

YEMEN LAND SECTOR ASSESSMENT

BACKGROUND PAPER



الاراضي العربية
مبادرة
Arab Land Initiative



ASSESSMENT OF THE LAND SECTOR IN YEMEN. BACKGROUND PAPER.

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ABOUT THIS PAPER

This background paper was developed by independent consultants in collaboration with the Urban Training and Studies Institute of Egypt in preparation of the regional report *Governing Land in the Middle East* that covers eleven countries in the Middle East, namely Bahrain, Iraq, Jordan, Lebanon, Oman, Palestine, Qatar, Saudi Arabia, Syria, United Arab Emirates and Yemen. Each paper explores and gives an indication of the country's capacities in delivering good land governance by measuring its performance on the core land administration functions: land tenure, land value, land use, land development and land disputes resolution. It also maps the existing learning offer on land governance, identifying the key institutions and the courses available.

The background papers are part of the research work carried out by the Arab Land Initiative under the Arab Region Programme on Good Land Governance in Support to Inclusive Development, Peace and Stability funded by the Federal Ministry of Economic Cooperation and Development of Germany (BMZ). Its preparation was managed and coordinated by the Urban Training and Studies Institute (UTI) of the Housing and Building National Research Center (HBRC), Egypt, with the support of UN-Habitat and the Global Land Tool Network (GLTN). The opinions presented in this paper are of the author(s) and do not reflect the views of GLTN, UN-Habitat, its Governing Council or Member States.

THE GLOBAL LAND TOOL NETWORK AND THE ARAB LAND INITIATIVE

GLTN is a multi-sectoral alliance of international partners committed to increasing access to land and tenure security for all, with a focus on the poor, women and youth. The Network's partners include international rural and urban civil society organizations, research and training institutions, bilateral and multilateral organizations, and international professional bodies. In 2016, GLTN Partners, led by UNHabitat and the World Bank, launched the Arab Land Initiative to promote equal access to land, peace, stability and economic growth in the Arab region through good land governance and transparent, efficient and affordable land administration systems. The Initiative aims at empowering land champions from the region by developing capacities, increasing collaboration and promoting innovation, learning and sharing of best practices. It also supports the implementation of land gender-responsive and fit-for-purpose land tools and approaches at national and local level. The Research Innovation Fund is one of the streams of work of the Arab Land Initiative.

For more information, please consult the referenced documents, visit www.arabstates.gltm.net or www.gltm.net.

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ABBREVIATIONS

FAO	Food and Agriculture Organization of the United Nations
GALSUP	General Authority of Lands, Survey and Urban Planning
GIZ	German Agency for International Cooperation
GoY	Government of Yemen
LRCs	Local Resettlement Committees
MoPWH	Ministry of Public Works and Highways
NLP	National Land Policy
UN-Habitat	United Nations Human Settlements Programme
USAID	United States Agency for International Development
UTI	Urban Training and Studies Institute
YER	Yemeni Rial

EXECUTIVE SUMMARY

As in many parts of the developing world, land and property in Yemen are a common means of storing wealth. Moreover, landownership and or land tenure cause many conflicts and problems. Difficulties in accessing land can initiate many land-related problems, which can transform into land conflicts, leading to limited land development opportunities and loss of land rights. Only a small percentage of Yemen's land (10–20 per cent) is registered and 80–90 per cent of land transactions occur through basira or informal documentation. The official land conveyancing (legal registration and transfer of ownership) system is highly problematic. Excessive bureaucracy, poor management and record keeping, and corruption exacerbate conflicts rather than contribute towards their resolution. Additionally, there is a weakness of customary systems in the management of landownership and transfers.

Most of the traditional Islamic legal materials and Yemeni laws support women's right to own, possess, use, manage and dispose of property. However, in reality, according to many practices in customary law in Yemen, women are not even entitled to inherit land – in clear violation of Islamic regulations – causing many inheritance issues.

This study is part of a broader research project on capacities in land management and land administration in the Arab region. The aim is to assess the capacities of land administration and land management, and to map existing institutions and their learning offers on land governance-related courses in Yemen.

Data and information were collected through interviews and pre-structured questionnaires, which were distributed among stakeholders in the public and private sectors, including academics, architects, city planners, surveyors and specialists interested in land, as well as representatives from some international and local organizations.

This report is structured into two parts. The first presents the land-related legal framework, and the second shares the institutional framework in Yemen. Yemen has numerous legislations, laws and authorities having direct or indirect relations with all land-related activities and urban planning. Regarding both planning procedures and land administration, the functions and responsibilities of the several ministerial entities are inconsistently outlined in the legislation.

This study showed a lack of land-related information. Furthermore, it highlights the causes of forced displacements, such as war, political and tribal conflicts, revenge and water shortages. Poverty drives the internal migration of job seekers from the countryside to the main cities.

The land tenure system is complex and divergent, creating a complex pattern of land rights. There are formal and informal forms of land tenure, including statutory and customary forms. Yemeni law recognizes the following land categories: state (public) land, private land, communal land, waqf land, rent land and land recognized by customary mechanisms. Many people have no knowledge how to secure and formalize their rights via land registration processes. In addition, women struggle to secure funds from banks, financial institutions or cooperatives so that they can purchase land or property of their own.

The participants confirmed the existence of a functioning cadastral system; however, land registration procedures are expensive and take a long time to complete (one month and, in some cases, longer).

Several types of land tenure allocation or registration exist in Yemen, including formal, informal, temporary, religious and customary. However, *basira*, a customary ownership document considered informal if not registered in the court and the public notary, is still the most prominent and widely used landownership document.

The results show that there is an institutionalized methodology to assess the value of land (urban and rural), but it is inadequate and covers some of the land tenure types. In addition, the taxation system for land and properties in urban and rural areas is unfair. However, there is no completed and accessible digital land information system for land value.

Regarding the existence of adequate and updated land-use plans, there are no plans at the national and regional levels and only inadequate plans at the local level. However, there are plans for the main and fast-growing urban centres, whose enforcement is low. Regulations and schemes for addressing informal/temporary/displaced populations' settlement and building permits and regulations exist, but enforcement is low.

The result stated that many mechanisms for the public to acquire land for public use, land expropriation, efficient regulations to control land subdivisions/consolidation in urban areas and changing land use are not cost-effective and are used incorrectly. However, the situation is the same in rural areas. The mechanisms and regulations that ensure construction align with land-use regulations, which are cost-effective but often used incorrectly.

There is a well-structured formal system to facilitate the resolution of conflicts and disputes related to land rights and parcel boundaries; however, its processes are not completely timely and are unaffordable for large segments of the population. Furthermore, most people do not know how to access the formal dispute resolution system and those who do generally do not trust the system. Other than formal courts, there are mechanisms for resolving land rights disputes— official arbitration under Yemeni law, tribal customary arbitration by tribal sheikhs and community leaders, and reconciliation (conciliation).

Women face many land-related challenges and land disputes. Societal restrictions due to customs and traditions often prevent women from claiming their rights through the courts, especially against their male relatives.

Public or private Yemeni universities offer no land management academic or training courses. However, some topics that are directly or indirectly related to land management are addressed in other courses taught in undergraduate and postgraduate programmes in the architectural engineering departments. They include Building Legislation, Urban Design and City Planning (undergraduate), and Advanced City Planning (postgraduate), as well as Public Finance (undergraduate) in the Faculty of Sharia and Law.

These topics are certified by the Ministry of Higher Education and Scientific Research. The tuition fee paid by undergraduate students to study academic programmes is not as high in public universities compared to private universities. Furthermore, the tuition fee students have to pay to study postgraduate programmes in all public and private universities is relatively high compared to their financial capabilities, making it difficult for many to enrol in graduate or specialized programmes.

This research proposes some recommendations to develop and improve land administration and management and the capacities of institutions and agencies at all levels. The recommendations highlight the need to improve and strengthen (1) legal, institutional and technical reforms, and (2) human and financial resource development.

The research also provides some recommendations for developing curricula and training related to land governance and suggests research topics to improve the performance of land administration and land management.

1. INTRODUCTION

Land and property in Yemen, as in many parts of the developing world, are a common means of storing wealth. Landownership and land tenure are the causes of many conflicts and problems. Secure land tenure and property rights have increasingly become more important due to historical and cultural reasons. Despite this development, approximately 85 per cent of court disputes are land-related, and 90 per cent of landownership is informal (Dabbas and Burn, 2011).

Access to land is a starting point for many land-related problems resulting in land conflicts which significantly affect land development and cause people to lose their land rights. Land and property rights problems will remain unchanged if a policy and up-to-date property systems and land registration are not prepared. Only a small percentage of Yemen's land (an estimated 10–20 per cent) is registered. Eighty to ninety per cent of land transactions occur through *basira*. This type of customary ownership is considered informal if it is not registered in the court and the public notary. To solve land-related problems, the government must prepare a land policy and establish a national real estate registry, considering current and future changes and challenges (USAID, 2010).

The startling number of challenges relating to land, coupled with a failing land registration system, leads to loss of government revenue and undermines the security, predictability and certainty of commercial transactions, the pillars of a functioning economy (Moore, 2011).

The capacity assessment findings agree with Al-Zwaini (2012) that disputed land is typically private but may also involve former or current state property and occasionally waqf property (religious endowment): "Conflicts over land can escalate quickly, not only because of land's symbolic and economic significance but also because of the general lack of a speedy and transparent adjudication process, a faltering land registration system and the heavily armed nature of Yemeni society". This requires enhanced efforts to improve capacity in land registration as well as to expedite court litigation procedures.

The official land conveyancing (legal registration and ownership transfer) system is highly problematic. Excessive bureaucracy, bad management and record keeping, and corruption intensify problems rather than aiding in their resolution. Additionally, customary systems are weak in managing landownership and transfers because local sheikhs are often perceived as biased decision makers, as, in many cases, they benefit from land concentration. Furthermore, the state may step in at any time and reverse or nullify customary judgements (World Bank, 2009b).

According to World Bank (2005), although all private land sales normally made through an approved intermediary are supposed to be entered officially into the national land registry, most transfers are never formally registered, and private transfers prevail.¹ Moreover, the transfer of ownership is subject to widespread fraud and corruption, including the forgery of documents and the sale of a single property to multiple buyers.

¹ In the part of Yemen that comprised former North Yemen, private land transactions are typically mediated by a notary public (*Al-Amin*), while in former South Yemen lawyers provide this service (World Bank, 2005).

Notaries, public or *Al-Amin*, who lack honesty and integrity or do not accurately follow the procedures of the Yemeni Documentation Law are among the most significant contributors to land and property disputes.

In 2020, the Sana'a Government (which is controlled by Ansar Allah) took corrective measures. It laid off all legitimate secretaries who committed violations or who followed inaccurate procedures. In addition to training all notaries in Sana'a and issuing practising licences, it also identified each notary's geographical areas of work to ensure that each document's source and author was known. The notaries were also obligated to work, register, and prepare documents per the Yemeni Documentation Law.

The land registry is generally unable to identify competing claims over plots of land or to detect fraud. As a result, some plaintiffs use courts extensively to formalize landownership and address competing claims; an estimated 50 per cent of cases in first-instance courts relate to land and property rights (World Bank, 2008, 2009). This results in overburdened courts (World Bank, 2006), and it is not unusual for cases to take ten years or more, compounding concerns about corruption and further undermining the legitimacy of the judicial system (Carter, 2009). When formal state and customary mechanisms cannot provide a legitimate and timely means of establishing tenure, claimants often resort to violent conflict. Inheritance issues can further complicate matters, particularly in highland areas where inheritance constitutes one of the primary mechanisms by which land is acquired, based on the division of inheritance according to Islamic law (World Bank, 2006).

Most of the major traditional Islamic legal materials and the Yemeni Constitution and Civil Law support women's right to own, possess, use, manage and dispose of property. However, these laws are not applied in many cases in practice; hence women have limited access to land ownership. Additionally, in Yemeni customary law, women are not entitled to inherit land, causing inheritance issues (Al-Zwaini, 2012).

At present, Yemen needs trained and highly qualified professionals and experts in all disciplines related to land. There is an urgent need for rehabilitation in the following areas:

- Training and qualifying policymakers so that they can set effective policies.
- Training of staff of the General Authority of Lands, Survey and Urban Planning (GALSUP) offices to improve their ability to complete land survey and registration procedures as soon as possible.
- Qualifying judges specialized in resolving land disputes.
- Preparing academic and training curricula for both public and private higher learning institutions that can contribute to preparing leaders and employees capable of improving and developing the land sector in Yemen.

This study is a part of a broader research project on land governance in the Arab region, including Yemen, and of a research initiative assessing the capacities of land administration and management in the region. It is the combined work of regional and country-level consultants. Data collection aimed to facilitate the following:

- "Capacity assessment for land management and land administration in Yemen" to evaluate the country's capacity to deliver good land governance by measuring its performance on the core land administration functions, namely land tenure, land value, land use, land development and land

disputes resolution, which together support the overarching goal of sustainable economic development.

- “Mapping out existing institutions and their learning offers on land governance-related courses” in Yemen.

2. METHODOLOGY

This report was developed from data and information collected through the following two information collection methods:

- Two structured questionnaires aimed at collecting information from multi-stakeholder. The first questionnaire category assessed the capacity of the land management system, and the second category assessed the capacities of existing institutions and their learning offers and related curricula for land governance in Yemen.
- Literature review and key informant interviews (face-to-face and telephone) with interested specialists or stakeholders who are engaged in land-related jobs (such as engineers, planners, administrators in government agencies, academics, notaries and others).

Some questions in the questionnaires required participants to select a response from a set of options (Yes/No/I do not know). Other questions required participants to choose from a range of options (from 1 to 5), which were scaled between two extremes (very inadequate to very adequate), with one representing very inadequate and five representing very adequate.

2.1. Stakeholders Questionnaire Survey Interviews

First questionnaire on the capacity assessment of the land management and administration system in Yemen – This questionnaire aimed to assess and analyse the capacity of the land administration system in Yemen as a whole in handling the core land administration functions: land tenure, land value, land use, land development and land dispute resolution. Collectively, they support the overarching goal of sustainable social and economic development and should be developed and linked to the global exercise of assessing capacities. The questionnaire does not investigate in detail the capacity of specific institutions mandated to handle the different land administration functions nor the capacity of the individuals working in such institutions.

The responses to this questionnaire were compiled with other information to provide an overview of the capacity of Yemen's land administration system to deliver good land governance for sustainable social and economic development, peace and stability.

The results of the data analysis of the questionnaire show respective strengths, weaknesses and areas for collaboration and learning. Moreover, the results give a greater insight into the status of Yemen's land management and administration system.

Second questionnaire on existing learning offers and related curricula for land governance in Yemen - This assessment aimed to identify and map out existing educational, diverse organizations and training institutions with learning offers related to land governance in Yemen and review the courses and curricula to assess their strengths and content.

The aim is to identify learning gaps, enhance collaboration among institutions and build on existing resources and capacities.

This survey addresses technical schools, universities, public and private organizations offering training and other short courses, associations and government departments in Yemen

Based on the questionnaire, the stakeholders were invited to provide an overview of the curricula that deal with different aspects of land governance. They were requested to provide a list of the courses offered by their institutions/organizations and a detailed description of the courses' curricula used.

