

NEED FOR EFFECTIVE LAND ADMINISTRATION TO ADDRESS LAND-RELATED CONFLICT

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

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
 - Cover all legitimate tenures
- New Urban Agenda (GA resolution 71/256)
 - 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)

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



LA FOR CONFLICT CONTEXTS?/2

Evicted people need:

- Land for temporary settlement – state land availability
- Land for refugee/IDP camps – state land availability
- Mapping of their abandoned land & protection from it being invaded by others

Returnees need to be facilitated to return by:

- Appropriate legal & LA procedures
- Mediation & dispute resolution procedures/ host communities
- Allocation of land certificates recognizing occupancy where registered rights do not exist, later upgraded into national systems
- Restitution of their land & properties

LA FOR CONFLICT CONTEXTS?/3

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



LA FOR CONFLICT CONTEXTS?/4

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

