



# Scaling up Responsible Land Governance

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**Solutions at scale: overcoming land as a driver of conflict and bottleneck to recovery**

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## **Abstract**

The paper argues for the need to identify new entry points for a more coherent and sustained engagement at scale to overcome land as a driver of conflict and bottleneck to recovery.

The land and conflict cycle has a range of land-related manifestations that covers historical grievances, differentiated access to economic and natural resources with implications for livelihoods and the sharing of wealth, lack of rule of law, marginalization based on intolerance of an ethnic group or religion, territorial or border disputes, organized crime, weak state institutions, population displacements, and macro-level factors such as geo-political rivalries.

Member States and United Nations staff are increasingly concerned that land is a root cause for conflict, often causing also re-lapse into conflict, and a bottleneck to recovery. This situation will be made worse in the coming decades by global challenges such as population growth, urbanization, increasing food insecurity and climate change, which are already increasing competition over land and driving conflict at global, regional, country, local and family levels. These challenges are acknowledged in the Sustainable Development Goals, which for the first time propose a transformative development agenda. The UN-wide system needs to be more fit for the purpose to support Member States and the international community to address these challenges. The UN is re-thinking its engagement on land and conflict, particularly as sustaining peace is core business of the UN system (General Assembly Security Council A/70/357).

This paper draws from a functional analysis that was done of the UN system across the UN pillars (peace, security and development including humanitarian) in regard to land and conflict and on the outcomes of the first Land and Conflict Forum (November 2015) bringing together a broad issue-based coalition beyond the UN, including non-governmental organisations, specialized land-focused organisations and professionals.

Areas of engagement relevant to land and conflict were reviewed, keeping in mind the full conflict cycle from preparedness, prevention, mediation and peace-making, peace consolidation and peace-building, humanitarian response, recovery and development. Land and conflict was assessed in the study through five areas or work streams: land reform, land administration, land policy processes, capacity development and dispute resolution, thus ensuring a coherent approach to the land sector.

A change model to make the United Nations more fit for purpose is proposed. An incremental approach is suggested, which focuses on identifying entry points in the United Nations wide system where new knowledge and approaches can be developed, and awareness and advocacy undertaken, as well as the capacity of champions developed, to lead further change. Capacity development is seen as a major driver of the change required in the United Nations wide system to address land and conflict. There are also already multiple entry points and mechanism in place for improved coherence, coordination and integration within the United Nations wide system. There is also recognition that engagement at scale and in a sustained manner requires an issue-based coalition beyond the UN.

**Key Words:** Land, Conflict, UN system, Capacity Development, UN System Reform

## 1. Introduction

Member States and United Nations staff are increasingly concerned that land is increasingly becoming a trigger for conflict, and/or a re-lapse into conflict, and a bottleneck to recovery. Land is also increasingly acknowledged as a critical factor in peace-making.

Crises are becoming more and more **protracted** and fuelled by the overall **fragility** of certain countries. This fragility is a combination of weak and ineffective governance, weak rule of law, and fragile economies with a high degree of informality and often high levels of structural poverty. Fragile states are frequently characterized by an absence of land administration, lack or loss of land records and recurring tensions between customary land rights and formal legal systems. Insufficient attention to land as a driver of conflict contributes to the protracted nature of crisis, making it difficult to create stability. Land-related issues are often cause for relapse into conflicts. The land and conflict cycle has a range of manifestations that cover: historical grievances; differentiated access to economic and natural resources with implications for livelihoods and the sharing of wealth; lack of rule of law; marginalization based on intolerance, gender bias and discrimination; territorial or border disputes, organized crime, weak state institutions; and macro-level factors such as geo-political rivalries.

This situation will further deteriorate in the coming decades due to global challenges such as population growth, urbanization, increasing food insecurity and climate change, which are already generating competition over land and driving conflicts at global, regional, national, local and family levels. These challenges are acknowledged in the proposed Sustainable Development Goals, which, for the first time, propose a transformative development agenda.

By 2050 the world's population will grow to approximately 9.6 billion people, with a **rate** of 1 billion every 12 years. All these people will need access to land and have to be fed in a sustainable way. Considering that more than 50 percent of the world's population already lives in urban areas, the impact of this growth will be the greatest in the developing world, and particularly in Africa, where large scale **urbanization** is expected. In 2010, 40 per cent of the population in developing countries was under 15 and young people (15-24 years) account for another 20 per cent. **Young people** are the least likely to have secure tenure (UN-Habitat/GLTN) and are a key vulnerable group. They are also the most likely to engage in conflict.

Population growth, urbanisation, and the impact of climate change make ensuring **food security** a fast increasing challenge. FAO estimates that 805 million people were chronically undernourished between 2012 and 2014, particularly in sub-Saharan Africa and Asia. Furthermore **Climate change** could reduce

food production growth by 2 percent each decade for the rest of this century (IPCC). The President of the United Nations Security Council noted his concerns in 2011 when he said “that possible adverse effects of climate change may, in the long run, aggravate certain existing threats to international peace and security.” The Shifting of global development needs and patterns increases the pressure exploitation of **natural resources**, which often competes with the needs of local communities. This often leads to large scale land acquisition and land grabbing by powerful elites, who take advantage of weak institutions and rule of law to increase their land holdings. Large scale land acquisition for natural resources exploitation are generally linked to exportation of produce with no benefit for the individuals or their communities in areas where the large scale land investment is taking place. This often leads to more poverty and food insecurity with potential to increase migration to urban areas, to trigger conflicts or exacerbate existing ones.

As a result of these trends, large numbers of people are likely to be forcefully **displaced**, evictions will increase, and an upsurge in migration is likely by people in search of food security and livelihoods. Such migration will be, in most cases, rural-urban migration, for the purpose of accessing to services and work, which in the absence of planned urbanization, increases proliferation of slums and informal settlements in urban and peri-urban areas, which can lead to conflicts with communities and individuals already living in the area. As a consequence of this, rural areas, including agricultural ones, risk to become increasingly dysfunctional. Women, children and other vulnerable groups (for example Indigenous People) will be affected the most.

The **overall perception** is that the **United Nations (UN)** together with the humanitarian and the development community as a whole are **not ‘fit for purpose’** to support Member States and local stakeholders in addressing the aforementioned challenges. The UN needs to re-think its engagement in land and conflict, clarify roles and build capacity as appropriate, particularly if “sustaining peace” is a core business of the UN system.

In 2014, the Rule of Law Unit of the Executive Office of the Secretary General requested UN-Habitat to lead the drafting of a Secretary General Guidance Note on ‘Land and Conflict’. Preliminary discussions with a variety of stakeholders and Member States represented in the Peacebuilding Commission illustrated a shared awareness of the global challenges and of the need for the UN to become fit for purpose for an engagement at scale to address land issues in conflict situations. There was also an early acknowledgement that conflict prevention and peace-building require more sustained interventions on land throughout the conflict cycle, and a better alignment and coordination among different pillars of the

UN system, in particular the peace and security, human rights, the humanitarian and development community, and with the broader land sector. It has both rural and urban dimensions.

An initial Scoping and Status Study on Land and Conflict (hereinafter “the Scoping Study” or “the Study”), focusing on the UN, resulted in a set of key findings and recommendations on how to better engage at scale on land and conflict which form the basis of this paper.

The content of the Scoping Study aligns with the recommendations coming out of the (i) High Level Reviews on Peace Operations; (ii) Peacebuilding Architecture and (iii) UN Resolution (UN Res.) 1325 on Women, Peace and Security. Key findings of the study include: (1) Increased focus on shared root cause analysis as basis for shared vision and strategy; (2) Integration across peace and security, development and human rights pillars and coordination with the land sector; (3) Need for continuum of responses throughout the conflict-cycle; (4) Provide with sustained political solutions and foundations; (5) Build on the Fit for Purpose and partnership mechanisms; (6) Increase the focus on prevention and mediation; (7) Adopt a more inclusive processes involving both parties to the conflict, communities, civil society; and (8) Develop capacities.

The present paper also takes into account actions and recommendations arising from the First Land and Conflict Forum which took place in Nairobi on 1 and 2 November 2015. The Forum, saw the participation of more than 60 global and regional experts and representatives of international organizations, UN agencies, non-governmental organizations, land professionals and governments from affected countries took part in the forum. Participants shared experiences, lessons learned and successful approaches to land and conflict; reviewed key elements of the Scoping and Status Study on Land and Conflict; and discussed capacity development initiatives and needs; building blocks for a better root cause analysis and development of conflict-sensitive land tools. The Forum resulted in a broad agreement to set up a broader issues-based coalition around land and conflict – a key recommendation of the Scoping Study -; and identified converging priorities and potential areas of collaboration.