Responses were compiled with other information (obtained from document reviews, webpages of universities, etc.) to identify the existing land governance-related courses in the region. Moreover, available learning resources and teaching capacities were identified based on the collected data. Additionally, the gaps in academic programmes and courses' curricula in the universities were identified. The Global Land Tool Network (GLTN), Urban Training and Studies Institute (UTI), and other partners developed a work plan for completing learning offers and reviewed other relevant curricula and adapted them to other countries in the region.

Categories of actors and sources consulted - Data and information were collected through interviews and pre-structured questionnaires designed by GLTN and UTI, and other partners. The questionnaires were distributed to public and private sector stakeholders:

- Specialists in GALSUP offices and in the Ministry of Public Works and Highways (MoPWH).
- Architects, city planners, surveyors and specialists interested in land who are working in public or private sectors and in some international and local organizations.
- Academics specialized in urban planning and urban planning legislation.
- Some interested land brokers, notaries (*Al-Amin/Alomna'a*), lawyers and legal advisors.

In the first step of data collection, about 60 questionnaires were distributed by hand or emailed to interested specialists and stakeholders. Interested employees in the land authority offices and its branches and academics teaching land-related courses participated. In addition, a small number of people interested in the land market and with sufficient knowledge of the value of lands, methods of land valuation and buying and selling procedures practised were selected.

In this step, the initial number of respondents who answered the questionnaires was insufficient. Virtual meetings with UTI staff led to mobilization and increased the number of participants. Accordingly, in the second step of data collection, the researcher changed the data collection method to face-to-face and telephone interviews, especially regarding the second questionnaire category on assessment of learning offers. Participants' responses were recorded and used to fill in the questionnaire by the researcher. Due to the limited academic programmes and curricula related to land, only six of the second questionnaire category were filled in and used in data analysis.

Furthermore, communicating directly with interested partners in international organizations, such as UN-Habitat and International Youth Council – Yemen, to help collect data increased the participation rate significantly, with more than 15 questionnaires collected within two weeks. A total of 22 questionnaires (the first questionnaire category regarding the capacity assessment of the land management and administration system in Yemen) were collected from stakeholders working in different areas, as shown

in Figure 1 and used in data analysis. Questionnaires were sent via WhatsApp and were filled and returned promptly. The researcher received most of the questionnaires from the respondents in May 2021.

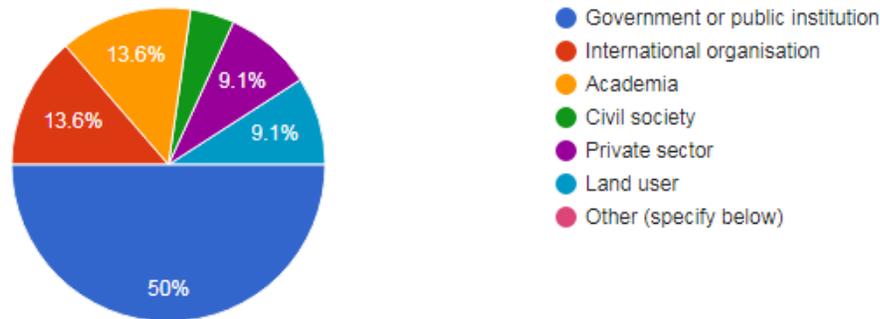


Figure 1: Categories of respondents

The second questionnaire category was distributed among the academics working in the universities offering land-related courses. According to the findings, most of the academics (83 per cent) who participated in the survey work in public universities. They, however, sometimes work in private universities on a part-time basis. In addition, some of the participants have experience providing consultations and reports related to lands to international organizations and legal consulting firms.

2.2. Study limitations

Some limitations and difficulties faced by the researcher can be summarized as follows:

- The questionnaires were long due to the number of questions involved. This discouraged some participants from responding, especially those who received hard copies distributed by hand or soft copies through email. Responses were delayed, and many participants did not respond.
- The difficult job situation and the employees' failure to get their salaries discouraged them from participating. Additionally, their lack of commitment to the official working hours (absence abound) and the inability to meet many of the employees targeted in the survey limited data collection.
- Some respondents in the survey, including those working in the land authorities, did not know the technical terms translated from English to Arabic. The questionnaires required a variety of information and accurate statistics, in numbers and percentages, to which many of the respondents could only answer partially, with some unable. The second questionnaire category on "current learning offers and related curricula" was in English. Since most of the participating academics are not fluent in English, the researcher translated it into Arabic to collect data through phone calls or face-to-face interviews.

3. LAND-RELATED LEGAL FRAMEWORK

“Since its unification in 1990, Yemen has invested tremendous efforts in the field of legislation. Under the 1994 Constitution of the Republic of Yemen, all legislation is based on principles of Islamic law. Private property is respected and protected. The Land and Real Estate Law No. 21 of 1995 is the primary civil law governing land. This Law provides for the classification of land (public, private and communal) and terms of use. In practice, this Law governs urban land rights, and the people look to customary law, which is entirely based on Islamic law principles relating to rural land. Waqf Law No. 23 of 1992, governing land donated to religious organizations, dictates the terms for leasing waqf land” (Republic of Yemen National Report, 2016).

The Yemeni Constitution of 1994 provides in Article 6 that “the Republic of Yemen confirms its adherence to the UN Charter, the International Declaration of Human Rights, the Charter of the Arab League, and generally recognized norms of international law.” Neither the Constitution nor national legislation provide for the human right to housing or land. Article 7 provides for “the protection of and respect for private property as inviolable except in the case of public need or interest with fair compensation provided according to the law.” The Constitution’s Article 8 recognizes “all types of natural resources and energy sources in or above the ground, or in the territorial waters, or continental extensions as the exclusive economic zone and property of the state, which is to ensure their exploitation of the public interest.”

According to the World Bank (2005), access to urban land (whether for investment or residential use) is one of the most important obstacles to growth in Yemen, especially in the capital, Sana’a and major cities. This is mainly due to the high risks and transaction costs resulting from unclear and unenforceable property rights. The current systems for managing land tenure security (i.e., through the two pillars of land registration and dispute resolution) and managing state-owned land are fraught with many problems. Addressing land disputes has been considered one of the ten priority points that need to be addressed by the GoY, which was one of the most important initiatives led by the GoY in 2009–2010. International consulting firms conducted the studies with support from the United States Agency for International Development (USAID) (Republic of Yemen National Report, 2016).

“Therefore, government policies and priorities should extend to the land administration system in order to ensure that land and property, both private and public, can be mobilized to support the economic and social development of the society. The land policy framework developed under the project is an initial attempt to outline national land issues and a strategic framework for the GoY. Two in-depth policy studies on land management and urban planning have been undertaken to help develop policy direction, but as identified in the outline of the National Land Policy (NLP) Framework, there are other important areas that require more in-depth investigations to develop key policy directions” (Dabbas and Burns, 2011).

According to Dabbas and Burns (2011), “GALSUP has a responsibility to develop NLP within the cultural, religious, legal, political and economic framework within which they function. The Constitution Law is a provisional constitutional framework for the Republic of Yemen. A number of the Articles of the Constitution Law provide the parameters for the NLP. For example, in May 2010, a draft NLP was finalized by a team of consultants and five policy studies were proposed: (i) Land Registration; (ii) Information Technology and Computerized Land Information System; (iii) Land Tenure and Access to Land; (iv) Public

Land Inventory and (v) Institutional Responsibilities. The draft policy was submitted in 2012 for Government revision, and no follow-up action has been undertaken since then.”

The definition of rights of owners and use of communal property exist in Yemeni legislation. However, there are weaknesses in the judicial system and a prevalence of customary law and enforcement of Islamic Sharia Law as given in Article 1 of the Civil Law: “Islamic Sharia Law shall be forced on all transactions and issues of which the texts are defined”. In the absence of a precise definition in Civil Law the matter shall resort to the principles of the Islamic Sharia Law from which the Civil Law is drawn. In the absence of the latter, the judge shall pass his judgment in accordance with conventional (traditional) legislation.

There are many legislations and laws related to lands and urban planning issued in Yemen, in addition to many authorities which have a direct or indirect relation with all lands and urban planning activities. However, different parts of the existing legislation contradict each other regarding the roles and responsibilities of the different ministerial bodies, whether in planning procedures or land administration. The list in Table 1 below is a guide that shows the key subjects related to land property and land acquisition and the main pieces of Yemeni legislation that deal with them.

Table 1: List of Yemeni legislation related to land acquisition. *Source: World Bank (2009b).*

Public ownership	<ul style="list-style-type: none"> ▪ Yemeni Constitution: Articles 18 and 19 ▪ Civil Law: Articles 118, 119 and 120
Private property	<ul style="list-style-type: none"> ▪ Yemeni Constitution: Articles 7, Paragraph C, and 20 ▪ Civil Law: Articles 1154 and 1159
Common use of land	<ul style="list-style-type: none"> ▪ Law No. 21 of 1995 concerning land and real estate: Articles 41, 43, 44 and 46 ▪ The Republican Decree 170 of 1996: Articles 2 and 163 to 165
Waqf/endowment land	<ul style="list-style-type: none"> ▪ Yemeni Constitution ▪ Waqf Law No. 23 of 1992 ▪ The Republican Decree 99 of 1996
Agriculture land	<ul style="list-style-type: none"> ▪ Yemeni Constitution: Article 7, Paragraph C ▪ Civil Law: Articles 761, 765, 770 and 1159
Neighbourhood rights	<ul style="list-style-type: none"> ▪ Civil Law: Articles 1161, 1163 and 1164
Squatters	<ul style="list-style-type: none"> ▪ Law No. 21 of 1995 concerning land and real estate: Articles 58 and 59
Land acquisition issues for the public interest	<ul style="list-style-type: none"> ▪ Law No. 1 of 1995 ▪ Articles 1 and 2 (defining projects for public interest) ▪ Article 4 on the administrative procedures for land acquisition ▪ Article 6 on the mutually agreed procedures for land acquisition ▪ Article 7 on the judicial procedures for land acquisition ▪ Articles 12 to 16 on temporary acquisition ▪ Articles 21 and 27 providing general provisions on acquisition
Land and urban planning activities and GALSUP	<ul style="list-style-type: none"> ▪ Presidential Decree No. 35 of 2006 was issued to establish GALSUP. ▪ Law No. 82 of 2009 was issued to organize the operation of GALSUP.
Other laws and legislations related to land	<ul style="list-style-type: none"> ▪ Real Estate Registration Law of 1991 ▪ The Urban Planning Law No. 20 of 1995, the Executive Regulations for Urban Planning Ministerial Resolution No. 260 of (1997), the Local Authority Law No. 4 of 2000 and the rest of the laws related to planning, and ▪ The Investment Law No. 22 of 2002

While the legal framework for the administration of state land is relatively adequate, there are some fundamental problems in the legal delineation of state land. First, there is a need to provide a distinction between state and communal land. This will require a clearer definition of communal land, which is specific to uses and customary arrangements. Second, the definition of lands called *marahék*, or public utility land (water catchment areas), which often determines whether the land is publicly or privately owned, is unclear. This is the source of a significant number of disputes, and clearer standards should be enacted. In addition, it is clear that the implementation of the law concerning state land is flawed and that there are abuses in terms of uncompensated land takings and illegal appropriations of state lands for private purposes. The lack of an adequate inventory of state land will undermine efforts to improve state land administration. Such an inventory, however, should be preceded by the legal reforms identified above as needed.

The law concerning private ownership of land is satisfactory in most respects, and ownership and land transactions are well understood in popular culture. The sharia-based right of pre-emption limits security in land transactions. However, the law should be amended to provide a time limit, such as six months, on the exercise of the right (World Bank, 2009a). “Over the years, secure land tenure and property rights have taken on greater historical and cultural significance for Yemenis. Despite this importance, it is estimated that nearly 85 per cent of court disputes in the Republic of Yemen today are land-related, and up to 90 per cent of landownership remains informal” (Dabbas and Burns, 2011). “Whilst customary structures previously oversaw landownership and transfers, their authority has weakened so much so that claimants now extensively use the courts to formalize landownership and address competing claims” (Al-Zwaini, 2012).

The land registry generally cannot identify competing claims to plots or detect fraud, with the negative consequence that conflicting claims can be formalized rather than avoided. As a result of these weaknesses, plaintiffs are turning to the courts extensively to formalize landownership and address competing claims, with one estimate indicating that 50 per cent to a staggering 80 per cent of cases in primary courts relate to land and property rights (World Bank, 2008 and 2009). This has resulted in overburdened courts, with some cases taking ten years or more to solve. This increase concerns about widespread corruption and undermines the legitimacy of the judiciary² (World Bank, 2006; Carter, 2009; YAVA, 2010; Al-Zwaini, 2012). Where both the formal state and customary mechanisms are unable to provide a timely and legitimate means of establishing tenure, claimants often resort to violent conflict. Moreover, inheritance issues can complicate matters further, particularly in the highland areas (World Bank, 2006).

² It should be noted that the legitimacy of the court system varies significantly across Yemen. In the former North, customary law or *urf* dominates, while in the former South, the courts are much more frequently used to resolve land disputes.

4. INSTITUTIONAL FRAMEWORK AND STAKEHOLDERS

In the northern governorates, government intervention in agricultural land markets is rare, except for public irrigation projects. In southern governorates, there is a different picture, as the government nationalized large tracts of land in 1967 after independence and in the 1970s. Since the unification of the southern and northern parts in 1990, the government has taken the decision to return the land confiscated in the 1970s back to its former owners. The Government of Yemen (GoY) has no effective land registry system, even though it is regularly referenced in development strategies and plans (LANDac, 2016).

In 2006, GALSUP was created as a government entity responsible for the comprehensive management and administration of land in Yemen. Branch offices at the governorate, city and district levels must maintain close liaisons with all concerned agencies and bodies to ensure ongoing coordination and working arrangements. This particularly will be important in coordinating master and detailed planning at different levels and in resolving disputes. “GALSUP is in charge of (1) urban and rural land inspections and surveys, layouts and planning, (2) management of state, private and waqf land, (3) administration and registration of land, including maintaining land records, (4) valuation of land and (5) oversight of land expropriation” (ibid.).

The Department of Public Domain (Ministry of Finance) and the MoPWH control urban land. The Republican Resolution on Law No. 39 of 1991 requires registration of land rights. Only a small percentage of land is officially registered, estimated at 10–20 per cent, largely made up of privately owned urban plots. State land is recorded in the Land Registry Department at the Ministry of Finance (ibid.).

“Currently, there is no effective land registry providing a national service with complete authority nor formal ‘technical’ registration” (Thompson, 2010). Traditional leaders (sheikhs or *Al-Amin*) often double as local government offices and are tasked with maintaining the official GALSUP registry of land records and the informal documentation (*basira*) of land transactions (covering 80 to 90 per cent of all land transactions). The role of traditional leaders was once confirmed by the Ministry of Local Administration, which required the notary (*Al-Amin*) to keep records of all land transactions at the subdistrict level and recommended that the court certifies title deeds (*basira*) to ensure their authenticity (LANDac, 2016; MoPWH, 2010; World Bank, 2007; World Bank, 2009b; Aw-Hassan, Alsanabani and Bamatraf, 2000; Ecolex, 2009).

Most landowners in rural areas have documented rights to their (private) land enforceable under customary law in the traditional and formal courts. Leases and crop-sharing contracts tend to be documented and are long term (10–50 years). There are also short-term agreements for the use of land for one season, usually for rain-fed agricultural land. Traditional leaders prepare landownership documents (*basira*) and issue land inheritance documents called *fasl*. These documents usually include a description of the land, its area, boundaries and the history of ownership (LANDac, 2016; World Bank, 2007; Aw-Hassan, Alsanabani and Bamatraf, 2000; Ecolex, 2009).

