



International Federation of Surveyors
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Cadastre & Land Management

Symposium on Land Administration in Post Conflict Areas

**Co-organised by
The Kosovo Cadastral Agency KCA
and
UN-Habitat**



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**Supported by
UN-HABITAT's Disaster Post Conflict and Safety Section,
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Background

The causes of conflicts and violence are many. For example ethnic envy, nationalistic tendencies, opposing interests, class conflicts, disputed frontiers, expansion actions, or economic interests. During such conflict people are killed, buildings and physical infrastructure destroyed, legal frameworks are set aside, public registers are destroyed, markets do not function any more, properties are taken, and lands are occupied. If the conflict ends, peace treaties, UN resolutions, or national development plans aim at restoring governance and the rule of law, in all its variety (security, health, energy, shelter etc.). In many cases a substantial part of the restoration consists of the (re-) introduction of secure land tenure, mechanisms of resolution of land conflicts, land allocation, restitution, transparent land markets, land use planning, land taxation and the like. This implies both institutional (land law and public mandates) and operational measures (organizations and procedures). Some form of land registration and cadastre is needed as a provider of secure property rights, as a facilitator for the land and land credit market, and as a information source for various public tasks like planning, taxation, land reform, and the management of natural resources.

It is most likely that in post conflict situations different approaches are needed. Apart from the fact countries differ in history, culture and attitude, post-conflict situations may differ and require a specific policy. One situation might require short time emergency actions, others might allow

for less hasty and more gradual actions.

A few examples of post-conflict situations are considered hereafter.

In *Kosovo* there is a real challenge in creating appropriate institutions supported by law and implemented according to those standards considered appropriate for a modern market based economy. In almost every sector there are major structural difficulties to be overcome. The transition to a market economy is made more difficult owing to the discriminatory policies of the last decade and the legacy of the conflict, which has left its marks on the land, the people, the economy and the hope for the future.

The rebuilding of society and the physical infrastructure is proceeding. A significant milestone has been achieved with the execution of the democratic elections of 2001 and the establishment of the Provisional Institution of Self-Government in Kosovo (PISG) from January 2002. The PISG has clearly established its intention to develop sound economic and social policies based upon democratic principles as evidenced in the framework of the agreement signed between the political parties of the February 28, 2002, and further elaborated in the policy document of May 2, 2002.

The policy provides for:

1. Consolidating the democratic structures of Kosovo;
2. Increasing the transparency and efficiency of the administration;
3. Improving educational standards for all inhabitants of Kosovo;
4. Improving the quality of the health of all inhabitants of Kosovo;
5. Promoting economic development and international economic Cooperation;
6. Increasing employment;
7. Establishing pension insurance & social assistance for vulnerable groups; and
8. Integrating all ethnic communities into Kosovo society.

These eight priorities represent the government focus and several of them directly impact the land administration sector

In *Guatemala* the World Bank indicates that most poverty is rural: poverty affects over 75% of the population, 86% of the rural population and 93% of the indigenous population. Land issues are key for poverty alleviation. These issues include (i) land property rights, which are unclear for most rural population, it is estimated that 95% of the rural parcels are not registered, and (ii) land distribution.

In the Treaty of Peace, December 29 1996 on Social and Economic Aspects and Agrarian Situation the land issue was strongly emphasised. In the paragraph 38 it indicates: '... to establish an efficient decentralised multi-user land registry and cadastral system that is financially sustainable, subject to compulsory updating and easy to update...' According to this, fair distribution and tenancy of land is one of the solutions for peace in the country.

In *Cambodia*, on Oct. 23, 1991 a peace treaty was signed in Paris with elections planned for 1993. In Jan. 1992 the UN appointed Yasushi Akashi as head of the UN Transitional Authority in Cambodia (UNTAC). On Sept. 21, 1993 the National Assembly ratified constitutional changes that restored the monarchy and in Nov. 1993 the UNTAC was disbanded.

Since 1998, and for the first time in 30 years, there has been no fighting anywhere in Cambodia. Nevertheless there still exists a context in which land grabs are common, and the protection of land rights is weak. Passage of the 2001 Land Law appears to represent a break with past practice, with the Law having support from the highest levels, but how that support will play

itself out in practice remains to be seen. The Land Law establishes for the first time the right of private ownership for both residential holdings and agricultural holdings and establishes a parcel based registration system. The newly created Council for Land policy still has to resolve troublesome issues.

In *Afghanistan* Mr. Hamid Karzai became chairman of the Afghan Interim Authority on December 22, 2001. In June 2002 the Loya Jirga appointed Mr. Karmal as the President of the Afghanistan Transitional Administration of the Transitional Islamic State of Afghanistan. The Administration adopted in 2002 a National Development Framework that revealed the following ambitions with respect to land: ‘...Access to land is regulated through Islamic and customary law. There is a need for a program to produce nationwide land registry and to settle disputes between individuals and groups on land. Such a registry would allow for the use of land as collateral for entrepreneurial activities’

In *El Salvador*, the civil war ended in 1992 with a Peace Treaty, followed by a National Plan for Reconstruction, that has as one of the fundamental pillars the creation of a new agricultural policy, providing for security of land tenure.

In *Rwanda* the Peace Treaty of Arusha 1993 between the Government of Rwanda and the Front Patriotique Rwandais terminated the genocide. Article 2 of the Treaty dictates the repatriation of refugees and the resettlement of displaced persons, giving them right to access to land. Registration of lands and certificates of land titles should provide for land tenure security.

References

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Purpose of the Symposium

The purpose of this symposium is to bundle experiences and knowledge on the issue of land administration in post-conflict areas that can provide a good knowledge base for future operations. UN Habitat is carrying out research in this field to better fulfill its mandates. FAO is supporting countries emerging from violent conflicts in the provision of secure access to land and the re-establishment of land administration systems. Discussion provides opportunity to identify good practices and lessons learned. The final discussion at the end of the symposium aims at investigating possibilities for common findings and recommendations.

Proceedings of the symposium will be published at <http://www.oicrf.org>.

Target Group

The target groups for this symposium consists of peacekeeping professionals, land policy specialists, land administrators, land surveyors, land registrars, land managers, information-managers, donors, non-governmental organisations, officials and politicians, who are involved in emergency and reconstruction activities in post-conflict areas.

Programme

The programme will consist of speakers from various post conflict areas in order to learn from their experiences. Representatives of UN/HABITAT will report on the findings and recommendations of recent work. The draft programme is attached.

Submission of Papers

Although the major part of the programme consists of invited papers, there is room for a few papers submitted by participants (at least two days prior to the symposium). If you would like to make use of this opportunity, please contact Mrs. Pauline van Elsland.

Dates

Dates for the symposium are Thursday and Friday April 29 - 30, 2004.

Venue

UN-European Headquarter at the Palais des Nations in Geneva, Switzerland.

Registration

For registration please contact Mrs. Pauline van Elsland. Deadline for registration is Friday April 16, 2004. Registration can be done by e-mail to pauline.vaneland@kadaster.nl.

Fee

There will be no fee for participation. However coffee, tea, lunch and dinner are at your own expense. Participants have to cover their own travel and accommodation expenses.

Additional information

Mrs Pauline van Elsland
pauline.vanelstrand@kadaster.nl
Secretariat FIG Commission 7
P.O. Box 9046
7300 GH Apeldoorn
The Netherlands
Telephone +31 55 52 85 695
Fax +31 55 35 57 362