## **Methodology**

The Scoping and Study builds on the work already done inside and outside the UN. It focuses on a functional analysis of the UN system across the UN pillars, examining both headquarters and country-level engagement. It does this by applying existing methodologies used by the land sector, building on the knowledge of UN officials from 18 UN entities and other resource people, in order to bring in a wide variety of perspectives to provide concrete indications on steps to be taken to improve effectiveness and sustainability of UN engagement in land and conflict.

UN entities included the Rule of Law Unit of the Executive Office of the Secretary General, DPA (Department of Political Affairs), DPKO (Department for Peace Keeping Operations), UNDP (United Nations Development Program), UN Women, OHCHR (Office of the High Commission of Human Rights), PBSO (Peace Building support Office), UNHCR (United Nations High Commission for Refugees), UNEP (United Nations Environmental Program), FAO (Food and Agricultural Organization of the United Nations ) and IOM (International Organization for Migration).

During October and November 2014, a consultant conducted **interviews** with representatives of seventeen United Nations entities, across the different UN pillars. The interviews focused on documenting key issues, needs and gaps in UN engagement in land and conflict, and on identifying each entity's functions. Specifically, the following were looked at: 1) organizational structure of each entity and roles related to land and conflict; 2) cooperation with other actors; 3) existing capacities of entities to work on land and conflict.

In addition to the interviews, a **literature review** of key materials was undertaken (see References); a range of UN records were analysed to assess specific land and conflict trends (e.g., the peacemakers' database, the UN Peacebuilding Fund and Security Council Resolutions)

Several UN system-wide **focus group meetings** were conducted. Participants were called upon to draw from their respective experiences. The participation of UN-colleagues currently based at country level has been limited to date. The second focus group confirmed the importance of country-level input to ensure the UN Guidance Note adds value to country level operations.

The **research approach** is based on the Global Land Tool Network (GLTN)'s experience of the development of large-scale land tools with a wide variety of political, technical, global and country partners. The approach includes: process management to draw on a wide range of knowledge and experience (individually and in groups); integration of political and technical issues, adoption of global and country-level strategies; development of road maps to implement change; and use of reference groups for knowledge generation and validation. This approach has proved to be useful in managing change in complex systems.

Through the adoption of an incremental approach, a change model is proposed. This approach focuses on identifying entry points in the UN-wide system where new knowledge and methodologies can be developed, awareness and advocacy undertaken, and capacity building of champions to lead further changes identified. Capacity development is regarded as a major driver of the change required in the UN-wide system to address land and conflict.

## **Framing “land and conflict” issues**

This chapter frames the work on “land and conflict” against the ongoing UN reform and key land-related concepts.

### ***Institutional framing***

#### *Alignment between the Pillars of the UN*

The study is structured around the three key UN pillars outlined in the UN Charter: security, human rights and development - complemented by the additional category of humanitarian affairs. It examines the respective roles, scope and focus of different UN entities across the system in relation to areas of engagement that are relevant to land and conflict, assessing their land-related functions as well as their level of alignment and cooperation with UN entities in other pillars. This includes all the relevant dimensions/phases in the conflict cycle: preparedness, prevention, humanitarian assistance, peace-making, peacekeeping and peacebuilding, recovery and development, and human rights monitoring.

#### *Reforms to make the UN more fit-for-purpose*

##### *Post-2015 – Long-Term Positioning of the UN Development System*

The ECOSOC is currently discussing the Long-Term Positioning of the UN Development System to make the UN more fit-for-purpose, in order to ensure that the UN can support Member States to deliver on the Sustainable Development Goals (SDGs) and. This should result in a revised Quadrennial Comprehensive Policy Review Resolution in 2016.

- The High Level Committee for Programmes (HLCP), the UN Development Group (UNDG), including the UN Working Group on Transition, are advancing, amongst others, the following key elements:
- Integration by coherence and alignment at global, regional and country levels and building issue-based coalitions;
- Changing the concept of “Transition from Relief to Development” to a more integrated and articulated one to align with both relief and development approaches;
- Delivering as one on the post-2015 agenda (incl. Goal 16);
- Putting human rights at the centre through enabling a systemic interface between development and human rights systems, and operationalizing the Rights Up Front Initiative (see 3.2.1).

#### *Reform of humanitarian action: World Humanitarian Summit*

The United Nations Secretary-General is convening the first ever World Humanitarian Summit in May 2016. The goal is to find new ways to tackle humanitarian needs in our fast-changing world and it will set a new agenda for global humanitarian action. The summit will include, amongst other things, a focus on humanitarian effectiveness, reducing vulnerability and managing risk, and serving the needs of people in conflict. It will also build on the ongoing discussion to better align humanitarian and development assistance in crisis settings, jointly contributing to increased resilience and will focus on broadening the humanitarian partnerships to include regional organizations, private sector, local authorities, etc.

*Major reviews of peace operations, the peacebuilding architecture and the implementation of Resolution 1325 on Women, Peace and Security in 2015*

The peace and security pillar of the UN is likely to undergo catalytic changes, following the recommendations of the:

|  | <b><i>High Level Independent Panel on UN Peace Operations</i></b>   | <b><i>Ten-year Review of the Peace Building Architecture (PBA)</i></b>  | <b><i>Global Study on resolution 1325 (which will feed into the High-Level Global Review on 1325 that is planned for October 2015)</i></b> |
|--|---|---|--|
| <b><i>What's the purpose of the review</i></b> | <i>To examine whether the UN peace operations, namely peacekeeping and special political missions (SPM), are fit for purpose in today's environment and how they can be made more effective, efficient and responsive</i> | <i>To examine the significance of the evolution of the PBA in addressing the challenges post-conflict countries face; to consider its implications for the role and positing of the PBA and the operational entities of the UN; and to propose ways to strengthen the performance and impact of the PBA</i> | <i>To examine the status of implementation of resolution 1325 in preparation for the 2015 High-level Review</i>                            |
| <b><i>Who requested the review</i></b>         | <i>Secretary-General</i>  | <i>General Assembly and Security Council, pursuant to: A/RES/65/7 (2010) and A/RES/1947 (2010)</i>  | <i>The Security Council invited the Secretary-General to commission the study</i>  |

*Incremental change management approach*

In the light of the aforementioned challenges, an incremental change management approach (rather than the classical “fix the system approach”) is proposed. It focuses on **identifying and strengthening key levers of change** that could make a difference to the UN system’s engagement in land and conflict. Some of the key levers for change are institutions, platforms, geographies, ongoing UN processes, champions and networks, agreed priorities and urgent interventions, capacity development, and new knowledge generation. The proposed road map is premised on this approach.

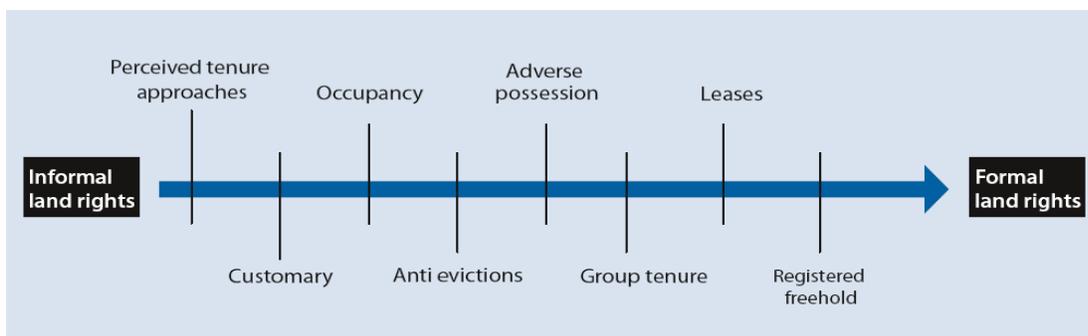
## *Thematic framing: land-related concepts*

### *Definition of land*

The term “land” become more commonly used both at global and country level by the land sector, particularly with regard to issues around poverty and vulnerability. For the purpose of this study land includes all land systems, urban and rural, and therefore underpins a wide range of sectors not just human settlements.