According to the World Bank (2005), the relevant institutions of land registration in Yemen influence land registration issues, which can be classified into two groups as follows: the first group includes the entities with direct influence on the process: (i) the *Al-Amin*, and to a lesser extent the lawyers that perform the same functions in southern and eastern governorates; (ii) the courts; (iii) Ministry of Justice as well as the Higher Judicial Council, and (iv) GALSUP. The second group includes the entities with indirect influence on the process: (i) GALSUP, (ii) the Ministry of Endowments and Guidance (Ministry of Awqaf), (iii) lawyers/attorneys, and (iv) real estate brokers (called *semsar* in Arabic).

General Authority of Lands, Survey and Urban Planning - World Bank (2009b) provides that subject to Land and Real Estate Law No. 21 of 1995, GALSUP was established under the Presidential Decree No. 93 of 2006. The Decree merged the Survey and Notary Public Authority with the Planning Department (formerly an affiliate of General Works and Roads) to come up with the title General Authority of Lands, Survey and Urban Planning (GALSUP). It is responsible for all land-related tasks: planning, preparation, concession/ownership contracts and notarization. These measures are taken in the framework of the government's financial and administrative reform and state reorganization actions to unify measures and ensure regular control and planning. Therefore, GALSUP encompasses the following departments in its organization structure:

- Land Department: for a site inspection of the lands to be issued for sale, presentation of technical reports about the safety and borders of the site prior to reference to the authentication department and finalization of all legal and financial measures.
- Planning Department: chaired by an Engineer and assisted by Engineers who are responsible for the preparation of layouts, their reference to the planning department, setting out in land and photogrammetry.
- Notary Public Department: registration of the estate property in the owner's name, priorities and facilities.
- Control and Inspection Department: one of the important offices for its daily follow-up and control of any violations, whether infringement upon state land or building on unplanned land/without licences. It imposes fines and refers the violators to the prosecution.

GALSUP is headquartered in Sana'a. It has branch offices in the other five major cities and 15 other branch offices in other governorates.

Office of Public Works and Roads - It plays a vital role in issuing building licences according to the recognized legal procedures and measures. Therefore, building control and citizen's compliance with laws shall have a good impact on building safety, non-violation and avoidance of demolition in case of the building is located on public roads and road pavements, city reorganization and its consequent layout changes and owners' exposure to certain damage and their compensation methods according to ownership law taken measures.

Local councils - Represented by the governor, they play a role in the control of the resettlement process following the executive decrees and instructions of the central organizations and formalizing informal cases. Therefore, the measures taken by some governors significantly helped in this respect.

Subcommittees were formed in each district and included district members of the local council, a local leader and an engineer. They were exclusively responsible for documenting houses using a specially designed questionnaire.

Local resettlement committees - Local authorities in some governorates, like Hadramaut, Sa’da, Marib and Aden, initiated Local Resettlement Committees (LRCs), which included, among other things, representatives of the local authorities, owners’ representatives and some community leaders. The objective of the LRCs was to find solutions for resettlement cases that had already been done and potential cases. Their focus was on individuals who had no legal documents (squatters). Procedures and efforts to compensate these individuals by providing them access to appropriate sites with essential services positively influenced their resettlement.

International organizations - There are many international organizations which have a relationship with the land sector. They provide technical and financial support for research, reports and studies that help policymakers and decision makers. They also contribute to developing the capacity of institutions and their employees:

- United Nations agencies and missions such as UN-Habitat and the Food and Agriculture Organization of the United Nations (FAO),
- World Bank and other regional development banks,
- Surveying agencies with international departments,
- International civil society organizations.

Table 2: The main stakeholders in the land sector in Yemen

Stakeholder	Role
GALSUP and all its branches (22 branches)	The central GoY agency responsible for land registration
GALSUP clients, which include: Private sector (formal and informal, and international and national) Commercial investors (agriculture, forestry, mining, petroleum, etc.) Real estate agents, formal and informal Land developers and construction businesses, formal and informal Bankers and money lenders Corporations and contractors Lawyers and notaries Surveyors Business advisors Media Civil society organizations (international and national) Non-governmental organizations Community-based organizations	All the people who are parties in land transactions that are presented for registration or require land information

Associations of farmers and water users Religious organizations Academia Citizens Landowners as users of the land or as lessors Lessees, sharecroppers and other users Squatters Refugees and internally displaced people Investors	
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5. ANALYSIS OF THE LAND MANAGEMENT AND ADMINISTRATION

Overall, the existing frameworks for the administration of land tenure and land management are characterized by: (i) an ineffective land and transaction registration system; (ii) non-transparent and unclear state land disposition mechanisms and unstructured valuation of rental/sale values; (iii) an inadequate legal framework with critical provisions that are missing and ambiguous clauses that lend themselves to multiple interpretations and (iv) an overloaded and ill-equipped courts system with limited capacity to handle land-related disputes, coupled with weak enforcement of judicial decisions. As such, acquiring land for investment and residential purposes is fraught with many problems. This includes multiple entities distributing/allocating state land without coordination and often without a clear legal mandate or territorial jurisdiction, frequent landownership disputes that have forced many to pay for the land to the grantor and subsequently settle with the tribal and private claimants, etc. (World Bank, 2005).

5.1. Land tenure

“Yemeni law, both statutory and sharia, recognizes certain fundamental land tenures. The land tenure system comprises these particular tenures, each of which has its legal definition and specific rules. These are state land, private ownership, religious endowments, communal ownership and tenancy” (World Bank, 2009a).

“In addition, the legal and legislative framework remains insufficient to ensure secure land tenure within the norms of the human rights to property, adequate housing and equitable access to land with respect, protection and fulfilment of the human rights food and livelihood” (Housing and Land Rights Network, 2013).

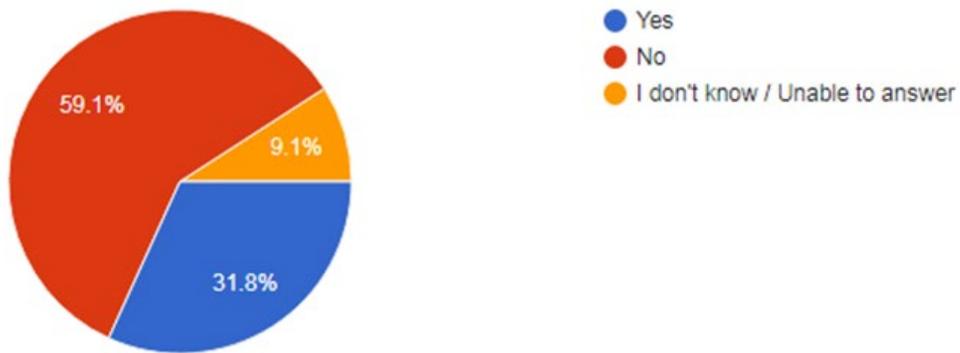
5.1.1. Securing access to land and land-related resources, land allocation, recording and land tenure security

Responses of the participants varied regarding the proportion of the total adult population with secure land tenure rights to land with legally recognized documentation. More than 31 per cent (see Figure 2.a) of the respondents confirmed the availability of information regarding the adult population with secure land tenure rights, stating that this proportion exceeds 50 per cent. Furthermore, more than 59 per cent of them said there was no information on the proportion of those who have secure land tenure rights with legally recognized documentation. About 9 per cent of them indicated that they did not know whether the information was available. More than 68 per cent of the respondents indicated no sex-disaggregated information on secure land tenure (see Figure 2.b).

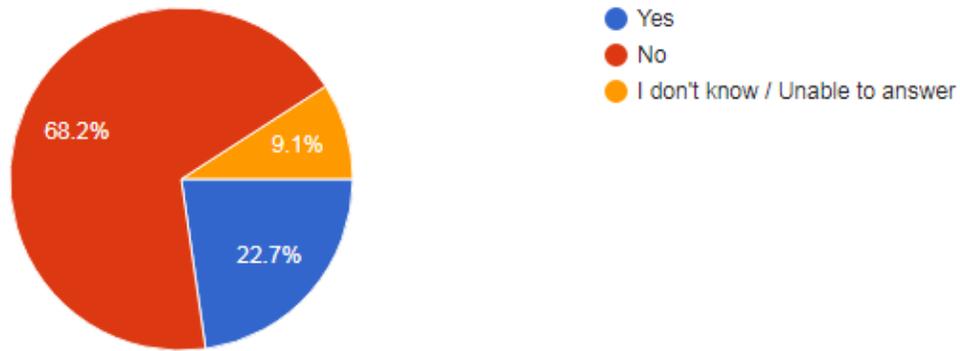
However, the majority, 81 per cent, stated that they did not know any information on the proportion of the female adult population with secure tenure rights. In general, getting specific information with details about who has secure land tenure in Yemen is very difficult.

Based on information collected through the questionnaire and the researcher’s experience in land governance, the proportion of the adult population who perceive their land tenure rights as secure does not exceed 40 per cent. The respondents clarified that the proportion of the total adult population who perceive their rights as secure is between 40 and 60 per cent. However, more than 68 per cent of the respondents indicated that there was no information on the total adult population who perceive their rights as secure (see Figure c).

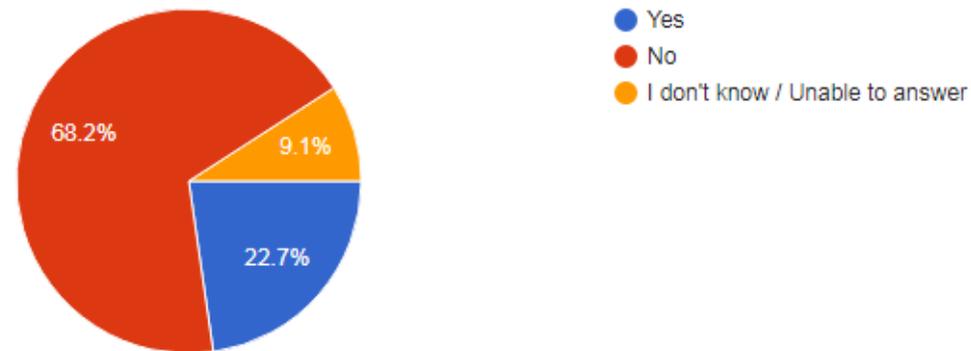
About 64 per cent of the respondents stated that there is no sex-disaggregated information regarding females perceiving their rights as secure. In comparison, 14 per cent of them did not know the proportion of the female adult population perceiving their rights as secure (see Figure d).



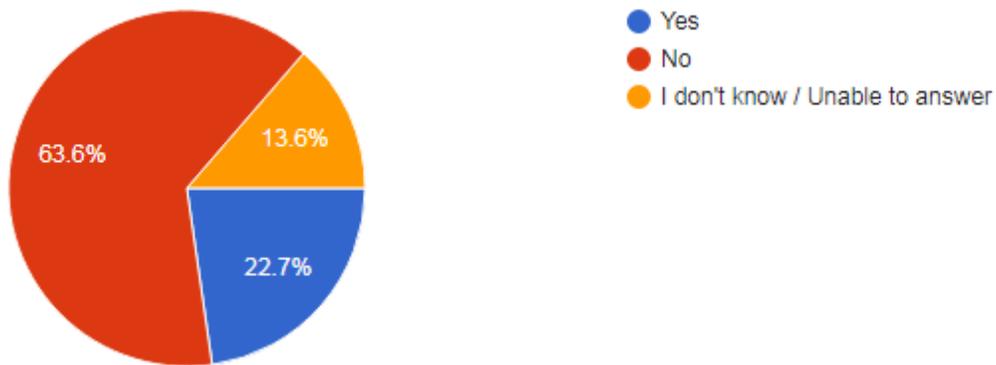
a. Land tenure data availability



b. Sex-disaggregated land tenure data availability



c. Availability data on the perception of land tenure



d. Availability of sex-disaggregated data on the perception of land tenure

Figure 2: Land tenure security data

The land tenure system is complex and divergent. There are formal and informal systems, including statutory and customary ones. With regard to Yemeni law, most respondents correctly identified the land categories as state (public) land, private land, communal land, waqf land, rent land and land recognized by customary mechanisms. A few answers indicated some of the respondents from different sectors were confused regarding the terms land use, landownership and land tenure, especially between land tenure and landownership.

In Figure 6, 50 per cent of respondents stated that people were likely to be forcibly evicted and displaced. About 23 per cent of respondents stated that it was very likely that forceful eviction and displacement would happen. In addition, most of the participants indicated that the leading causes of forced displacement are war and political and tribal conflicts, as well as revenge and lack of water. Furthermore, poverty was cited as one of the most significant reasons for migration, especially from rural areas to main cities to work.

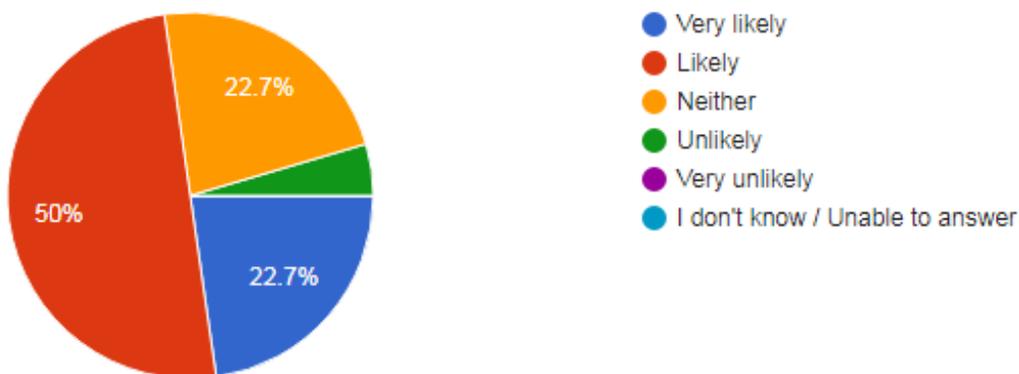


Figure 3: Risk of forced eviction

More than 68 per cent of the respondents indicated that the cost of purchasing urban land and properties is extremely unaffordable for the average citizen (see Figure 4). Additionally, 60 per cent of the respondents clarified that rural or agricultural land is not affordable. About 60 per cent of the respondents

stated that they would need more than 230 months (about 20 years) to purchase the house in which they live (they live in apartments). However, 25 per cent stated that they would need more than 400 months (about 34 years).³

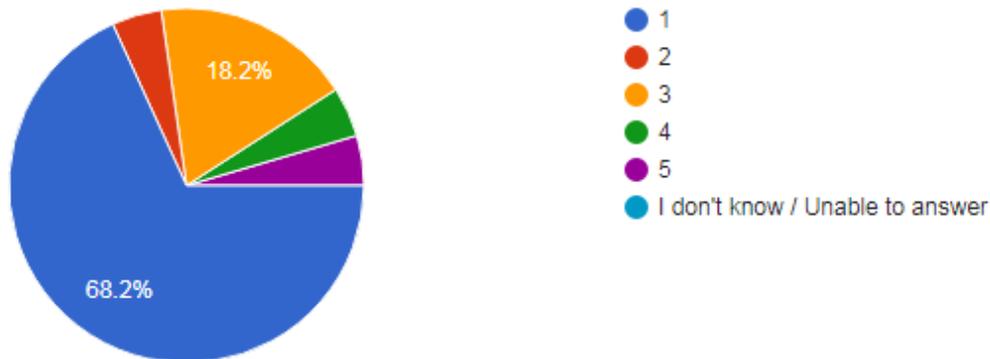


Figure 4: The affordability of urban land and properties

Figure 5 shows that more than 59 per cent of the respondents stated that common citizens did not understand land registration processes regarding securing and formalizing their land rights. About 32 per cent of the respondents clarified that it is difficult for ordinary citizens to obtain funds (such as loans, mortgages, etc.) from banks/financial institutions/cooperatives to purchase land or properties.

