



Land Tenure and Property Rights as Tools for Promoting Peacebuilding and Durable Peace

*IOM side event to the 8th Session of the Open Working Group (OWG) on Sustainable Development Goals
Key messages
7 February 2014, UN HQ, New York*

On 7 February 2014, the International Organization for Migration (IOM) hosted a side event to the 8th Session of the Open Working Group on Sustainable Development Goals titled *Land Tenure and Property Rights as Tools for Promoting Peacebuilding and Durable Peace*.¹

During the side event, it was generally agreed that neither durable peace nor sustainable development can be achieved without giving due attention to land, access to land and hence land rights. It was widely noted that land tenure and property rights are important tools for promoting peacebuilding and durable peace, and should therefore be included in the UN Post-2015 Development Agenda.

It is critically important to understand land and property relations on the ground, and to understand both the quantity and the nature of land and property disputes that are prevalent

- There are a number of factors that can make it difficult to fully understand what is actually happening on the ground with respect to land and property relations, including: (a) the prevalence of informal land tenure arrangements and non-existent or unreliable cadastres and land registries; (b) disconnect between the formal state land tenure laws and the way land and property relations are actually managed on the ground; (c) multiple types of land and property frameworks may co-exist in one country, and the manner in which communities manage land and property relations differing from region to region and, in urban environments, even from neighborhood to neighborhood; (d) the whole picture of land management may have drastically changed during conflict, and what people knew about land may no longer apply (for example, in Western Cote d'Ivoire, the collapse of traditional authorities due to conflict and displacement and the accelerated generational divide that accompanied the post-election conflict has changed the land management picture quite drastically); (e) the interests that different groups may have in a volatile and chaotic post-conflict situation in pushing certain narratives on land (e.g. to try and preserve gains made during the conflict).
- Add to this the fact that the political economy of land is often very much localized, and it becomes clear that what needs to be done, and what impact policies are likely to have on the ground in terms of both peacebuilding and development, cannot be understood or known without adequate empirical work.

Land tenure and property rights can either drive conflict or promote durable peace:

- International, as well as national practice on land tenure and property rights has been mixed, with land and land rights issues sometimes being ignored or side-stepped, being seen as too complex, too difficult, or too politically sensitive.

¹ Panelists included: Mr. Camilo Pardo, Principal Advisor, Land Restitution Unit, Ministry of Agriculture and Rural Development, Government of Colombia, Ms. Yamina Djacta, Director of the New York Office, United Nations Human Settlements Programme (UN-Habitat), and Mr. Peter Van Der Auweraert, Head of the Land, Property and Reparations Division, Department of Operations and Emergencies, International Organization for Migration (IOM). Ms. Nazaré Albuquerque, United Nations Development Programme (UNDP) moderated the panel.

- At other times, policy initiatives with or without the support of the international peacebuilding or development community have failed to achieve their objectives and have far too often made matters worse rather than better. In other situations however, there have been many successful initiatives to harness land and land rights for peace and development.
- As an example, there has been significant land-grabbing from internally displaced persons as a result of the internal conflict in Colombia. Colombia has created a restitution policy to return internally displaced persons to their land and takes a special approach for alienated groups including women and indigenous peoples. Colombia sees land restitution as one element of reparations and property rights as a precondition for peace.

It is imperative that post-conflict policies integrate a forward-looking, development-oriented discussion in addition to a backward-looking restoration of rights discussion

- In a situation where conflict or a period of authoritarian rule has been accompanied by widespread violations of land and property rights (e.g. in the context of large-scale displacement and subsequent secondary occupancy; or deliberate population relocations), it is usually critical for peacemaking as well as peacebuilding to look at policies aimed at the recognition of those violations and the restorations of right, e.g. through restitution.
- There are, however, a number of good reasons to not limit the discussion or develop policies focused on restoration of rights alone. These can include: (a) the situation existing prior to a conflict may not be desirable to return back to in terms of land and property relations (e.g. because of deep inequalities, which may have played a role in causing the conflict to begin with; certain groups may not have had access to land at all); (b) it may not provide an adequate solution to the situation at hand, e.g. conflict urbanization - restoration of rights does not need to imply return, but problems of urban poor and displaced populations dwelling in slums may be better served by strengthening land tenure and upgrading services in their places of displacement than in returning rights back to properties in rural areas they will not go back to; (c) restitution of rights may have unwanted or undesirable economic development implications, or may plant the seeds for future conflict; and (d) the micro-level political resistance may be so high that, given institutional resources and real state presence, land restitution policies may not be implementable.
- For those reasons, a forward-looking discussion, focusing on what future society is wanted, and what social and economic development models are wanted is needed going forward, in addition to a discussion of whose rights were violated when.

Given the highly contextual nature of land and property relations, macro-level peacemaking and policy setting needs to be accompanied by micro-level peacemaking and political engagement

- There is a common tendency, especially within the international community, to look at peace making and policy setting at the national level as an undertaking that is highly political and requires political support, while subsequent implementation of those peace agreements or policies is seen as an undertaking for which national institutions and authorities need technical support, including expert advice; capacity building; and resource support for example for reinforcing human resources of the institutions involved in the implementation.
- However, the political economy of land is often highly contextual, and any policy that will change this political economy is likely to encounter significant resistance at the "micro-level" even if there was a consensus at the national level that the peace deal or the development policy in question is what is required from the country.
- It is thereby not uncommon for highly localized land disputes to be framed by local actors as having to do with the larger conflict, although, in fact, they are about personal wealth, family and tribe history, or personal disputes, and hence not easily resolvable through the application of a national peace agreement.
- In Iraq for example, land disputes in Kirkuk are usually framed as having been brought about by land rights violations committed by the regime of Saddam Hussein (which is correct), but in reality they are also related to deeper local issues including historical relations and competition between tribes; different religious and ethnic communities and

their respective role in ruling the governorate; and competing visions about the economic model that should underlie land relations in the governorate.

- All this makes it critical that, especially in countries coming out of conflict, implementation is also accompanied by real support for micro-level political dialogues, negotiations and follow-up, as national peace agreements may well need to be accompanied and followed by local peace agreements. Some of the implementation failures of the past can be traced back to a lack of political attention and a mere focus on technical assistance during the implementation phase.

The post-2015 development agenda must take the situation of migrants into account, including in the context of promoting peacebuilding and durable peace:

- Migration should be part of a new global partnerships goal in post-2015, focused on creating an enabling environment for safe and legal migration, and include targets on:
lowering the unnecessary and exploitative costs and barriers of mobility;
lowering the cost of remittance transfers;
tackling trafficking in human beings;
reducing forced migration and minimizing its negative consequences.
- Targets and indicators on migration should also be included under other development goals, such as decent work, health and education, or on stable and peaceful societies, to ensure that migrants have equitable access to these critical indicia of development and that the implications of migration are taken into account.
- Finally, we must redouble our collective efforts to reduce the incidence and consequences of forced migration, whether as a result of conflict, rights abuses or natural disasters, and whether that displacement occurs within or across borders. Human lives and human development – as well as the peace and security of our societies – depend on this.