### *Continuum of land rights: game changer 1*

Figure 1: The Continuum of Land Rights



Conventional land administration systems are based on individual freehold ownership. This causes major obstacles to delivery on land rights. Often individuals in rural areas often rely on customary tenure arrangements or freehold titles are generally not affordable for poor and vulnerable people with the result that approximately 70% of people do not have access to land in freehold. The continuum of land rights is a range of possible forms of tenure, which can be considered as a continuum. This approach implies moving the focus from the individual titling and individual ownership while considering different types of tenure.

This is based on the consideration that no single form of tenure can meet the different needs of all social groups. However, a range of land tenure options enables both women and men from all social groups to meet their changing needs over time. Legal recognition for different forms of tenure can also strengthen the development of dynamic land markets in highly populated areas. In this respect the range of possible forms of tenure can be considered as a *continuum* (see Figure 1). Each continuum provides different sets of rights and degrees of security and responsibility. Each enables different degrees of enforcement. Across a continuum, different tenure systems may operate, and plots or dwellings within a settlement may change in status.

This approach has been adopted at the global level (UN-Habitat in its Governing Council Resolutions 23/17 and 25/4, African Union, United Nations Economic Commission for Africa (UNECA) and African Development Bank, World Bank).

Awareness, UN system-wide acceptance and use of the continuum of land rights could be a **game changer** throughout the conflict cycle.

#### *Fit-for-purpose land administration: game changer 2*

Land administration systems are critical to the protection of land rights. Nevertheless conventional land administration systems are very expensive, technically complex and very slow to put in place. As a result, they cannot be scaled up easily to facilitate conflict resolution, peacebuilding and unlock development potential.

The fit-for-purpose land administration approach, launched in 2014 by the World Bank and the International Federation of Surveyors, implies that the creation of a land administration system should be flexible and serving the purpose of the system, based on spatial framework and participatory approach rather than a focusing on top-bottom technical solutions which do not take into account the context and sustainability of actions.

The fit-for-purpose land administration approach allows for a range of different forms of land administration that are more affordable, are incrementally upgradeable, and which require much less time and in-country technical capacity. This major game changer, which is in line with the contextual priorities of peace consolidation and peacebuilding, is more suitable for land and conflict purposes.

The global acceptance of Fit for Purpose Land Administration by the land community opens the door to addressing land and conflict issues at scale in new ways, triggering changes in the UN system in terms of the extent of its engagement and the functions it undertakes.

#### *Five key work streams of land*

Land is a cross cutting issue and there are many potential entry points for addressing it. Work streams that are commonly used by the land sector have been chosen for ease of reference and to facilitate coherence within and across programmes and over time. This study assesses whether, and to what extent, there is UN system-wide operationalization of these work streams across the UN 'pillars'.



- **Land dispute and conflict resolution** is a key aspect of conflict prevention, peace-making, peacekeeping, peacebuilding and a humanitarian response and takes multiple forms, with varying degrees of linkages and integration into formal legal and institutional frameworks (including land administration).
- **Land policy** defines how resources and benefits are to be allocated. While national land policies are common in the development phases, limited policy agreements on specific land issues are useful when emerging from conflicts. Good governance usually implies that a land policy is developed through a process that engages all major stakeholders including civil society. Policy elements can also be integrated into peace agreements to facilitate resolution of conflicts.
- **Land administration** includes a range of systems and processes aimed at protecting and concretizing land rights. Its functions include allocating land rights, land registration, land use control, land information management, the defence of land rights against invaders, and resolving conflicts over the ownership and use of land. The judicial, regulatory, fiscal, information management and enforcement functions linked to these systems cannot be implemented at scale without a land administration system. This is a major problem as most developing countries have less than 30 per cent coverage by a land administration system, making it much harder to manage competition and conflict over land.
- **Land reform.** Conventionally land reform is seen as covering land redistribution. While it includes this, today it goes much further including also: prevention of the capture of the land registry records by the elites or criminals (Colombia); protection of IDP and refugee properties (Iraq); fixing the land administration systems for reform purposes (Namibia - land tax); making land laws and regulations more gender responsive (Brazil); addressing historical injustices including IDPs and refugees (Rwanda); and addressing ethno/religious competition over land including mass evictions (Kosovo). Land policy processes that identify and address historical

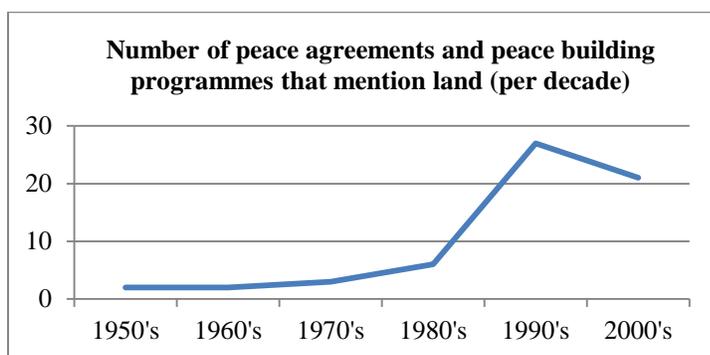
injustices and issues which cause conflict are a key aspect of land reform (Mozambique, South Africa, Uganda, Kenya, Namibia and Liberia).

- **Capacity development.** Land issues are highly conflictual and filled with vested interests. Developing and implementing land policy and human rights approaches is complex, and managing change is both technically and politically challenging particularly when capacity is weak. Capacity development in the land sector is defined as the continual and comprehensive learning and change process, which enables governments, organizations and people to identify, strengthen, adapt and retain capacity for effective land policy development and implementation. This change related definition has been accepted by a range of organizations, including the African Union, UNECA and the African Development Bank, and is seen as being central to successful engagement with the land sector.

#### *Land and the conflict cycle*

There are many factors that may cause or exacerbate conflicts and land is considered to be one of them. Conflicts evolve in cycles which involve: stages of grievances, insecurity, the triggering of conflict, phases of negotiation and peace-making, including economic recovery and development. Land-related issues are often a key cause of relapse into conflict and are a bottleneck to development. Any engagement in land, directly or indirectly needs to be conflict-sensitive throughout the conflict cycle.

Land is more and more acknowledged to be a **critical factor in peace-making**. A quick analysis of **peace agreements** indicates that the number of times land-related issues are mentioned has increased drastically since the 1990s.



*Box 1. From DPA records of number of peace agreements*

## 2. Key findings

This section highlights the key findings of the Scoping Study. It describes the multiple areas of engagement, led by the UN across the different pillars, which are relevant to the land and conflict nexus specifying the different land-related functions that are undertaken by them.

It outlines key gaps and potential levers relevant to land and conflict to make the UN more fit-for-purpose as well as a number of mechanisms, which could be used to enhance UN engagement with improved coherence, coordination, integration and effectiveness.

This represents the basis to address land in a more systematic way throughout the conflict cycle by overcoming land-related issues that are drivers of conflict and bottlenecks to recovery and development.

### *2.1. Multiple areas of UN engagement relevant to land and conflict across the UN-pillars, both at global, regional and country level*

There are many areas of UN engagement across all UN pillars and humanitarian affairs that are relevant to land and conflict. However, explicit land-related functions are limited. Only FAO and UN-Habitat have an explicit reference in their mandates to land together with a well-established and widely recognized technical land-related capacity. At country level it has been noted that the overlaps with the mandates and programmes of development partners in the UN Country Teams is a challenge.

#### *Peace and security pillar*

**Peace operations** are either led by the **Department of Peacekeeping Operations** (DPKO) or the **Department of Political Affairs** (DPA), and are multi-faceted. They aim to create conditions for lasting peace in countries experiencing conflict, to initiate peacebuilding and to prevent relapse into conflict.

During peacekeeping operations, key areas of engagement relevant to land and conflict are the support given to preventive diplomacy, conflict mediation and peace agreements; rebuilding key rule of law related institutions, political systems (constitution, elections, etc.) and transitional justice; strengthening the police, justice and corrections institutions and their accountability; protecting civilians; as well as promoting and protecting human rights.

Increasing attention is focused on **mediation and elaboration of peace agreements**. The **Mediation Support Unit** (MSU) within the DPA, aims at strengthening the mediation capacity of regional and sub-regional organizations as well as the UN system as a whole. The MSU serves as a source of mediation knowledge, policy and guidance, lessons learned and best practices. This includes the deployment of members of the **Standby Team of Mediation Experts** (since 2006). This team currently has

approximately eight experts on call including an expert on natural resources and wealth sharing, but no dedicated land expert.