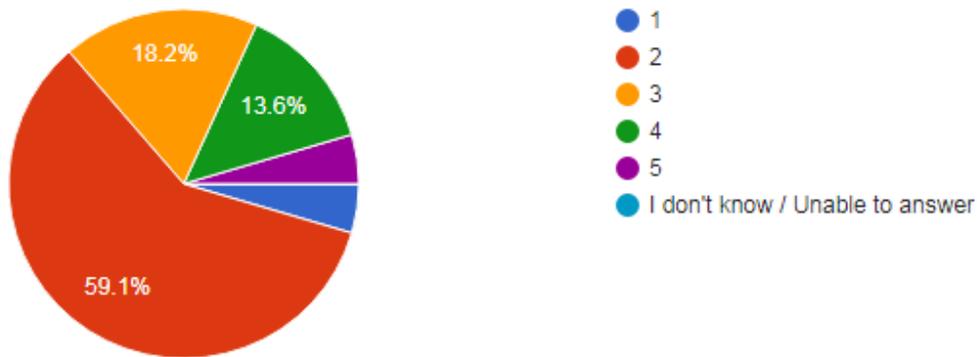


Figure 5: Level of awareness of land registration processes

Fifty per cent of the respondents indicated that it is very difficult to obtain funds for purchasing land and properties. Moreover, more than 50 per cent of the respondents emphasized that it is a little easier for men than for women.

³ Most employees in governorates under Houthi Government control have been without salaries for more than 5 years.

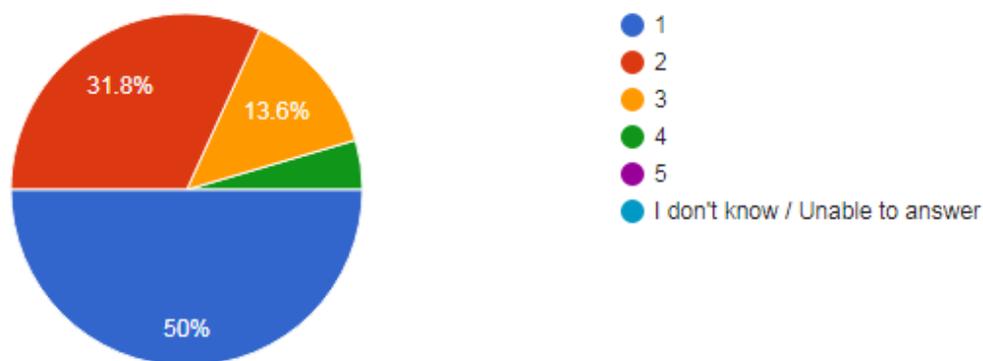


Figure 6: Accessibility of funds for purchasing land or properties

It is difficult for ordinary citizens to use their land or property as collateral for obtaining loans, as stated by 32 per cent of respondents. However, 27 per cent confirmed that it is very difficult. In addition, slightly more than 68 per cent of the respondents indicated that it is easier for men than for women to use their land or property as collateral (see Figure 7).

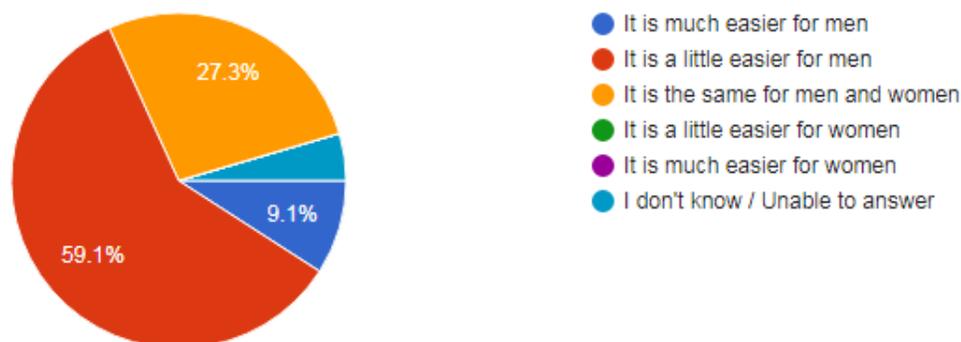


Figure 7: Degree of difficulty in getting funds of difficulty between men and women.

5.1.2. Cadastral mapping and legal surveys to determine parcel boundaries

Regarding the availability of a functioning cadastral system, more than 45 per cent of the respondent agreed, while more than 40 per cent stated that there was none. Almost 37 per cent and 18 per cent of respondents stated that the cadastral system covered 0 to 20 per cent and 21–40 per cent of the country, respectively. Twenty-seven per cent of them did not answer. Additionally, 41 per cent mentioned that 0 to 20 per cent of the information is digital, while another 41 per cent stated that they did not know.⁴

⁴ Digital information is available in some major cities, and the cadastral system is only available in some urban areas.

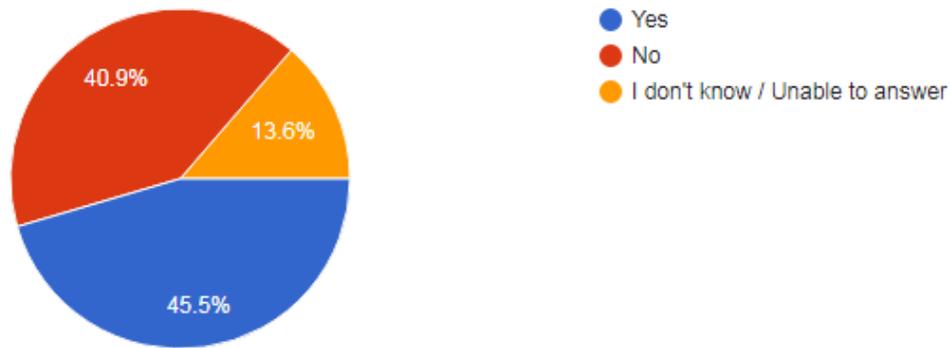
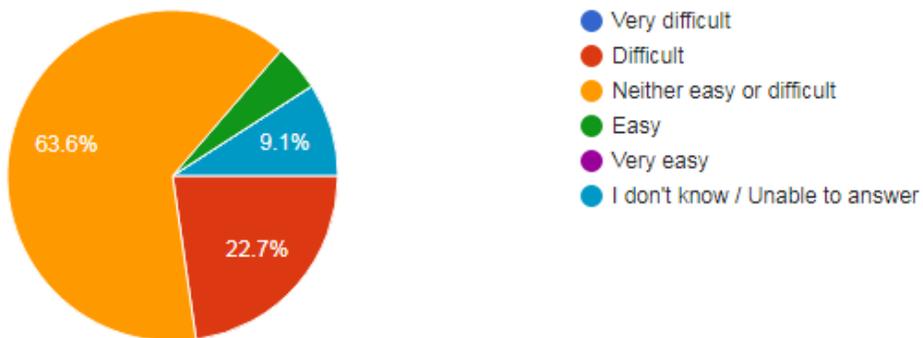
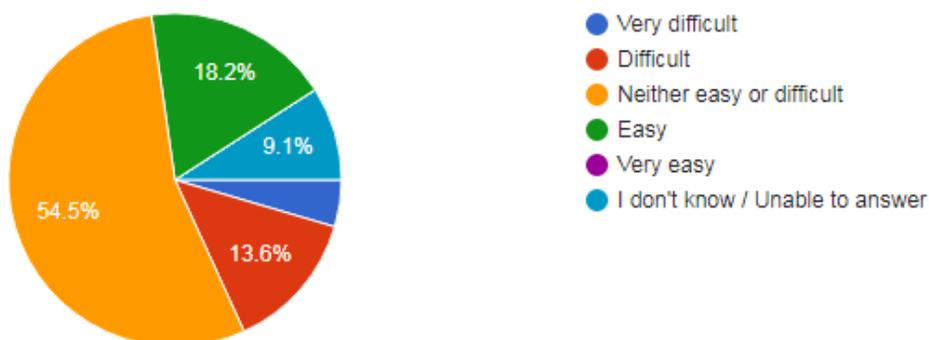


Figure 8: Existence of a functioning cadastral system

Figure 9.a shows that the procedures for creating new properties are neither easy nor difficult, as stated by more than 63 per cent of respondents. More than 22 per cent of them termed the procedures of creating new properties difficult. As can be deduced from Figure 9.b, more than 54 per cent of them indicated that the procedures for altering existing properties are neither easy nor difficult. Additionally, 14 per cent confirmed that the procedures are difficult, while 18 per cent stated that the procedures are easy.



a. Ease of procedures for creating new properties



b. Ease of procedures for altering existing properties

Figure 9: Procedures for creating new or modifying existing properties

It is easy to transfer property or its use from one party to another (including sale, inheritance and gifts), according to 41 per cent of respondents. Additionally, 46 per cent of them stated that it is neither easy nor difficult. Nevertheless, more than 54 per cent of them indicated that these procedures are expensive, while more than 22 per cent of them stated that the cost of these procedures is fair (see Figure 10).⁵

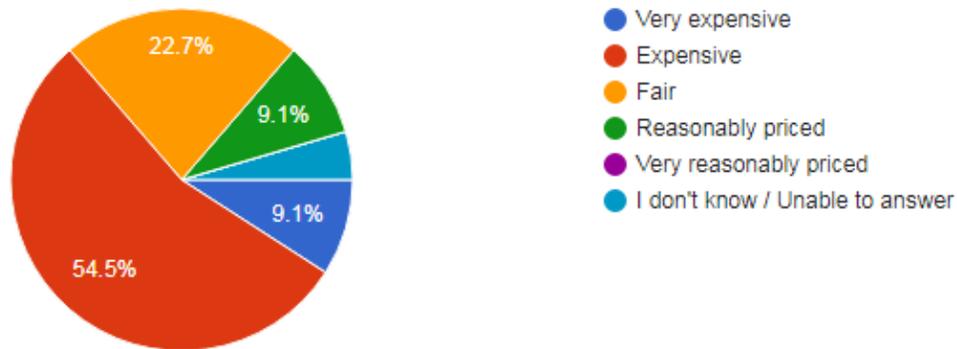


Figure 10: Affordability cadastral procedures

About 55 per cent of the respondents clarified that record changes in a cadastral record take between 20 and 45 days. Additionally, 55 per cent confirmed that it takes between 25 and 45 days to register a new parcel of land in the cadastre.

Most respondents stated that record changes in the cadastre cost more than YER 120,000⁶ (plus a tax of one per cent of the land's value). However, registering a new parcel of land in the cadastre costs more than YER 200,000 (plus a one per cent tax on the value of the land).

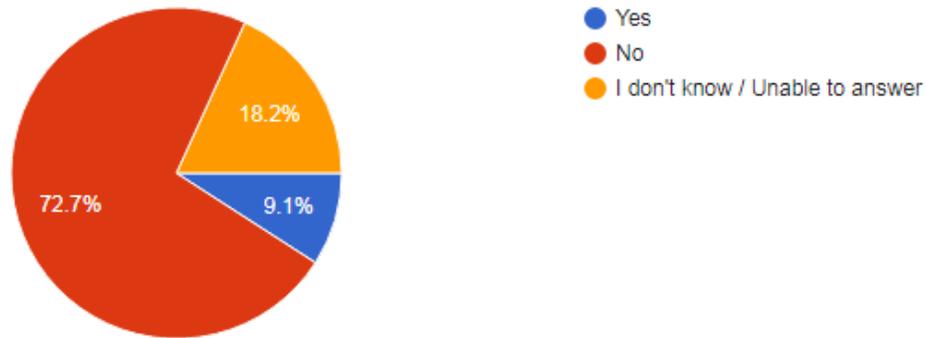
All respondents stated that the main cadastral office is in Sana'a, and there are 22 offices in the main cities (governorates' capitals). However, the respondents' opinions differed regarding the number of offices (if any) in each governorate. Their views also differed regarding the number of professionals working in the cadastral offices. Most responses indicated that there were between 100 and 150 professionals in each office. However, it was confirmed that more than 800 professionals are working in the main cadastral office in Sana'a. The cadastral system is decentralized, according to 41 per cent of respondents, while 36 per cent of them stated that the system is centralized.

5.1.3. Land tenure information and spatial data infrastructure

Most respondents stated that the cadastre includes information on the cadastral map, a sketch of land and location, boundaries, ownership/tenure, value, land use and nature of the land. More than 72 per cent of respondents confirmed that cadastral information is not linked or interoperable with other spatial data (e.g., natural resources maps, land-use plans, etc.), and more than 18 per cent did not answer.

⁵ The official fees are reasonable but informal expenses (bribes and payments to facilitate the procedures) increase costs.

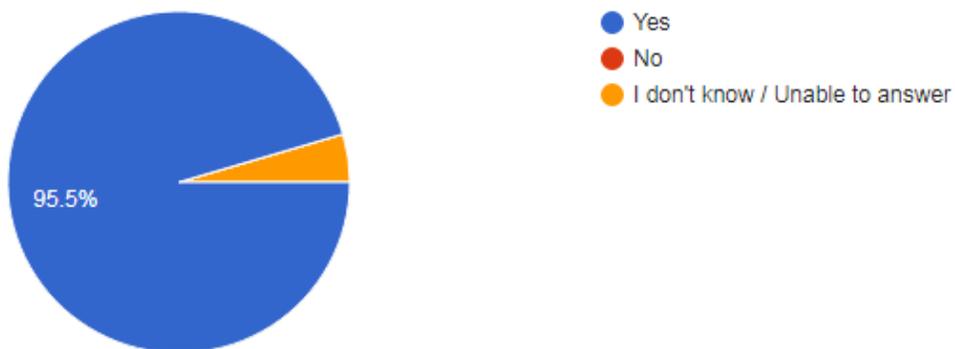
⁶ USD 1 = YER 600



a. Linkage between cadastral information and spatial data.

Opinions were not specific regarding whether the cadastral information is accessed and used for decision-making processes, with 41 per cent stating that it was not used and 32 per cent stating that they did not know. However, 27 per cent of the respondents stated that cadastral information is accessible and used by GALSUP and Public Works offices.

The vast majority (more than 95 per cent) indicated that there are other forms of land tenure allocation or registration (formal, informal, temporary and religious/customary), as shown in Figure 11.b.



b. Existence of other forms besides cadastre for land tenure allocation or registration.

Figure 11: Linkage of cadastral data with other spatial data.

These other forms are

- Sale, purchase, transfer of tenure and registering in the cadastre (formal),
- Documentation and customary sale system – *basira* (informal),
- Transfer of state lands and the endowment (*waqf*) land tenure (informal),
- Transfer of the use of state lands (informal),
- Renting contracts (formal).

Registering land tenure in the cadastre (formal system) covered 21–40 per cent of lands, as stated by 36 per cent of respondents, and 27 per cent of them stated that it covered 0–20 per cent of lands.

However, land tenure documentation through *basira*, which is customary and informal, is still widely used. Thirty-six per cent of the respondents stated that it covered 61–80 per cent of lands, while 14 per cent and 23 per cent indicated that it covered 41–60 per cent and 21–40 per cent of lands, respectively.

