability
  o Mapping of their abandoned land & protection from it being invaded by others

Returnees need to be facilitated to return by:
  o Appropriate legal & LA procedures
  o Mediation & dispute resolution procedures/ host communities
  o Allocation of land certificates recognizing occupancy where registered rights do not exist, later upgraded into national systems
  o Restitution of their land & properties
Restitution involves:

- Registered rights & 70% (Pinhero Principles)
- Due diligence on land titles issued during or immediately after conflict as this can complicate returns & stabilization or trigger further conflicts
- Freezing registration/Holding correct data/Cleaning corrupted land files/records
- Introducing additional forms of evidence
- Land occupancy certificates if not registered
- Geo-spatial information
Geo-spatial information for:

- Tracking displacement – early warning, conflict analysis, assessment & strategic planning, monitoring, reporting, coordinating actors working to prevent conflict
- Identification of
  - Abandoned land & property
  - State land, & for camps (18 years) & settlement
- Managing occupation certificates
- Rehabilitation of buildings & settlements
- Valuation of land & property of territorial agreements as part of peace agreements
CONCLUSIONS/1

• Climate change, population growth, food security, water scarcity – these are going to need increasing focus & skills on LA & conflict by all concerned

• The UN system is developing a more fit for purpose approach to respond better to the land & conflict issue from peace and stability all the way to development, so that the UN can better support the Member States.

• UNDESA/UNGGIM, UN-Habitat & FAO are part of the Core Group of UN agencies supporting this work under the guidance of the Secretary-General’s office.
CONCLUSIONS/2

• Conflict sensitive LA is fit for purpose but goes beyond fit for purpose to conflict sensitivity. It ensures that LA 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

• Land administration agencies have a critical role to play in preventing & managing conflict, including through the Framework for Effective LA