The **Peace Building Support Office** (PBSO) does not have operational functions, but supports the Peace Building Commission and the Peace Building Fund, while contributing its knowledge to inter-agency mechanisms. Areas of engagement are linked to land are access to natural resources and women, peace and security. The ongoing Ten-year Review of the Peace Building Architecture is an opportunity to see how the political, financial and policy arms of the peacebuilding architecture can be strengthened and better connected.

UN staff identified the importance of building the evidence base for its potential impact on peace building, for instance of strengthening the involvement of women in natural resource management or improved land rights. As with other potential peacebuilding factors, there is limited institutional space to discuss the connections and contribution to peacebuilding of inter-related areas such as for instance land, gender, peace agreements and access to natural resources.

The **High-Level Independent Panel on UN Peace Operations** report (June 2015) highlights the importance of political solutions in driving the design and implementation of peace operations. It suggests that land-related grievances should be dealt with properly at the highest level during peace negotiations while linking peace agreements to sequenced and phased implementation plans. This approach to peace would allow land to be better embedded in the analysis and addressing of conflict, the sequencing and implementation of peace agreements, and to be part of capacity development. The Panel calls for the UN to have its own capacities to prioritize and undertake conflict mediation. The panel also calls for investing in stronger underlying analysis of root causes of conflict, strategy and planning to contextualize missions better. Addressing land and conflict issues through this lens would make it possible to address land related grievances and conflicts and when there are bottlenecks to recovery; it would also make it possible to implement land activities in an incremental and sustainable way; build the necessary capacity in land for conflict mediation and for land to be part of the analysis, strategy and planning of missions allowing for better contextualization of missions.

UN staff suggested peacekeeping should include the protection of abandoned properties, land records and other assets; evidence must be built around the impact of land on peace building; institutional space needs to be created for land and conflict in peace building; dedicated capacity on land and conflict is missing; it is difficult to allocate funds, resulting in *ad hoc* engagement because land functions are not mentioned in mission mandates; there are increasing requests from country-level staff for technical assistance; and there is a growing interest in land linked to natural resources.

### *Development pillar*

The development pillar works towards improving people's well-being through sustainable development, which promotes prosperity and economic opportunity, greater social well-being, and protection of the environment.

UNDP, FAO, UNEP, UN Women (Security Council Resolution 1325) and UN-Habitat are key UN entities in the **Development pillar**, and they engage in areas relevant to land and conflict. These agencies undertake a wide range of functions, such as transitional justice to come to terms with large-scale past abuse; conflict analysis; support to the domestication of international conventions; the provision of frameworks for land governance and the management of land use and natural resources (extractives) in view of conflict prevention; strengthening the role of women in peacebuilding; managing displacement and conflict over urban land to prevent slum development and support planned sustainable urban growth; fixing land systems; capacity development; dispute resolution; supporting land reform; land tool development and land policy processes.

Most development actors acknowledge the importance of addressing land issues in a sustainable way as being a necessary pre-condition for longer term recovery and development. This is considered to be crucial for infrastructure investments, management of natural resources and the development of extractive industries, as well as for guiding urban growth. However, the land sector is not subject to extensive coordinated programming across the development sector and is seldom a specific outcome in the United Nations Development Assistances Frameworks, which guide UN engagement at country level. There has been an increasing focus on land-related dispute resolution interventions at the local level, without a necessary common approach. Most work has been done on conflict-sensitive programming around land, settlement of IDPs and the management of natural resources. UN staff said that several of the more "technical" agencies, such as UN-Habitat, FAO, UNEP and IOM, all have specific land-related expertise and programming related to their mandate, which sometimes overlap. The level of cooperation has been limited so far to specific programmes or projects and has not been at scale.

For the **United Nations Development Programme** (UNDP), land is a cross-cutting issue which supports their work on the rule of law, transitional justice, dispute resolution, peacebuilding and governance, institution building, poverty reduction, conflict prevention and the management of natural resources (extractives). UNDP leads a number of inter-agency partnerships connecting conflict prevention, peacebuilding and development. In some cases, it directly supports states on the development of land policy and legislation.

The **Food and Agriculture Organization** of the United Nations (FAO) works on mechanisms to address land disputes as a means to increase tenure security, food security and livelihoods through multi-stakeholder groups, based on an understanding of the customary and formal legal systems. It leads, at global and country level, the implementation of the **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests**, endorsed by the Committee on World Food Security (2012). For FAO land governance and security of tenure support the eradication of poverty by reducing food insecurity and enhancing agriculture development.

The **United Nations Environment Programme's** (UNEP) expertise lies within the environmental dimensions of land use management and conservation. Land is regarded as underlying issue affecting ecosystems and livelihoods within the portfolio of natural resources, including extractives, renewables and water. UNEP analyses how access to land and other resources can contribute to conflict and supports the UN Country Teams in identifying the role of land in the conflict narrative and peacebuilding processes advising on actions to be taken in order to address such issues. It also focuses on land concessions, and related discrimination and displacement of local communities, on benefit sharing in mining activities and the development of best practices within natural resource management.

**UN Women** has a peace and security team working on issues related to conflict and women's rights. Land is a central component and an emerging focus, which comes up predominantly within the peacebuilding and transitional justice portfolio. UN Women cooperates closely with DPA and DPKO from a peacebuilding perspective on mediation. It also runs a global programme with UNDP on women's access to justice in conflict and post conflict settings.

The **Security Council resolution 1325** reaffirms the important role women have in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction. Without an explicit reference to land rights, it highlights the crucial role of women in maintenance and promotion of peace and stability, whose role in recovery becomes vital in conflict and post-conflict scenario, since they are often left as head of household.

Gender-based discrimination in land-related legal frameworks is widespread in many post conflict situations and countries in transition. Gender-based discrimination in the enjoyment of land rights and in accessing and using land also reflects on implementation. It is important to look at women's rights to land as part of programming around transitional justice because reparation approaches and land restitution may have gender implications. This area meets Member States' interests and represents an important entry point for expanding work on land and conflict.

**UN-Habitat** involvement in land related issues reaches across many of its thematic areas, such as urban planning and design, participatory slum upgrading, housing, urban legislation and risk reduction, and rehabilitation at both global and country level. The **Land and GLTN Unit**, within the **Urban Legislation, Land and Governance Branch**, provides support to country offices on several land-related topics, such as access to land for all, land policies, efficient urban land management, land tenure and ownership, land and urban planning, Indigenous People's rights to land, land and conflicts and use of land-redistribution tools to facilitate inclusive planned urban growth.

The unit hosts the **Global Land Tool Network (GLTN)**, an alliance of more than 60 global, regional and national partners contributing to poverty alleviation through land reform, improved land management, and security of tenure particularly through the development and dissemination of pro-poor and gender-sensitive land tools. This is supported by UN-Habitat Governing Council resolutions 23/17 and 25/4. The network's partners include international networks of civil society, international finance institutions, international research and training institutions, donors and professional bodies. GLTN delivers land tools at the global level to solve problems associated with land administration and management in developing countries.

#### *Human rights pillar*

Human rights is a core pillar of the United Nations. All staff in peace operations have the responsibility to ensure the protection and promotion of human rights through their work. The Office of the High Commissioner for Human Rights (**OHCHR**) provides expertise, guidance and support to these human rights teams. The head of the human rights team is the advisor to the Head of Mission/Resident Coordinator (RC) and also the representative of the High Commissioner for Human Rights in-country.

The OHCHR has human rights components in the majority of peacekeeping missions. In some countries OHCHR has a human rights advisor to assist the Resident Coordinator (RC). The intent is to institutionalize cooperation and coordination with other UN agencies on human rights before, during and after conflicts. One important area of engagement is to identify root causes of conflict and to argue for the necessary changes to diffuse tensions in the country.

OHCHR plays a pivotal role in promoting human rights based engagement throughout the conflict cycle at country level, also providing dedicated capacity to peacekeeping operations, improving access to justice and monitoring of human rights violations, including forced displacement. At the global level, OHCHR facilitates several human rights mechanisms, including a wide range of Special Rapporteurs.

In most cases, human rights are mentioned in generic terms, but are not translated into action. Some UN staff suggested that a stronger human rights-based approach could strengthen coherence across UN pillars and throughout the conflict cycle.

OHCHR does not have specific programmes to address land and conflict, but acknowledges that land-related issues come up in many contexts. At country level, land focus is often on monitoring and advocacy for addressing the protection concerns of displaced and refugees (e.i., forced evictions, challenges to restitution). OHCHR also provides inputs to institution building, for instance through the provision of a human rights perspective for lawyers, judges and stakeholders who serve at tribunals dealing with land restitution. Another important entry point relates to mainstreaming of human rights and issues related to women's rights in the field of land and conflict.