Officially, the transfer of endowment (*waqf*) lands or state lands by individuals is not allowed, so this procedure is considered unofficial/informal. Transferring waqf or state lands covered 0–20 per cent of lands, as stated by 36 per cent and 55 per cent of respondents, respectively.

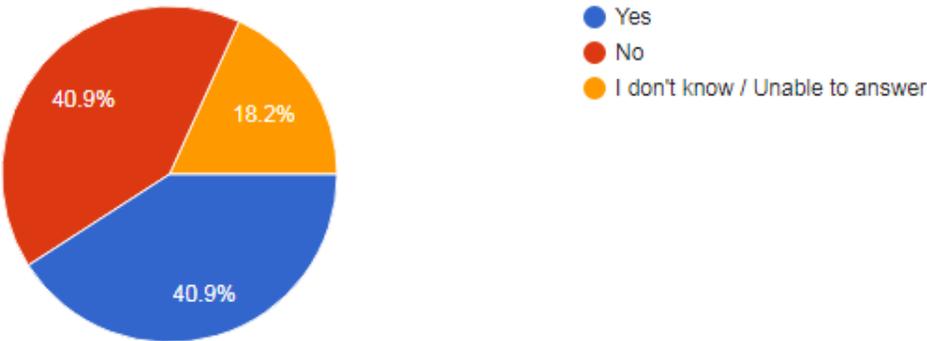
Twenty-seven per cent of the respondent stated that rent contracts, a formal type of land tenure, covered 0–20 per cent of the land tenure, while a similar number of the respondents stated that it covered 21–40 per cent.

5.2. Land value

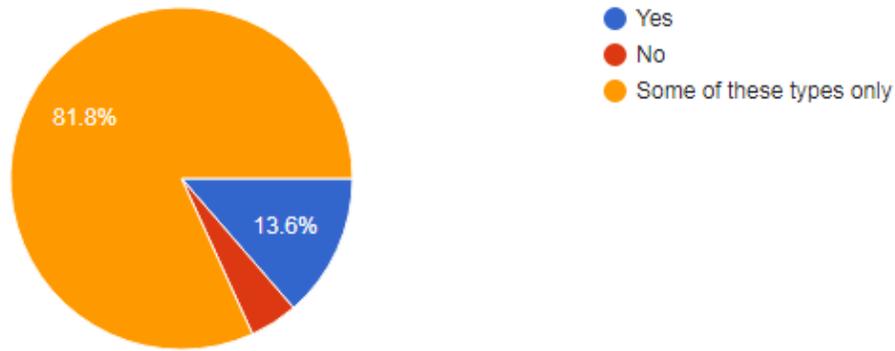
5.3.1. Assessing the value of land and properties

More than 40 per cent of the respondents indicated that there is an institutionalized methodology to assess land value (urban and rural), but it is inadequate. A similar number of respondents indicated that no methodology was available. However, 46 respondents stated that the methodology was neither adequate nor inadequate.

Most of the respondents (more than 81 per cent) indicated that the methodology to assess the value of land covered some of the tenure types (e.g., registered, private, public, informal/unregistered, etc.). In comparison, more than 13 per cent of respondents confirmed that it covered all tenure types.



a. Existence of institutionalized methodology to assess the value of land (urban and rural).



b. Coverage of the method of all land tenure types.

Figure 12: Institutional approach to land valuation.

Figure 13 shows that more than 27 per cent of the respondents stated that there is an institutionalized methodology to assess the value of buildings, with 50 per cent stating that it covers buildings on lands under all tenure types (e.g., registered, private, public, informal/unregistered, etc.) However, 59 per cent of the respondents stated that there is no institutionalized methodology. Of the 27 per cent of the respondents, 46 per cent stated that the methodology is very inadequate, while 14 per cent indicated that it is inadequate.

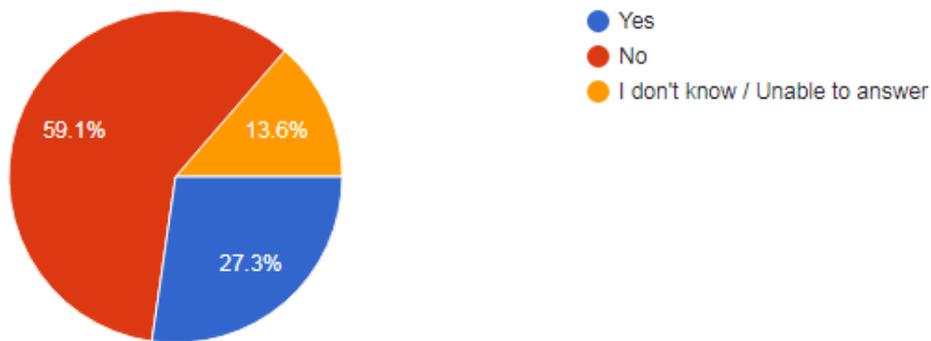


Figure 13: Existence of institutionalized methodology to assess the value of buildings.

Most respondents (more than 77 per cent) indicated that professional valuers are an officially recognized professional category, but 77 per cent are unregistered and 82 are not trained. Most respondents clarified that despite being unregistered, professional valuers are fairly available, covering most tenure typologies. In addition, 38 per cent of the respondents stated that the services of these professional valuers are inaccessible. In comparison, 19 per cent indicated that these services are accessible in one way or another.

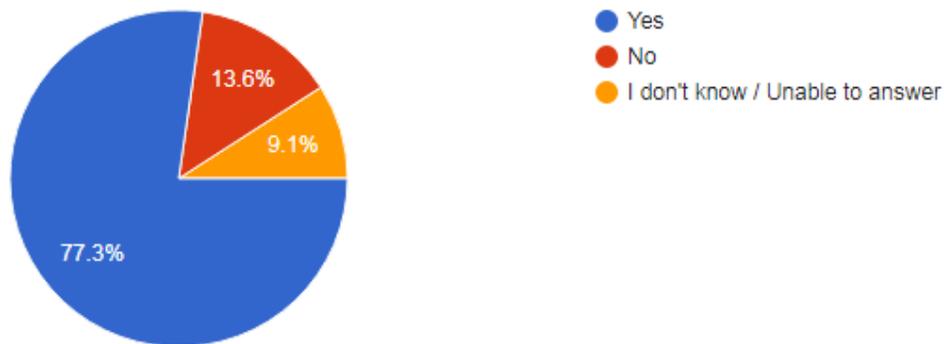


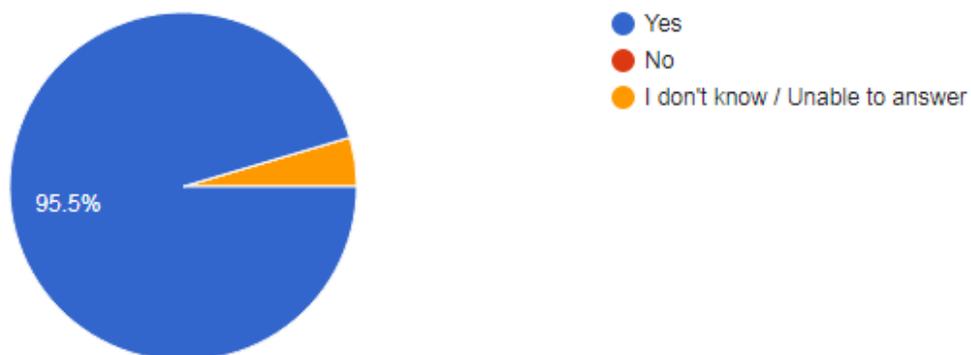
Figure 14: Official recognition of the professional valuers.

5.3.2. Calculating and gathering revenues through land and property taxation

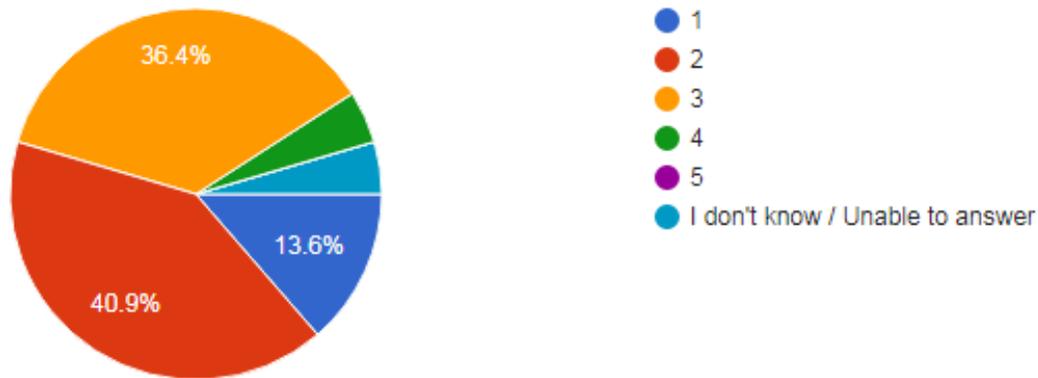
All respondents clarified that there is a taxation system for land and properties, with almost all (more than 95 per cent) stating that it is applied in urban areas. However, 55 per cent of them indicated that it is also applied in rural areas. About a quarter of the respondents stated that the proportion of land/properties taxed is 61–80 per cent, 36 per cent of them stated the proportion to be 41–60 per cent, and 18 per cent of them indicated the proportion to be 21–40 per cent. According to more than 40 per cent of respondents, the taxation rates are not fair, while more than 36 per cent of them said the rates are moderate (neither fair nor unfair) (see Figure 15.b).

According to more than 40 per cent of the respondents, 0–20 per cent of land/property revenues is collected (compared to the total expected amount), while 32 per cent of them indicated the revenues to be 41–60 per cent.

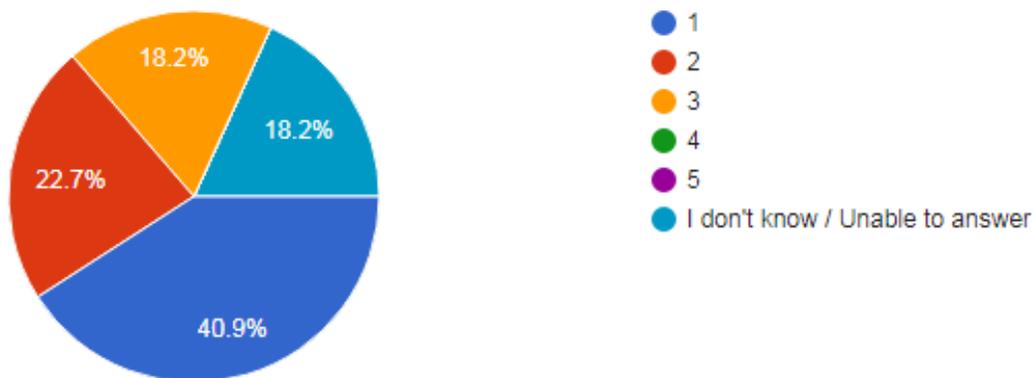
A high proportion of the respondents (77 per cent) stated that the percentage of municipal expenditures paid through income from land and property taxes is 0–20 per cent. In addition, 64 per cent of respondents confirmed that the impact of taxation on the use of land and land markets is not considered by decision makers.



a. Application of the taxation system in urban areas.



b. Fairness of the taxation rates.



c. Consideration of the impact of taxation on the use of land and land markets.

Figure 15: Taxation system.

5.3.3. Land value information

There is a lack of a complete and accessible digital land information system on land value, as stated by more than 68 per cent of the respondents (see Figure 16). However, more than 18 per cent said there is an incomplete system.

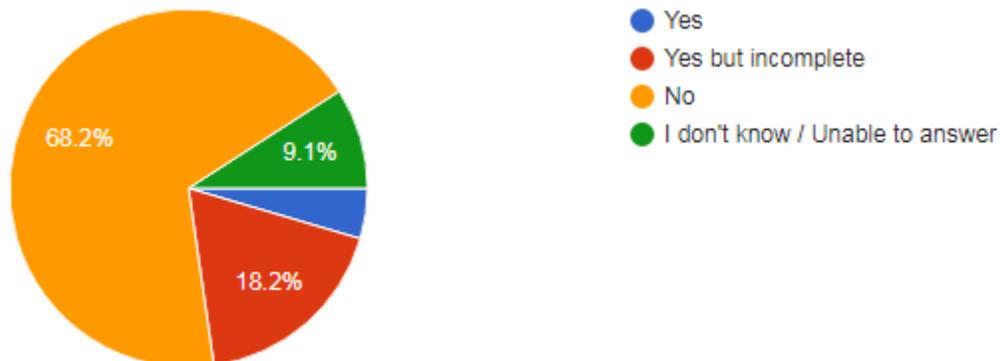


Figure 16: Awareness of a complete and accessible/digital land information system on land value.

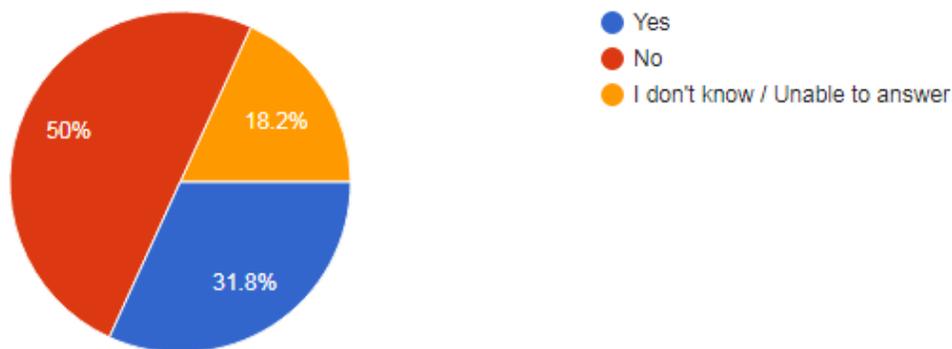
5.3. Land use

5.3.1. Control and enforcement of land-use decisions

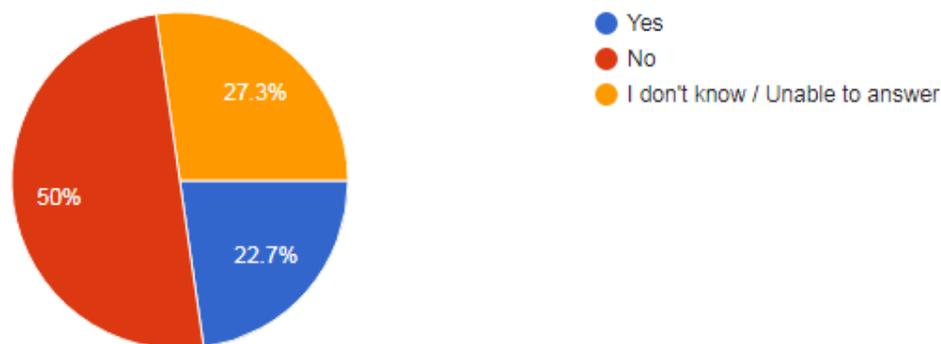
Figures 17.a and 17.b show that according to 50 per cent of the respondents, there are no adequate and updated land-use plans at the national and regional levels. Eighteen per cent of them stated that the land-use plans are updated, with 73 per cent and 71 per cent indicating that these plans are inadequate at the national and regional levels, respectively.

Additionally, these plans are not enforced at the national and regional level, according to 73 per cent and 78 per cent of the respondents, respectively.

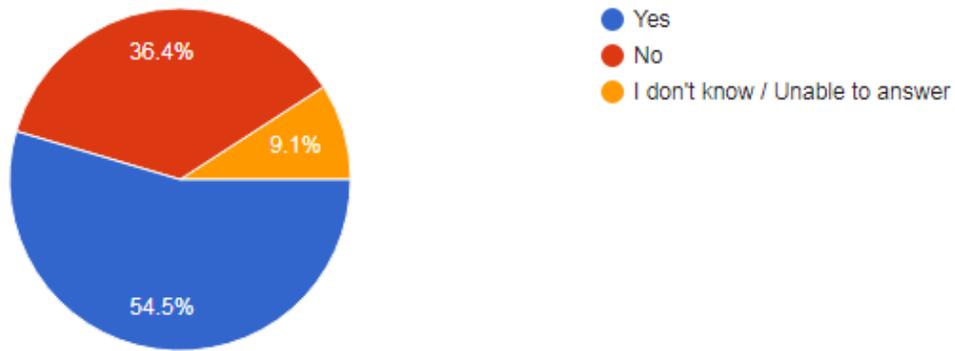
There are adequate and updated land-use plans at the local level, as mentioned by more than 54 per cent of the respondents, as shown in Figure 17.c. However, more than 36 per cent of them indicated a lack of these plans. While 41 per cent of the respondents stated that the local plans are inadequate, a similar proportion of them indicated that they did not know. Nevertheless, 23 per cent of the respondents noted that enforcement of these plans was at a low level, while 9 per cent stated the lowest level.



a. National level.



b. Regional level.



c. Local level.

Figure 17: Existence of adequate and updated land-use plans at different governance levels.

There are adequate and updated urban plans for the fast-growing urban centres, as more than 72 per cent of the respondents stated. However, 59 per cent of the respondents noted that these plans could be fairly adequate, and 18 per cent indicated that they did not know whether these plans were adequate or not. Moreover, 41 per cent of the respondents stated that there is low-level enforcement of these plans, while 36 per cent of them stated that these plans could be fairly enforced.

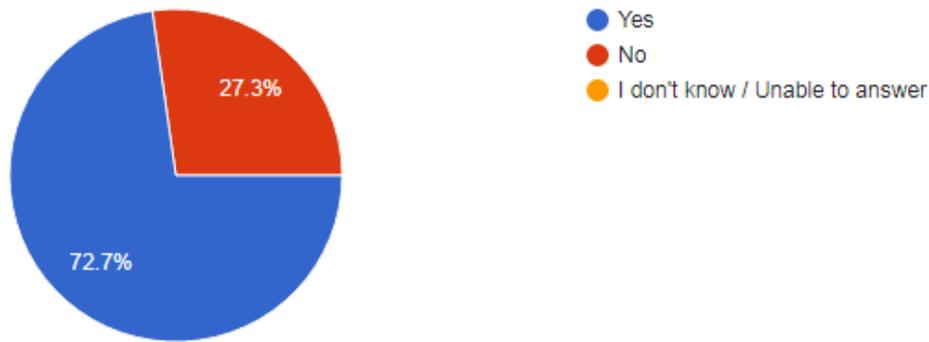


Figure 18: Existence of adequate and updated land-use plans in main/fast-growing urban centres.

Regulations or schemes addressing the resettlement of informal, temporary or displaced populations exist according to more than 63 per cent of the respondents, as shown in Figure 19. The rest of the participants (more than 36 per cent) said there are no regulations or schemes. Of the more than 63 per cent of the respondents, 46 per cent indicated that the regulations or schemes are inadequate and their enforcement is low, as half of these participants stated.

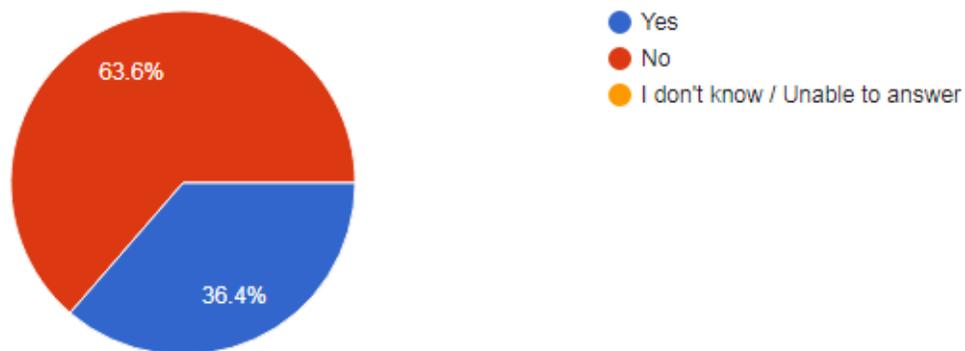


Figure 19: Existing regulations or schemes addressing informal/temporary/displaced population settlements.

According to a high proportion (82 per cent) of respondents, adequate building permit regulations exist. Moreover, 41 per cent of them clarified that the regulations are adequate, and a similar proportion (41 per cent) said the regulations are fairly adequate. However, 50 per cent of respondents stated that they might be fairly enforced, while 27 per cent of them confirmed that enforcement is low.

As shown in Figure 20, more than 45 per cent of the respondents stated that there are adequate and updated rural/agricultural land-use regulations, and more than 35 per cent held the contrary opinion. In comparison, more than 18 per cent of them said they did not know.

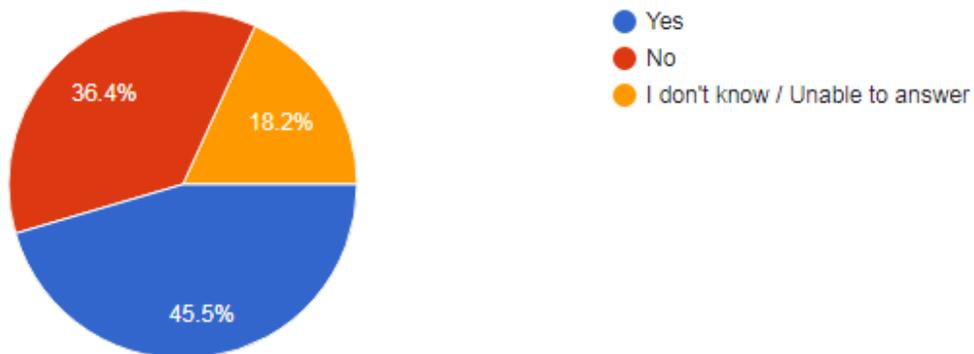


Figure 20: Existence of rural/agricultural land-use regulations.

However, 32 per cent of the respondents stated that these rural/agricultural land-use regulations are inadequate, and 46 per cent of them could not answer. About 50 per cent of the respondents confirmed that they did not know whether these regulations were enforced, and 32 per cent of them stated that these regulations were not enforced.

Regarding whether there are adequate environmental protection land-use regulations, Figure 21 shows that the responses of participants were divided in fairly close proportions. More than 45 per cent of the respondents confirmed that there are no environmental protection land-use regulations. More than 40 per cent confirmed that these regulations are there, with 14 per cent stating that the regulations are very inadequate, 27 per cent finding the regulations inadequate and more than half stating that they did not

know whether they are adequate or not or whether they are enforced. However, 23 per cent of the respondents confirmed that enforcement is very low, and 18 per cent said that enforcement was low.

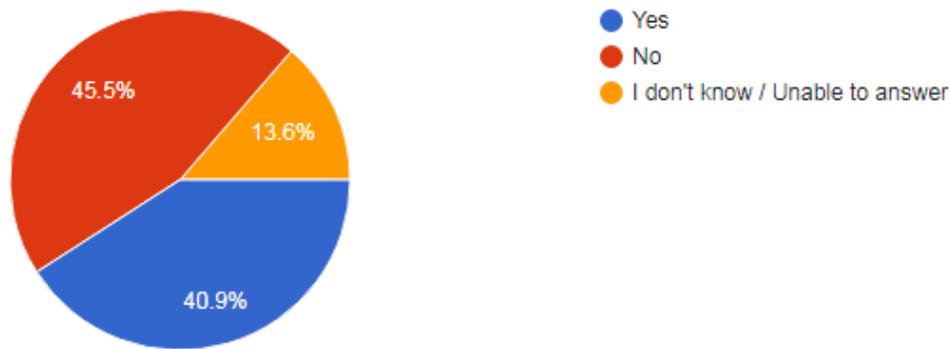


Figure 21: Existence of environmental protection land-use regulations.

Regarding the brightness and adequacy of the rules for governmental management of state lands, the respondents' answers were varied, as 18 per cent of them affirmed that it is clear how the government might interfere in private land rights. In comparison, 32 per cent of them stated that it was fairly clear. However, 23 per cent of them indicated that it is unclear how the government might interfere in private land rights, while 18 per cent reported that it is very unclear.

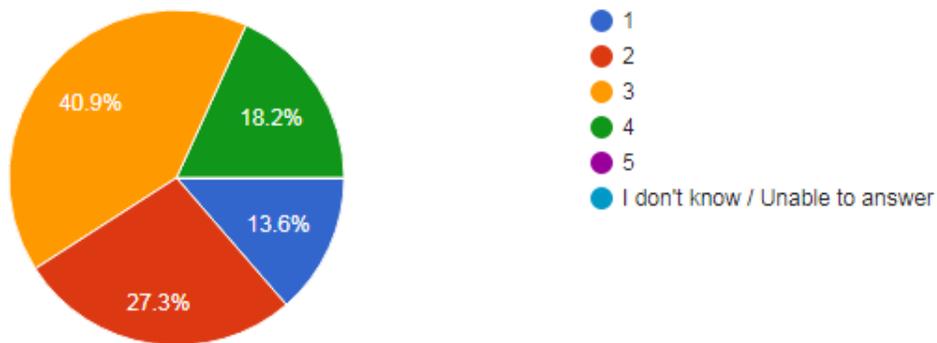


Figure 22: Assessment of the clarity of the government's role in private land rights.

As shown in Figure 32, more than 18 per cent of the respondents stated that the rules for the governmental management of state lands are clear and adequate, and more than 40 per cent of them affirmed that the rules are fairly clear and adequate. Moreover, more than 27 per cent of them indicated that the rules are unclear and inadequate, while more than 13 per cent of them said the rules are very unclear and very inadequate.

Regarding the potential for the government to acquire private land for public development, Figure 23 shows that half of the participants indicated that the opportunities are fairly sufficient. However, more than 27 per cent and more than 23 per cent of them stated that the opportunities are insufficient and very insufficient, respectively.

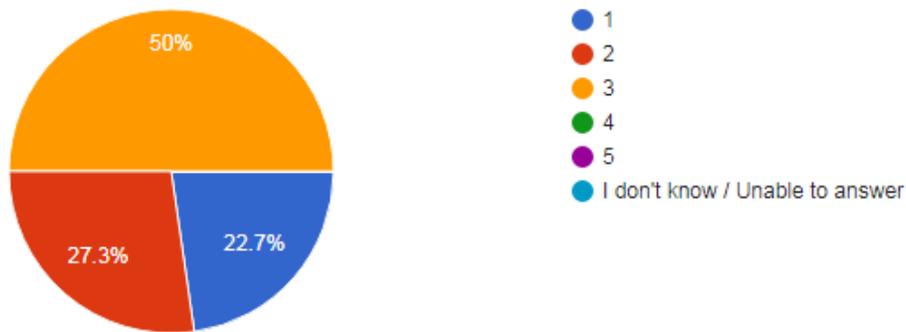
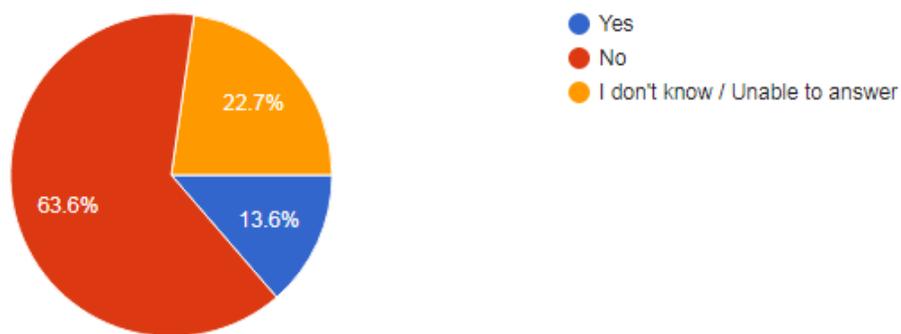


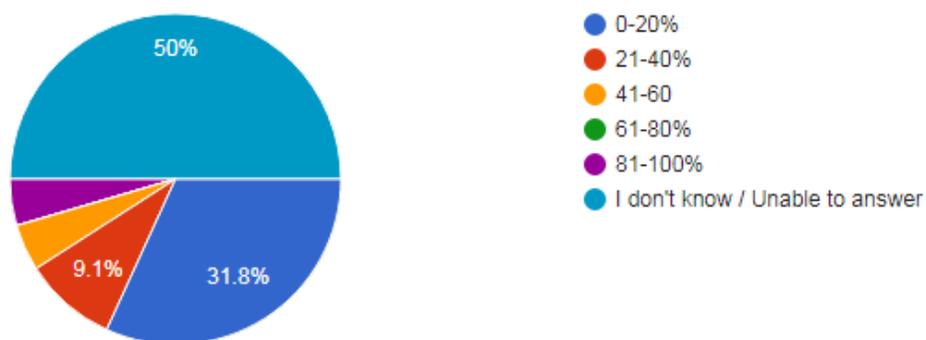
Figure 23: Opportunities for the government to acquire private land for public development purposes.

5.3.2. Land-use information

According to about 64 per cent of the respondents, there is no completed and accessible/digital land information system recording land use, as shown in Figure 24.a. About 14 per cent of them stated that there is a complete information system, and about 23 per cent of them reported that they did not know. However, half of the respondents clarified that they did not know whether there is any estimated portion of national land coverage, and about 32 per cent of them stated that there is, and it covers only 0 to 20 per cent. See Figure 24.b.



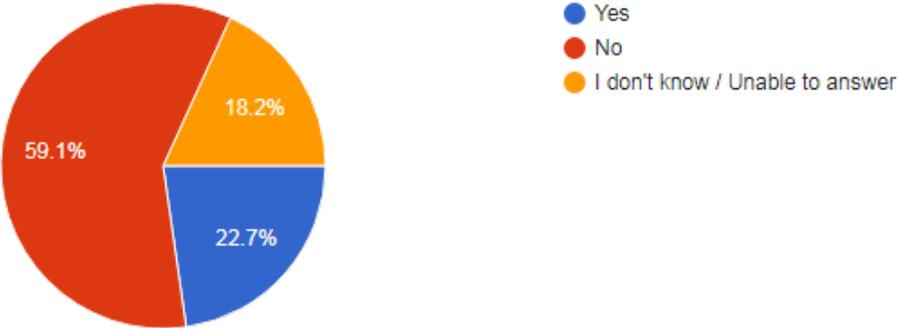
a. Existence of a land-use information system.