Another important area of engagement for land and conflict is the work around transitional justice. In 2010 the United Nations Secretary-General Ban Ki-moon adopted a **Guidance Note related to Transitional Justice**. The guidance note defines transitional justice as “the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses” in order to ensure accountability, serve justice and achieve reconciliation in the society. Components of transitional justice are judicial and non-judicial processes and mechanisms. Land and conflict entry points in transitional justice relates to (i) identification of root causes of conflict and addressing land-rights related violations; (ii) increased consideration of human rights and transitional justice during peace processes; (iii) coordination of disarmament, demobilization, and reintegration initiatives with transitional justice activities in a positively reinforcing manner.

### *Humanitarian Affairs*

Over the last decade, the humanitarian caseload has drastically increased and is currently dominated by five crises, which are all protracted in nature (Syria, Sudan, South Sudan, the Central African Republic, and the Democratic Republic of the Congo). In most of these cases, land-related issues have become increasingly important as they prolong crises and prevent return of the displaced and stabilization if political agreements are reached.

To address **humanitarian affairs**, the Inter-Agency Standing Committee, which brings UN and non-UN humanitarian actors together, has developed a humanitarian response and coordination mechanism.

Currently, the formal entry point to address and coordinate response to land-issues (HLP) is the “**Housing Land and Property Area of Responsibility**” (HLP AOR) under the Global Protection Cluster. The HLP AoR brings together non-governmental organizations, UN agencies, academic institutions working at

global and country levels to address HLP issues in humanitarian crises, in order to facilitate a more accountable and effective HLP response in humanitarian emergencies. The group has developed a HLP Checklist for Resident and Humanitarian Coordinators to assist them in addressing HLP issues.

The “**Regulatory Barriers in the Provision of Shelter Working Group**”, within the Shelter Cluster, while considering HLP issues as a key regulatory barrier to shelter response, developed a checklist to assist shelter actors to ensure that they respect existing rights over plots of land on which they intend to construct shelter and minimize the risk that may contribute to land disputes, in line with the “do no harm” principle.

When a need is envisaged, the Protection Cluster activates HLP working groups at country level. One of major challenges of the HLP AOR is the chronic under-funding of proposed HLP interventions in consolidated or flash appeals *vis a vis* a progressive increase of its case load due to the proliferation of protracted crises and consequent displacement. Moreover the disconnect between emergency response and longer term peacebuilding goals can cause further conflicts or exacerbate existing ones. The position and functions of the HLP AOR, and its link with the rest of the UN engagement, are currently under review.

A number of **non-UN entities** play a key role in land and conflict. The International Organization for Migration (IOM), including through its lead role in the Global Camp Coordination and Management Cluster and the Land, Property and Repatriations division, works on internal displacement and land restitution. The Norwegian Refugee Council (NRC) assists refugees and IDPs and deals with displacement, shelter, HLP, analysis and the mapping of the legal formal and informal frameworks relevant to land. The World Bank is increasing its work on fragility, conflict and violence. It also has an important role in reconstruction and development, with larger and long term programmes, particularly in regard to land administration. Global, regional and national think tanks and institutes supply important analysis, external voice and early warnings.

Other actors that play a role in this area are **global and regional think tanks and advocacy groups** (e.i., the International Crisis Group, and Displacement Solutions) as well as international, regional and national research institutions. Many of these bodies are decentralized and can play an advisory role on sensitive issues. When land becomes a sensitive political topic, these “external” voices can help to foster a transparent debate on difficult topics, such as underlying drivers of conflicts, which often includes historic land grievances. They can also provide early warning before conflicts escalate.

Member States' support is crucial to achieving desirable outcomes, both as those requesting support and as donors. UN staff expressed the need to renew and expand the dialogue with Member States.

## ***2.2. Multiple entry points for improved coherence, coordination, integration and effectiveness***

In recent years, there have been increasing efforts to ensure a stronger, more coherent and accountable UN system-wide focus on conflict prevention and peacebuilding. Efforts involved a range of functions such as coordination and interagency mechanisms; early warning systems at different levels; conflict analyses; conflict management; and joint programming. As a consequence the number of entry points for improved coherence, coordination, integration and effectiveness of UN action multiplied. Entry points include **coordination platforms / mechanisms and emerging integrated support services and programming** such as: the Rule of Law, Coordination and Resource Group (ROLCRG); Rights Up Front; Integrated Strategic Frameworks (ISF) and Integrated Mission Planning Processes (IMMP); UN Working Group on Transitions and the Task Team on Conflict Prevention; Inter-Agency Framework for Coordination on Preventive Action; Task Team for Conflict Prevention; UN Working Group on Transitions; Inter-Agency Task Force on Women, Peace and Security of Security Council Resolution 1325; Humanitarian Coordinator/Resident Coordinator/Deputy Special Representative of the Secretary-General; UN Country Team (UN Country Teams); UN Development Assistance Framework (UNDAF); UN-World Bank Partnership Framework for Crisis and Post-Crisis Situations; Global Land Tool Network; Global Focal Point for Police, Justice, and Corrections; DPA/UNDP Peace and Development Advisors; Solutions Alliance; Joint IDP Profiling Service; EU-UN Partnership on Land, Natural Resources and Conflict Prevention; and regional mechanisms such as the African Union/African Development Bank/UNECA Land Policy Initiative and the International Conference on the Great Lakes Region (ICGLR);

These coordinating mechanisms, integrated support services and joint programmes have a wide range of roles which have relevance for land and conflict. There are entry points across the UN pillars in humanitarian affairs, peace and security, development and human rights. The roles include:

- Global coordination and alignment across the three UN pillars; creating a shared vision; setting peace consolidation priorities for the UN; articulation of programmes, functions and/or operational areas requiring international approaches; setting up agreed international coordination arrangements; getting political buy-in for programmes at regional and sub-regional levels; strengthening South-South cooperation; budgeting and aligning the political and technical work of the UN across the pillars at

country level; creating a common monitoring and reporting framework funding mechanisms; and sourcing of funding;

- Elevating politically sensitive grievances such as mass forced displacement, civil war/genocide to the highest political levels in the UN system; reporting on violations of international law; on potential conflict; assessment and analysis capabilities to prevent relapse; protecting citizens; early warning and horizon scanning mechanisms;
- Convening platform; including with non-UN organizations; support to non-UN organizations for peace building;
- Validation of Guidance Notes for the system; support to domestication of international protocols (e.g. IDPs/refugees); development of policies, guidelines and approaches to support countries;
- Design and set up of peace keeping and special political missions; respond to requests by the system, technical coordination; implementing common strategies and programmes and sector-wide fundraising; needs assessments; planning, coordination and recovery;
- At country level, coordinate UN programming and align with government plans; guide change management; dialogue and advocacy with governments; partnering with Bretton Woods institutions; partnering between UN organizations and within non-UN organizations; funding mechanisms; sourcing of funding;
- Share, support and develop knowledge products to fill capacity gaps; joint capacity development of staff; online training; building capacity of national and non-UN partners;
- Assisting national level with project implementation; technical assistance; mediation, monitoring with regard to resilience strengthening, political reforms, transitional justice, reconciliation programmes, promotion of national dialogues; dispute resolution; managing displacement; managing natural resources; land administration reform; the role of women; and legal reform;
- Tool development including conflict sensitive tools.

Tools for shared analysis and programming include: the UN-WB-EU Post Conflict Needs Assessment (PCNA); UNDP's Conflict-related Development Analysis Tool; Indicators from the Global Land Indicators Initiative; IDP Profiling; UNDG-ECHA created a supplementary guidance note to the PCNA and the UNDAF on Natural Resource Management in Transition Settings; DPA and UNEP's Guidance Note on Mediation and Natural Resources; Post Conflict Needs Assessment to Overcome Conflict and Prepare for Recovery.

UN staff agree that a systematic approach to land and conflict requires engagement across the different UN pillars and that the nature and intent of the ISF and IMPP offer opportunities to foster coherence at country level throughout the UN system under the leadership of the RC/DSRSG and the SRSG.

### ***2.3. Further shared observations to guide change management***

#### ***2.3.1. Consensus across the UN pillars that land is often a structural driver of conflict and bottleneck to recovery***

The Study confirms the broad acknowledgement across the UN, that land is often a root cause and driver of conflict (and relapse into conflict) and as a critical bottleneck to economic recovery and development. In spite of this, UN staff interviewed highlighted that such awareness is not sufficiently translated into a substantive focus of the different UN entities, and that their institutional set-up, human resource strategies, capacity development efforts and the available tools and programming instruments are not fit-for-purpose. The consensus was also that this will require an integrated, coherent and sustained approach across the UN pillars.

#### ***2.3.2. Need to overcome the lack of sharing land information across agencies and throughout the conflict cycle***

The Study reveals concerns of UN staff about absence of mechanisms for sharing information, particularly when there is a risk of destabilization. Specific guidelines are needed to avoid this ad-hoc practice at global and country-level. Lack of understanding of the multiplicity and multi-layered nature of the land sector, of the land systems and of the linkages between land systems and conflicts, becomes a barrier to effective response and also carries the risk of aggravating pre-crisis land-related issues. Lack of information is corroborated and aggravated by inadequate pre-crisis mapping of the land sector and key land-related issues, in particular on the often overlapping customary, statutory and informal tenure systems. This requires efforts aimed at increasing a shared UN (and non-UN) knowledge about land and conflicts as well as a shared understanding of the main concept related to this domain.

#### ***2.3.3. Fragmented engagement in land and conflict***

The UN has a number of agencies and mechanisms that address parts of the various work streams on land. Nevertheless there is no overarching strategy and institutional framework for the system to be able to address land in a systemic way throughout the conflict cycle.

The five key land work streams are addressed either directly by a few of the specialised agencies who have specific mandates on land-related matters, or indirectly by other agencies particularly those involved in peace agreements, mediation and humanitarian affairs. The UN system needs to clarify its areas of

engagement in land and conflicts and evaluate expanding or confirming the roles and responsibilities of its agencies.

#### ***2.3.4. Current multiple-level conflict analyses across the conflict cycle should include land***

##### ***Increasing volume of conflict-related analysis and assessments***

Although different parts of the UN-system are increasingly engaging in conflict-related analysis, there is no clear guidance on how to assess the role of land-related issues as drivers of conflict or bottlenecks to development. At the global level, DPA supports UN senior management with **political (economy) analyses** relating to the prevention of conflict and the management of crises. There is a call for a stronger focus on root drivers of conflict.

##### ***Different perspectives and analyses at the local, national and global level***

A DPKO report on “understanding and integrating **local perceptions** in multi-dimensional peacekeeping” (DPKO, 2013) noted the disconnect between Security Council mission mandates and key priorities as defined through local perceptions. Land disputes, for instance, often emerge as key perceived areas of tension at local level, but are absent from Security Council mandates. UN staff interviewed confirmed the importance to address such issue at global level in order to support the work of country operations.

##### ***No shared analysis of drivers of conflict, including land-related drivers***

UN staff reported that, as consequence of the increased focus on conflict prevention across the UN system, there is an increasing interest across the UN pillars to develop a more shared analysis of root causes and drivers of conflict and of peacebuilding factors. It will be important to ensure that land and conflict issues are embedded in the tools and capacity at different levels being developed around this.

#### ***2.3.5. Building on existing dispute resolution approaches to create a more coherent framework***

Several UN agencies are increasingly engaging in land-related dispute resolution, from different angles (tenure governance, rule of law, settlement planning, access to housing, etc.) and are expanding from there to work on policy, institution building, capacity development, etc. Although there is a variety of available tools on dispute resolution, it is not clear yet how to best introduce such tool in peacebuilding, in order to consolidating peace and fast tracking recovery and development early in the conflict cycle. There is a recognized need, among UN staff, to clarify the roles and responsibilities of UN entities in regard to dispute resolution. At the same time there a number of INGOs have built a good capacity in dispute resolution. In this respect it is important to clarify the added value of the UN and concrete ways to partner with INGOs around dispute resolution and land explored. In addition to that, some UN staff

requested more guidance to ensure coherence and better integration with broader programming aimed at strengthening the rule of law, institution building, and economic development.

**2.3.6. *Land issues related to displacement require more solutions oriented approaches with better links between humanitarian action, development and peace and security***

According to the Scoping Study, comprehensive engagement in land issues has proved hard to deliver at scale during an emergency response. This is partly due to chronic underfunding in humanitarian appeals and partly to the fact that humanitarian agencies cannot address these politically and technically complex issues on their own, but need to link more with peacebuilding and development efforts.

Concerns have been raised about the concrete application of the Pinheiro Principles –which have been developed at global level – at country level. Such principles, which relate to which relate to HPL rights for displaced people, have limitations in terms of responding to the needs of displaced people, because do not take into account local integration and proposes solutions (e.i. effective restitution), which are is often not viable in the aftermath of a conflict. There is a growing recognition that displacement is not only a humanitarian challenge but is also a development and human rights challenge, and that a single focus on restitution (“restoring pre-displacement property relations as outlined in the Pinheiro Principles) may either be impracticable (where landlessness was widespread) or undesirable (where unjust or unsustainable land relations were a root cause of conflict)”. This is resulting in an increased focus on “national strategies for durable solutions for IDPs” and innovative new alliances, including between humanitarian and development actors.

The establishment of camps and related infrastructures in the humanitarian phase, for refugees and internally displaced people (IDPs), has implications on land management and land rights. This is particularly important as the trend is for displacement to become more and more protracted (with an average duration currently of 17 years), and increasingly centered in urban areas (IDMC, 2014).

Currently HLP-issues are dealt with in an *ad-hoc*. UN agencies and departments engaged in peacebuilding, humanitarian and development do not share information on land-related issues, neither coordinate their interventions. Systematic coordination at a global level is needed to deliver an overarching framework which could effectively deal with HLP-related issues at country level.

**2.3.7. *Insufficient capacity across the UN pillars on land and conflict at all scales (global, regional, national)***

While land is considered to be cross cutting and foundational, UN staff indicated that there is limited capacity, in both technical and political domains, to engage at the scope and scale necessary to prevent

conflict and/or unblock development. It requires capacities in both political and technical areas. This is augmented by the lack of inadequate human and financial resources at scale and by scarcity of staff profiles with appropriate capacity and professional experience to deal with land and conflict at both technical and political level.

Technical agencies have insufficient political skills and lack the technical capacity to give timely support and work at the scale necessary. The UN needs increased capacity development to identify land as a root cause of conflict, support peace negotiations, set up land-dispute mechanisms, establish foundations for development of land-related policies and reforms, and to initiate land administration systems.

A clearer understanding is needed as to what kind of capacity the UN itself requires; when, where and how capacity should be mobilized; and what added value the UN should bring to land and conflict at national level. The UN should focus on expertise and capacity on land and/or conflict as part of a system-wide approach to provide guidance and be a legitimate and credible actor at national level to mobilize the partners needed for delivery. This effort will allow the UN to be more fit-for the purpose of effectively engaging in land and conflict.

### ***2.3.8. Disconnect between technical work-streams and political roles and responsibilities on land/conflict issues and lack of hand-over between UN pillars***

One of the most widely shared observations across the UN system is the perceived disconnect between “technical work-streams” pursued by development actors and the political engagement of UN leadership on land-related issues in the peacebuilding and security phases. This is true even where land is identified as a key driver of conflict and a trigger for a relapse into conflict.

SRSGs normally count on the UN Country Teams to manage land-related issues as they are perceived to require a longer term engagement. At the same time UN country teams in “post-conflict settings” tend to be hesitant to focus their work on land related issues in view of their political sensitivities and complexities. Technical agencies are weak on the politics of land. There is a general lack of integration of the political and technical from policy level to programmatic approaches and this is a key block to sustainable solutions. For sustainability, land at the national level needs to be addressed both from a political and technical angle in an integrated way across all the UN pillars.

There is consensus that careful alignment across the UN pillars and the sequencing and timing of interventions is needed. This is because there are a variety of different land-related challenges triggering conflict and blocking development, which vary from country to country. This requires finding the right

entry points, and taking into account local perceptions and political opportunities at the national level within a UN-wide change model.

### ***2.3.9. Need for improved funding mechanisms to support a sustained engagement in land and conflict***

The Scoping Study did not review funding mechanisms used for land and conflict, this should be done in the next phase, to include also an assessment of how the UN can be involved in pre-investment and preparation for the World Bank's investment phase. A number of bilateral organizations fund aspects of the conflict cycle with some land-related interventions.