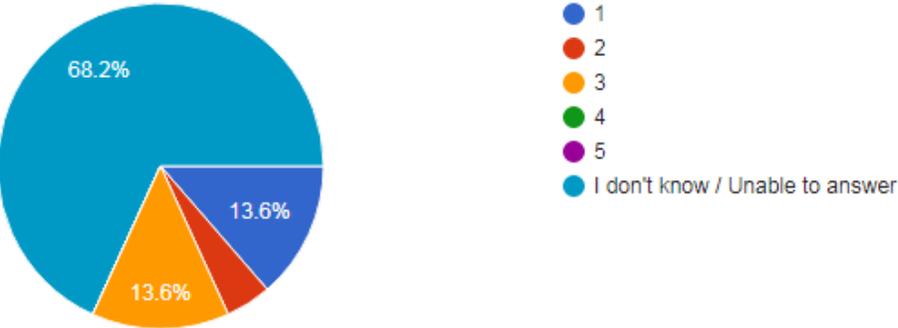
b. Expected coverage of land-use information of the total country.

Figure 24: Land-use information system.

It is very difficult to access digitized information, as 32 per cent of the respondents indicated. About 50 per cent reported that they did not know. There is no completed and accessible/digital land information system recording natural resources (maps), as slightly more than 59 per cent of the respondents stated (see Figure 25.a). About 23 per cent of them said there is, with 27 per cent of them clarifying that the estimated portion of national land coverage is 0–20 per cent. Nevertheless, slightly more than 59 per cent of respondents said they did not know. While 14 per cent of the respondents confirmed that the information is fairly accessible/digitalized, 14 per cent of them stated that it is very difficult. The majority of respondents (68 per cent) stated that they do not know.



a. Existence of natural resources information system.



c. Degree of completeness and accessibility of natural resources information

Figure 25: Natural resource information system.

5.4. Land development

5.4.1. Acquiring land for the public

Figure 26 shows that slightly more than 59 per cent of respondents confirmed the existence of mechanisms for the public to acquire land for public use, while about 23 per cent of them stated that there are no mechanisms. Of the slightly more than 59 per cent of the respondents, 41 per cent indicated that these mechanisms are not fair, while 23 per cent of them stated that the mechanisms are moderately fair. These mechanisms are not cost-effective according to 54 per cent of the respondents, while 14 per

cent of the respondents indicated that mechanisms are fairly cost-effective. The mechanisms are not used correctly, according to 50 per cent of the respondents, while 46 per cent stated that they do not know.

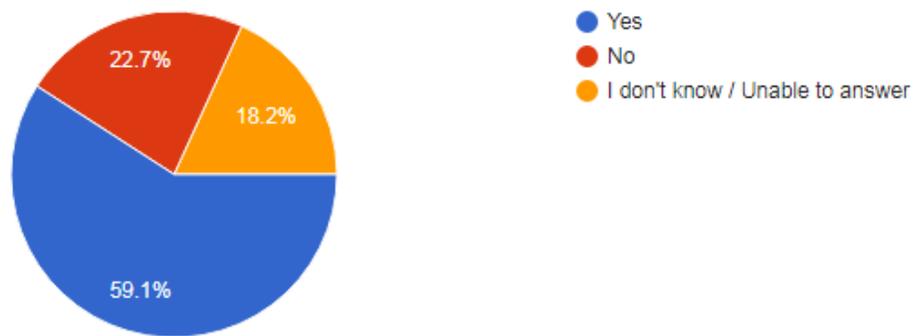


Figure 26: The mechanisms for the public to acquire land for public use

There is an adequate land expropriation mechanism, according to about 59 per cent of the respondents (see Figure 27). However, about 32 per cent of them indicated that there is no adequate mechanism. Regarding the fairness of the mechanism, 36 per cent of the respondents chose the “not fair” option, 14 per cent chose the “not fair at all” option and 23 per cent chose the “somewhat fair” option. The land expropriation mechanism is not cost-effective according to 55 per cent of the respondents and moderately cost-effective according to 18 of them. The mechanism is not correctly applied, as 50 per cent of the respondents indicated, while 36 per cent stated that they did not know.

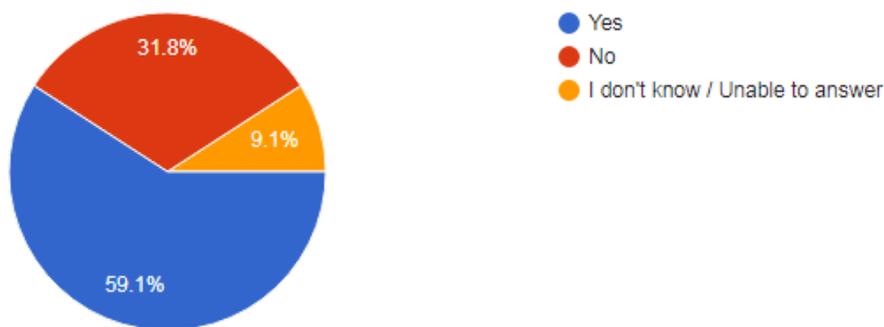


Figure 27: Existence of a land expropriation mechanism.

There are efficient regulations to control land subdivision/consolidation in urban areas, as indicated by about 68 per cent of the respondents, as shown in Figure 28, with 41 per cent of them stating that these regulations are not fair and 18 per cent stating that the regulations are fair. About 23 per cent of the respondents stated that the regulations are not efficient. According to 18 per cent of the respondents, the regulations are cost-effective. However, 36 per cent of the respondents indicated that the regulations are not cost-effective, while another 36 per cent stated that they did not know. Moreover, 46 per cent of respondents indicated that the regulations are applied albeit incorrectly, while 41 per cent of them stated that they did not know whether the regulations were applied.

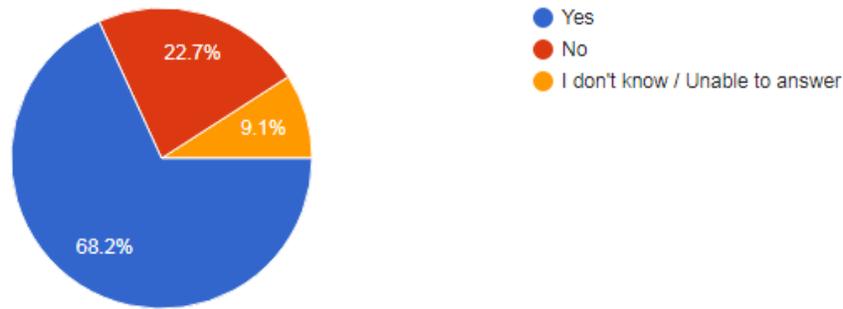


Figure 28: Existence of efficient regulations to control land subdivisions/consolidation in urban areas.

Regarding regulations on land subdivision and consolidation in rural areas, the responses of the participants were fairly closely divided, as shown in Figure 29. About 41 per cent of them confirmed the existence of efficient regulations, 36 per cent indicated the inexistence of efficient regulations, and 23 per cent said they did not know. Of the respondents who indicated the existence of regulations, 23 per cent clarified that the regulations are not fair, while 14 per cent stated that the regulations are moderately fair. Many respondents (about 59 per cent) said they did not know whether these regulations were fair or not. Regarding cost-effectiveness, 23 per cent of respondents stated that the regulations are not cost-effective. Twenty-three per cent of participants stated that the regulations are applied incorrectly, 14 per cent stated that they are very often applied incorrectly, and 59 per cent stated that they did not know.

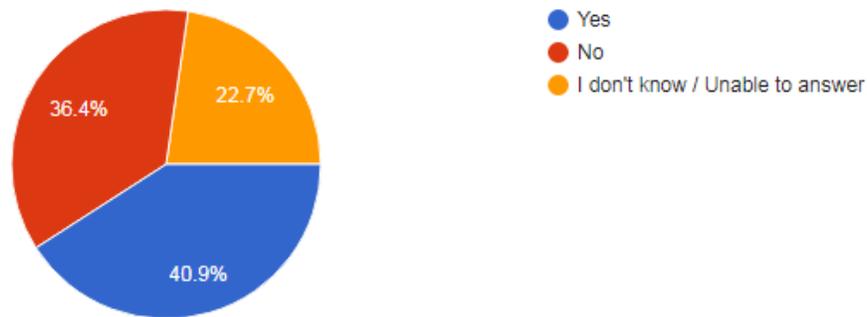


Figure 29: Existence of efficient regulations to control land subdivision/consolidation in rural areas.

5.4.2. Planning and construction

Figure 30 shows that most of the respondents (77.3 per cent) confirmed the existence of mechanisms and regulations to align construction with land-use regulations, with 14 per cent of them stating that the regulations are cost-effective while 36 per cent found them moderately cost-effective. However, 32 per cent of respondents stated that these regulations are not cost-effective. Regarding application, 55 per cent of the respondents stated that these regulations are often applied, albeit incorrectly. However, 14 per cent of them stated that the regulations are applied correctly, while the same number stated that the regulations are applied correctly to some extent.

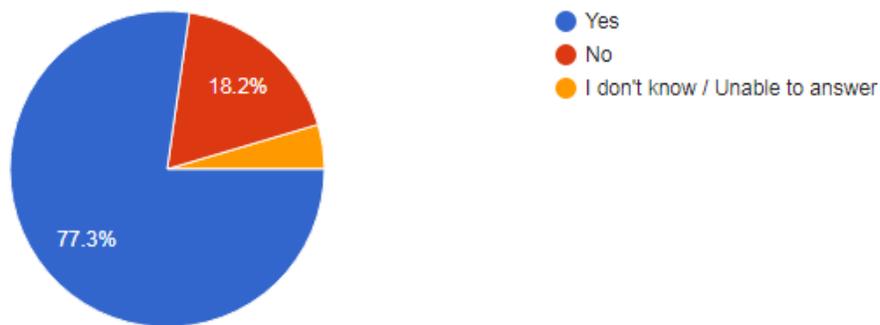


Figure 30: Existence of mechanisms/regulations that ensure construction is aligned with land-use regulations.

The property development process is easy for landowners, according to about 55 per cent of respondents (see Figure 31). However, about 41 per cent said the process is not easy. This process is easy for professional developers, as 18 per cent of respondents indicated, and it is slightly easy, as 46 per cent of them stated. However, 18 per cent of respondents indicated that it is not easy for professional developers. The property development process is easy for public authorities, as 27 per cent of the respondents clarified, and 32 per cent of them stated that it is fairly easy. However, a small group of respondents (18 per cent) stated that this process is not easy for public authorities.

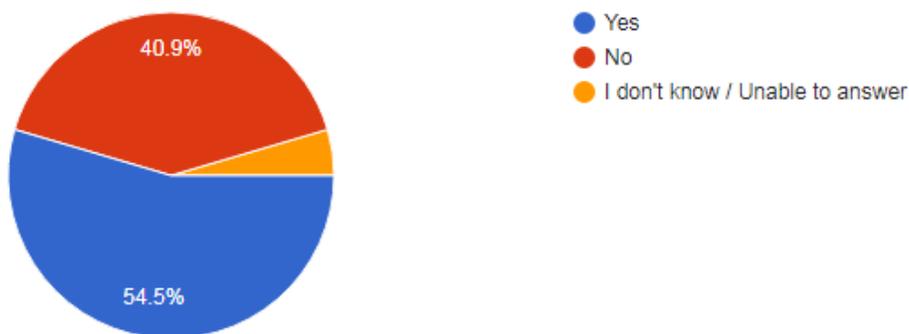


Figure 31: Ease of process in property development for landowners

Figure 32 indicates that a majority of the participants (about 82 per cent) stated that there are effective mechanisms to change land use by granting planning and building permits. Around 55 per cent of these respondents indicated that it is fairly cost-effective, while 32 per cent of them stated that it is not cost-effective. Half of the respondents pointed out that the mechanisms are applied incorrectly, while 36 per cent of them stated that the mechanisms are applied correctly to some extent.

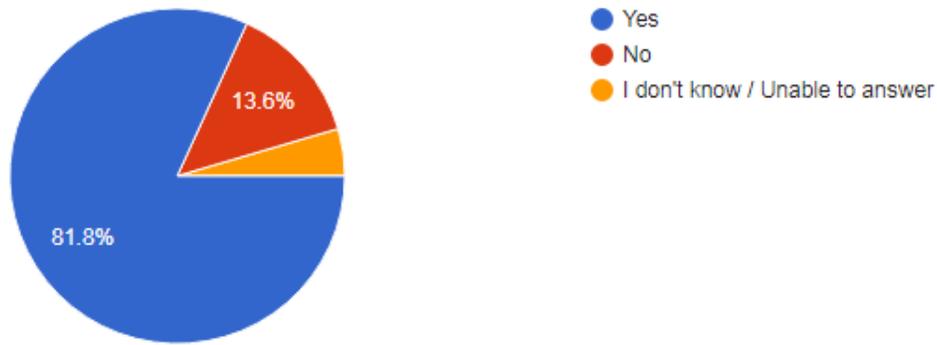


Figure 32: Existence of effective mechanisms to change land use by granting planning and building permits.

5.4.3. Development cost distribution

Half of respondents highlighted the lack of mechanisms that can ensure fair distribution of development costs between public and private actors, while 32 per cent felt that these mechanisms exist.

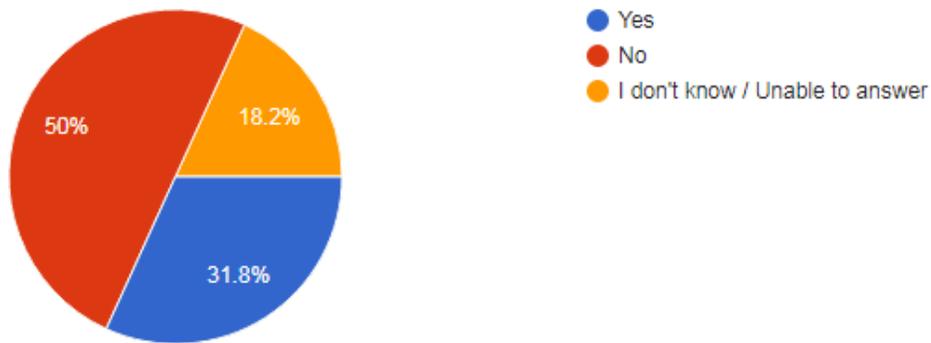


Figure 33: Existence of mechanisms that ensure fair distribution of development costs between public and private actors.

While 14 per cent of the respondents stated that the mechanisms are not fair and cost-effective for the public/collectively, 14 per cent said the mechanisms are moderately fair and cost-effective. Many respondents (44 per cent) indicated that they did not know. Only 14 per cent of respondents stated that the mechanisms are slightly fair and cost-effective for the private actors and 33 per cent of them confirmed that the mechanisms are not fair and are not cost-effective. However, 59 per cent of respondents said they did not know. According to 27 per cent of the respondents, these mechanisms are applied incorrectly, while 64 per cent did not know whether the mechanisms are applied correctly or not.

5.5. Land disputes resolution

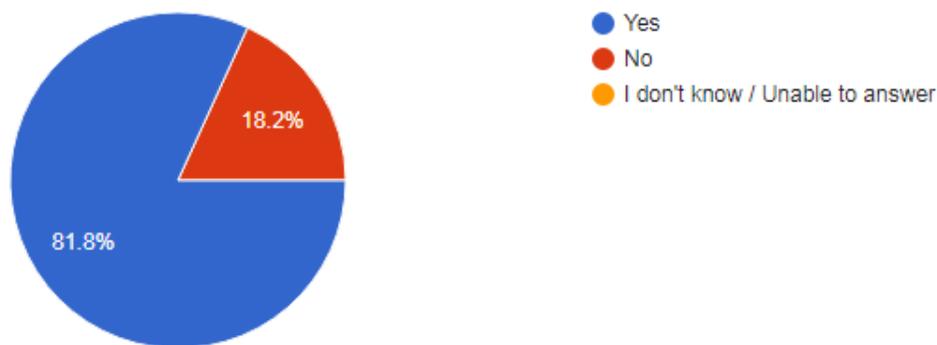
5.5.1. Management and adjudication of disputes

The majority of respondents (82 per cent) confirmed the existence of a well-structured formal system for resolving conflicts and disputes regarding land rights and parcel boundaries, as shown in Figure 33.a, confirming that the system is slow. Additionally, most of the participants (86 per cent) confirmed that the system is not affordable for most people, especially the poor and other vulnerable groups. Sixty-eight per cent of the respondents indicated that people are not familiar with the procedures for accessing the formal dispute resolution system. However, 27 per cent of the respondents clarified that they are fairly familiar with the procedures. Most people do not trust the formal dispute resolution system, as 86 per cent of the respondents stated.