At the moment there are no funding mechanisms with a specific thematic window to support land-related programming and action across the UN pillars. HLP project proposals rarely receive funding under consolidated humanitarian funds or flash appeals, making it difficult to provide the initial analysis in a crisis setting. Some bi-lateral donors (Sweden, Switzerland, the Netherlands, USAID, etc.) have demonstrated specific interest in supporting land-related programming that can help overcome conflict and build stability. On the development side, USAID, Finland, DFID, Germany, France, Swiss and the World Bank often fund longer-term development initiatives in support of the land sector. Sometimes, on a case-by-case basis, the UN-World Bank Fragility and Conflict Partnership Trust Fund and the UN Peacebuilding Fund provide financing for specific, relatively small land- and conflict-related initiatives. A Global Donor Platform Working Group on Land is in place, which focuses mostly on development.

Given the competition for funds, particularly in the emergency phase at country level, and the need to work within a common framework for land across the UN system and with non UN partners, a funding mechanism which strengthens collaboration should be considered. In the interim, to fund capacity development across the UN and non UN partners for land and conflict, some form of Multi-Partner Trust Fund should be set up where multiple UN agencies work on a joint work plan, with non UN partners. Lessons could be learned from this for the implementation at country level and across the UN pillars phase.

### ***2.3.10. Need for improved funding mechanisms to support a sustained engagement in land and conflict***

During the First Land and Conflict Forum, participants pointed out that a wide range of land-related tools already had been developed and tested, but that further adaptation was necessary to make them more conflict-sensitive and to allow their use in fragile and crisis settings.

### 3. Recommendations

The findings outlined above form the basis for the following recommendations for consideration by the UN, other non UN entities and Member States.

This Scoping Study aimed at identifying, with the support of the UN staff involved in the consultation process, steps to be taken to ensure an UN system-wide engagement at scale on land and conflict issues, in order to address more effectively land-related issues that are drivers of conflict and bottlenecks to recovery and development.

The Scoping Study is considered a sub-component of a newly emerging UN reform agenda, driven by the ECOSOC Dialogue on Long Term Positioning of the UN Development System (incl. QCPR 2016), the review of peace operations, the peacebuilding architecture and the humanitarian system. The recommendations below have been developed from the findings of the study based on interviews with UN staff, as well as through engagement with the UN reform processes. They represent practical options for change to make the UN more fit-for-purpose to deal with land and conflict in a sustainable way.

#### *Guiding principles to inform further recommendations*

Further recommendations below outline core elements of the incremental change model, which should be informed by the following guiding principles:

- **Global drivers, not just local drivers:** understand conflict over land also as a manifestation of global drivers of change, climate change, population growth, urbanization and food insecurity, rather than only as a national or local phenomena;
- **Incremental:** adopt an incremental, catalytic approach to change based around capacity development;
- **Be strategic:** efforts to induce change will need to be concentrated where there is the potential for maximum impact, keeping in mind broader reform, existing capacities and the time needed to see results;
- **Build on successes and lessons learnt:** identify and build on good practices of specific countries, regions or global level, and on the experiences of UN entities, with demonstrated potential to scale up;
- **Quick wins:** although incremental changes require long time to manifest their effect, it is important to identify quick wins that make a concrete difference in the way we deal with land and conflict.

### ***3.1. Opt for an incremental and catalytic change model linked to broader UN reforms***

A sustained and coherent engagement is necessary throughout the conflict cycle. An through an incremental approach is needed to drive for change in the UN System, taking into account how the UN system can draw on existing institutional arrangements and mandates, capacity and knowledge, without building new institutions, maximizing the available technical land-related expertise within the UN, and shying away from what has to be done and what is not currently working. Key proposed recommendations for consideration are:

- Use of an incremental, over time, catalytic and capacity development approach to implement change across the three UN pillars. This requires creating a shared vision across the UN system to achieve the overall goals, adopting a capacity development rather than training approach through an iterative dynamic, non-linear process;
- Use levers for change as entry points: institutions, platforms, geographies, ongoing UN processes, champions and networks, priorities, urgent interventions, capacity development, new knowledge generation and key problem issues. Ensure that all the major high-level land entry points are covered to guarantee coherence and sustainability. These include dispute resolution, land policy processes, capacity development, land administration and land reform;
- Use an approach to capacity development tailored to the change model and based on a vision for change over a short, medium and long-term period, using multiple entry and exit points for engagement. The emphasis should be put on action learning, communication and building new knowledge using tools that will drive change at the individual and organizational levels. It will also require flexibility to take advantage of emerging new levers.

### ***3.2. Adopt the continuum of land rights and fit for purpose land administration approaches for a sustained and coherent engagement on land and conflict***

The continuum of land rights and fit for purpose land administration approaches are game changers as they allow for a more effective and affordable action for a more stable and enabling framework to address land as a driver of conflict and bottleneck to development. The following key recommendation is proposed:

- Building on existing conventions and agreements which take this approach, seek a UN system-wide formal adoption and shared understanding of the continuum of land rights and fit-for-purpose land administration approaches.

### ***3.3. Use the SG Guidance Note on land and conflict to create a common basis, purpose and support for furthering the change process***

The SG Guidance note should provide guidance on how to facilitate UN-wide system engagement at scale within a fit-for-purpose framework for land and conflict, at headquarters and country level, across the three UN pillars and throughout the conflict cycle.

The SG Guidance Note on Land and Conflict should:

- Clarify how the engagement on land and conflict is part of the core business of the UN wide system, in line with the broader core UN task of “sustaining peace”, taking into account the upcoming global challenges;
- Create a common basis of land-related principles and values, a shared vision, an aligned strategy and priority land-related functions that need to be covered by the UN-system, outlining also that the UN system will need to seek external partnerships;
- Provide overall guidance on steps and change process to be undertaken in order for the UN to be fit-for-purpose to engage in land and conflict;
- Outline a coordinated strategy on mobilizing and accessing ‘land and conflict’ capacity within the overall UN response, ensure empowered UN leadership at country level (SRSGs, RCs).
- Provide guidance on how land sector outcomes can be integrated into UNDAFs in fragile states;
- Provide guidance on how the UN system can support a more effective response to address HLP challenges related to preventing displacement, managing protracted displacement and facilitating return.
- Provide guidance on relations and coordination mechanisms between a broader issue-based coalition on Land and Conflict and the UN system.

### ***3.4. Use key levers for an UN-system wide engagement at scale on land and conflict and to make the UN more fit-for-purpose.***

The following levers are proposed, which can be taken forward by strengthened institutional cooperation mechanisms within and outside the UN, maximizing existing available land-specific expertise.

### ***3.4.1. Use conflict prevention, mediation and peace agreements as key entry points to start improving coordination and hand-over on land-related functions***

Building on the reports of the High Level Independent Panel on Peace Operations and of the Secretary-General's Advisory Group of Experts on the 2015 Review of the United Peacebuilding Architecture, to address land-issues effectively the following key recommendations are proposed:

- Use the UN Working Group on Transitions as the main forum to proactively develop a common land and conflict approach that links up with, and builds on, ongoing and upcoming UN reform processes, including reforms related to peace operations and the peacebuilding architecture, the Long-Term Positioning of the UN Development System, and the World Humanitarian Summit;
- Embed land and conflict in existing coordinating mechanisms and joint services to strengthen the existing UN system's overall response. Prioritize coordinating mechanisms and joint services to be considered as champions. Retain purpose-built land units in entities to develop normative guidelines; undertake knowledge management; conduct pilots, provide technical assistance, implement capacity development initiatives and develop communication messages for awareness raising and advocacy;
- Prepare a practical guide including lessons learned from UNEP's natural resources work on how land and conflict can be introduced into the framework of PCNAs, IMPP, peacebuilding, the UN Common Country Analysis (CCA) and the UNDAF and other appropriate tools and frameworks;
- Pilot including land and conflict issues in the designing of peacekeeping and special political missions at an early stage (e.i., prevention, mediation), ensuring that it is properly articulated in peace agreements, and in the integration of the mandates decided upon by the Security Council, including implementation plans for peace agreements, overall costing, division of responsibilities and hand over with UN Country Teams, staffing roles and responsibilities, and capacity development. Conduct informal consultations with the Security Council in order to prepare the ground such activities;
- Use the Integrated Strategic Framework model at country level to align action on land and conflict and to identify hand-over mechanisms between the political action, humanitarian response, human rights work and development efforts of the UN system;
- Ensure inclusion of land expertise in the deployment of small teams to help national governments and the UN Country Teams addressing emerging conflict situations or to facilitate the transition from a UN mission back to the UN Country Teams, as envisaged also by the Human Rights Up Front proposal for "light teams" in line with recommendations 75 and 302 of the High Level Independent Panel on Peace Operations;

- Expand the current Standby Mediation Team, hosted by DPA, with dedicated land and conflict expertise to support conflict mediation and peace negotiations.

### ***3.4.2. Ensure a common and shared analysis of land as a root cause and driver of conflict and bottleneck to development***

As outlined in the reviews of Peace Operations and the Peacebuilding Architecture, “sustaining peace” requires a solid understanding of root causes for lapse or relapse into conflict. Land has been identified as one of the major root causes of conflicts and is likely to be an increasing root cause because of climate change, massive urbanization, competition over natural resources affecting food security and global population growth. Issues to be prioritized are historical grievances, differentiated access to economic and natural resources with implications for livelihoods and the sharing of wealth, lack of rule of law, marginalization based on intolerance, gender bias and discrimination, territorial or border disputes, organized crime, weak state institutions, and macro-level factors such as geo-political rivalries. The following key recommendations are proposed:

- Develop better knowledge and capacity around land as trigger of conflicts, its negative impact on development and how it can be better addressed also with UN staff involved in overall conflict analysis (e.g. DPKO, DPA, OCHA desk officers, Peace and Development Advisors, etc.); develop periodic data around number and type of land-related conflicts occurring in UN entity work; identify, document and develop solutions; further develop shared conflict assessment and analysis tools to include the specific role of land-related issues;
- Develop a complementary tool to allow for a more in-depth analysis of the political economy of land and conflict linked to a more technical profile of the land sector, including customary and informal land rights systems, as a basis for improved programming and alignment of land-related functions to be taken up by the different UN pillars. Develop capacity to use the tool with technical agencies in and outside the UN system;
- Clarify how land-related issues should be addressed in Integrated Mission Planning Processes, including Strategic Assessment Missions, and potential mandates through the Security Council and/or General Assembly.

### ***3.4.3. Assess and develop land awareness and capacity (staff/institutional) across the UN system in a sustained manner and at scale***

The UN system should have improved capacity to deal with land issues as part of conflict prevention, mediation, peace agreements and setting out a sustained approach to land. The following key recommendations are proposed:

- Conduct a more systematic capacity needs assessment of the UN system and the different UN entities, develop and implement a capacity development strategy;
- Support the development, documentation, piloting, replication and scaling of tools for land and conflict through a specific short-term programme. Mainstream these throughout the UN system as appropriate, particularly at country level, through awareness raising, knowledge management, strategic communication and targeted capacity development;
- Create more awareness and capacity to address land and conflict in preventative diplomacy, conflict mediation and peace agreements, for SRSGs/DSRSGs, RCs and within DPKO and DPA (including the Mediation Support Unit);
- Pursue developing capacity in all five land and conflict work streams in entities working in other, linked sectors, such as natural resources management, political economy analysis, migration, refugees, returnees, IDPs, women, governance, managing displacement, human rights, regional and urban planning, housing, restitution, wealth distribution, transitional justice, rule of law, institution building, and the protection of civilians;
- Develop an appropriate common pool of knowledge and capacities, reaching out beyond the UN system and relevant to all UN pillars, to facilitate country operations and joint services access to technical land expertise.

### ***3.4.4. Prioritise a coordinated solutions oriented approach to dealing with displacement across the UN pillars, addressing the underlying land-related issues***

The management of displacement requires further complementary measures to address more effectively a humanitarian, development and human rights concern across the UN pillars. This should build on initiatives of the Global Protection Cluster to make support to HLP issues and the Solutions Alliance more predictable for addressing crisis situations. This process should be led by UNHCR, in consultation with the members of the Protection Cluster, the Solutions Alliance and other relevant stakeholders.

### ***3.4.5. Identify specific priorities for the UN to strengthen the role of women in sustaining peace, in relation to land and conflict***

The review of Peace Operations and the Peacebuilding Architecture states that, strengthening the role of women in prevention, peace-negotiations, and peacebuilding is crucial. The Scoping Study has identified that there is limited understanding on the relation between women's land rights and conflict. More should be learned about how these elements come together and whether these issue arenas are therefore entry points for advancing women's land rights. When the review of the implementation of Security Council resolution 1325, UN Women is finalised, UN Women, supported by other partners, should lead a process to identify specific priorities in relation to land and conflict.

### ***3.4.6. Operationalize the issue based coalition on land and conflict, through development of a shared vision and road map forward.***

In line with findings of the Scoping Study an issue based coalition on land and conflict was created in November 2015, during the first Land and Conflict Forum. The coalition which include UN and non-UN actors and institutions, aims at developing shared knowledge and principles on land and conflict while focusing on adapting existing tools to the land and conflict work.

The following key recommendations are proposed:

- Develop a road map and prioritise a joint work plan to build knowledge and adapt existing prioritized land tools (including conflict sensitive tools), common data systems and fit for purpose land administration approaches;
- For improved Fit for Purpose while strengthening the UN system, expand this functional analysis for better alignment across the UN-wide system and between the UN system and non-UN actors, to overcome gaps, and clarify overlaps and duplication.

### ***3.4.7. Create more funding opportunities throughout the conflict cycle for land-related functions and to implement change***

With reference to financing opportunities it is recommended to:

- Undertake a further review on financing and opportunities at global, regional and country level;
- Discuss the setting up of a multi-partner funding mechanism to develop the necessary capacity in the UN system-wide to address land and conflict at scale across the conflict cycle;

- Consider clarifying and strengthening the role of the World Bank in terms of playing an investment role while the UN focuses on pre-investment in regard to land and conflict;
- Develop a work plan and budget for a four-year programme to build capacity in the UN system on land and conflict as part of the road map linked to this study, taking into account GLTN cost-estimate.

### ***3.4.8. Agree on a road map, champions and UN mechanisms to lead further change***

As outlined above, a wide variety of actions is needed to make the UN-system more fit-for-purpose, working towards an UN engagement at scale with regard to land and conflict. An overarching road map needs to be developed.

*Track 1: Further change management within UN-system (including with Member States and within intergovernmental processes):*

*Track 2: Finalise the SG Guidance note through the RoLCRG and plan for its roll out;*

*Track 3: Operationalize the issue based coalition of UN entities and non-UN partners to engage with land and conflict to institutionalize change, build the knowledge base, mobilize resources, build capacity and develop solutions and approaches at global, regional and country level.*

## **Conclusions**

This quick assessment and functional analysis presents a UN system engaging on land and conflict in a piecemeal fashion. While an overall strategy is crucial to any successful country-level land-sector intervention, the UN system's engagement in land and conflict is fragmented. There is no system for information sharing (when this happens it is often *ad hoc*) and cooperation between pillars and entities. There are also good examples and lessons learned about interagency cooperation in respect of existing mechanisms at UN HQ level and by the UN Country Teams, also through engagement in UNDAFs.

There is a need for a common baseline, analytical frameworks, change models and strategic planning, as well as clear leadership and mandates for the different land and conflict areas of interventions. All these elements represent a starting point for a common approach and agenda and are crucial steps to ensure quality controls on deliverables.

Engagements on land and conflict need to be carefully tailored. The UN needs to clarify its role as a system and in relation with other actors and non-UN organizations and institutions.

There is the need to be more clarity around the roles of international and regional organizations, the private sector, the academia, non-governmental organizations and civil society. Land and conflict needs to be addressed through multiple lenses in a sustained, comprehensive manner over time, with the understanding that there is no one-stop agency that can deliver everything, but that effectiveness of actions and interventions depend mostly on coordination and harmonization of efforts of different actors in their respective mandates/field of work.

There is a strong commitment of UN and non-UN actors to consolidate the issue-based coalition validated during the First Land and Conflict forum and to quickly engage working in some strategic priority areas such as knowledge creation and management on land and conflict; capacity development and awareness raising; adaptation of existing tools and approaches focused on conflict analysis, conflict prevention, recovery and peacebuilding to better integrate land and adaptation of land tools to be more conflict sensitive and useable in fragile and crisis settings.

Further engagement with the Member States is needed to identify gaps around the key entry points of conflict prevention, mediation and peace negotiations, to define the roles of the UN system and to guide reform. High-level political engagement, global-level coordination, options for change management, support to country/field level activities and capacity development are all key factors which can allow to enter in the land and conflict cycle and to produce sustainable solutions.

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