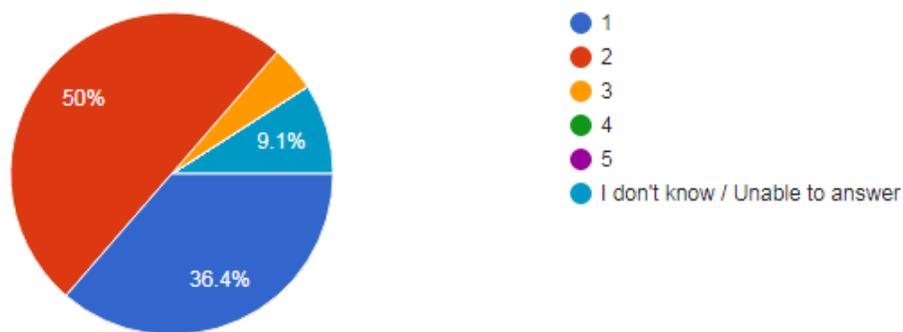
Women face many challenges in accessing the formal dispute resolution system, for example:

- Customs and traditions in many regions of Yemen prevent women from claiming their rights through the courts.
- The vulnerability of women in the tribal system and the failure of society to approve of women taking their rights from male family members.
- Some tribal societies consider women who demand their rights from the male members of the family to be rebellious.

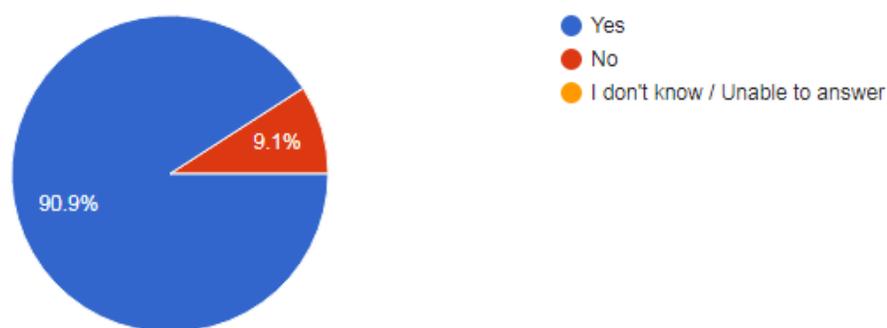
According to 46 per cent of the respondents, the proportion of land-related cases in the formal courts is between 41–60 per cent. About 36 per cent stated 21–40 per cent, while 9 per cent indicated 61–80 per cent. The majority of respondents (about 91 per cent) confirmed that there are mechanisms for solving land rights disputes other than formal courts, as shown in Figure 33.c.



a. Existence of a well-structured formal system to resolve conflicts and disputes on land rights.



b. Degree of reliability of the system.



c. Existence of mechanisms other than legal courts to solve land rights disputes.

Figure 34: Management of land disputes.

Other mechanisms for solving land disputes outside of formal courts are

- Official arbitration according to Yemeni Law No. 22 of 1992 and its regulations No. 32 of 1997
- Tribal customary arbitration through tribal sheikhs and social figures
- Reconciliation (conciliation).

According to Yemeni law, official arbitration is used to solve 21–40 per cent of the cases, confirmed by 27 per cent of respondents. However, 41 per cent indicated that tribal customary arbitration deals with 41–60 per cent of cases. Moreover, 27 per cent of the respondents indicated that the reconciliation (conciliation) method is used to solve 21–40 per cent of the cases.

Women face numerous challenges:

- They are not allowed to sit in negotiation sessions because these are men’s gatherings. Their presence is considered a violation of Yemeni customs and traditions, especially in the countryside.
- Attempts to exploit women by influential people of bad morals.
- The vulnerability of women in the tribal system and lack of community approval for women to take their rights from male family members, just as some tribal societies consider a woman to be rebellious if she demands her rights from her male family members.

6. ANALYSIS OF EXISTING LEARNING OFFERS AND RELATED CURRICULA FOR LAND GOVERNANCE

6.1. Existing learning offers on land-related topics

As confirmed by all participants, no special land management courses are offered in public or private Yemeni universities. However, some topics or content, directly or indirectly related to land management, are studied in other courses. These are summarized in Table 3 below.

Table 3: Summary of courses related to land taught in Yemeni institutions

Course	Type of Content	Duration	Type of Course	Programme	Institution
Urban design	Social Sciences (land-related) Geospatial Studies/Survey Spatial Planning/Land Use Legal/Justice Mathematics/Statistics	14 weeks (84–112 hours)	Academic/ Undergraduate	Bachelor's of Architectural Engineering	Sana'a University Thamar University Twintech University Science and Technology University
City Planning (1)	Social Sciences (land-related) Geospatial Studies/Survey Spatial Planning/Land Use Legal/justice Mathematics/Statistics	12–14 weeks (48–56 hours)	Academic/ Undergraduate	Bachelor's of Architectural Engineering	Twintech University Science and Technology University
City Planning (2)	Social Sciences (land-related) Geospatial Studies/Survey, Spatial Planning/Land Use Legal/Justice Mathematics/Statistics	12–14 weeks (48–56 hours)	Academic/ Undergraduate	Bachelor's of Architectural Engineering	Sana'a University Thamar University Twintech University Science and Technology University
City Planning (3)	Social Sciences (land-related) Geospatial Studies/Survey Spatial Planning/Land Use Legal/Justice Mathematics/Statistics	12–14 weeks (48–56 hours)	Academic/ Undergraduate	Bachelor's of Architectural Engineering	Sana'a University

Advanced City Planning	Social Sciences (land-related) Geospatial Studies/Survey Spatial Planning/Land Use Legal/Justice Mathematics/Statistics	14 weeks (42 hours)	Academic/Postgraduate	Master's of Architectural Engineering	Sana'a University Science and Technology University
Building Legislation	Project Management Public Administration (land-related) Legal/Justice	14 weeks (28 hours)	Academic/Undergraduate	Bachelor's of Architectural Engineering	Sana'a University Thamar University
Public Finance	Public Finance and Tax Law	14 weeks (28 hours)	Academic/Undergraduate	Bachelor's of Sharia and Law	Sana'a University

As Figure 35 shows, a similar proportion of the respondents (50 per cent) indicated that content on Mathematics/Statistics and Social Sciences (land-related) are taught in City Planning and Urban Design courses, respectively. The proportion of respondents who indicated that content on Geospatial Studies/Survey, Spatial Planning/Land Use and Land Management are taught in City Planning and Urban Design courses tied at 75 per cent. Similarly, there was a tie at 25 per cent of respondents who indicated that content on Project Management, Public Administration (land-related) and Legal/Justice are taught in the building legislation course.

A small proportion of the respondents (17 per cent) stated that the content on Public Finance and Tax Law in the Bachelor's of Sharia and Law programme included real estate, valuation, taxation and public administration (land-related).

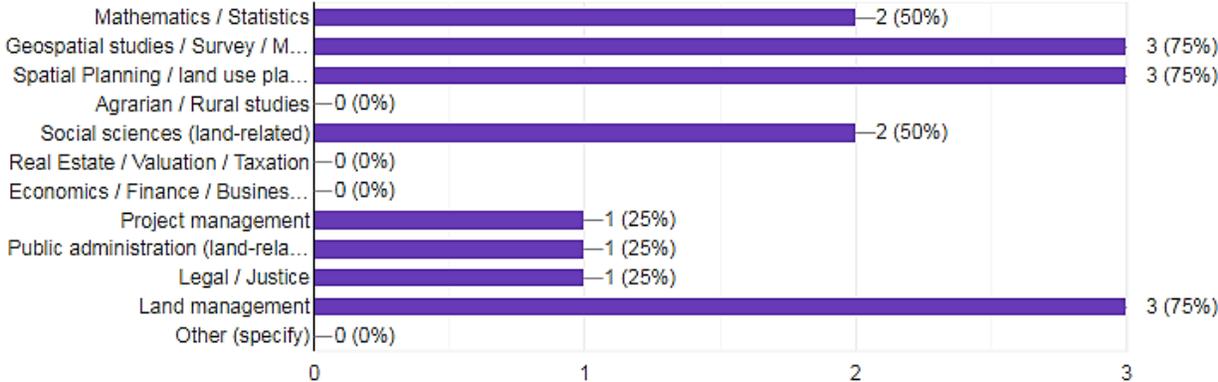


Figure 35: Type of content taught in various courses

All these academic courses are taught at the undergraduate level. In addition, these courses are taught for 12–14 weeks (the duration of study in each academic semester). Some courses like urban design are taught 8 hours per week; planning courses are taught 4 hours per week, and theoretical courses are taught 2–3 hours per week.

The government funds undergraduate programmes to cover study expenses, and public university students pay subsidized tuition fees of less than YER 20,000 or an equivalent of USD 33). Unlike public universities, private university students pay tuition fees and other study expenses for all programmes, including Architectural Engineering, costing USD 2,000–3,000.

According to information provided by one respondent, Advanced City Planning is taught for postgraduate programmes in the Master’s of Architectural Engineering Programme. This course is available at Sana’a University (a public university) and the University of Science and Technology (a private university).

The content of the Advanced City Planning course is centred on studying planning problems in Yemeni cities, including the problems of lands, their uses, their division and the nature of landownership, as well as finding ways to solve these problems and preparing recommendations. The teaching methodology comprises dividing students into groups, each studying a different city or neighbourhood.

As Figure 36 shows, the respondent stated that the course content includes Statistics, Geospatial Studies/Survey/Mapping, Spatial Planning/Land Use, Social Science (land-related), Legal/Justice and Land Management.

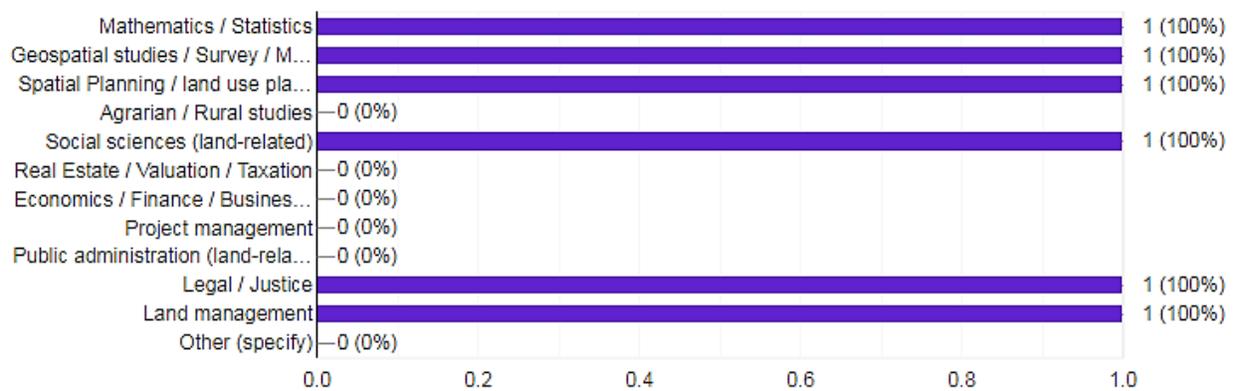


Figure 36: Type of content for Advanced City Planning (master’s programme)

Further, this course is taught for 3 hours per week for 14 weeks (the duration of study in each academic semester), totalling 42 hours. The master’s degree programmes are not free, and the students are required to pay the tuition fee and other study expenses. All participants stated that the undergraduate and master’s programmes are certified by the Ministry of Higher Education and Scientific Research, and certificates are issued by government-recognized public and private universities.

6.2. Existing research efforts on land-related topics

There is scant research related to land in Yemen, especially by experts and specialists in land management. Usually, it is carried out according to the purpose of the study at the request of some ministries, bodies or international organizations such as the Ministry of Planning and International Cooperation, Ministry of

Agriculture and Irrigation, MoPWH, FAO, German Agency for International Cooperation (GIZ), UN-Habitat, and other international organizations.

Participants suggested the following two ways to encourage such research:

- The first is to fund the research of specialized academics and graduate students and encourage them to conduct land research.
- The second is to finance curricula, courses or academic programmes specialized in land management for undergraduate or postgraduate students.

6.3. Synthesis of stakeholders' response to potential collaboration

Cooperation proposals by stakeholders, especially the public sector, are lacking. Some international organizations provide funding to conduct research related to land management. However, the limited availability of cooperation opportunities does not meet the desired goals of financing academic programmes specialized in lands. Moreover, the issues of land administration are manifold, and the stakeholders, including the government, have not shed light on finding any real support in this direction.

7. RECOMMENDATIONS

7.1. Legal reforms

7.1.1. Improving legislation, planning laws and standards

Analysis of existing legislation, especially concerning the state treatment and sale and development of lands, needs urgent intervention, which focuses on identifying and protecting the state treasures and proposing effective conflict resolution mechanisms, whether between government agencies or individuals. Concurrently, there is a need to introduce new and comfortable construction and planning standards within slums and their potential expansion areas.

7.1.2. Updating state-level laws

There is a need to update and amend legislation related to housing, land and property issues, including contradictory legislation. The government also has the legal capacity to amend planning and building regulations. However, no law can be amended except with the consent of Parliament for its promulgation after the government has introduced it as a proposed law.

7.1.3. Amending regulations

As developing new laws is a lengthy process, the focus should be on adjusting regulations as much as possible to accommodate innovative options for voluntary returns and security of tenure for vulnerable people, particularly women. The Housing and Land Policy trend analysis should identify the locations favoured by returnees and the needed land management approach to strengthen planning and tenure security.

7.1.4. Building incrementally on existing capacity and legal frameworks

Identify options that build on the existing capacity and legal frameworks of the state-level institutions, Native Administration, the United Nations, civil society and local communities that are integrated, decentralized, accessible and affordable.

7.1.5. Embedding customary land management in the legal system

Legislation is needed to link customary and statutory land management roles. Standardizing customary land management roles is difficult as there are many different native administrations. It is vital to clarify the institutions' roles and responsibilities regarding land management to propose treatments and develop solutions to give legitimacy to the customary occupation of land and to consider legalizing urban occupancy tenures. The customary system should be restructured to promote greater accountability, eliminate corruption and protect the legal status of women and other vulnerable groups and communities.

7.1.6. Strengthening women's rights in laws and regulations governing land tenure

There is a need to raise awareness regarding the land rights of women-headed households under statutory law and Islamic law (e.g., *dower* or *mahr* and inheritance or *mirath*) and strengthen local norms.

7.1.7. Organizing the relationship between courts and arbitration and improving their mechanisms and procedures

The customary and formal arbitration, whose procedures are recognized in Yemeni law (Arbitration Law No. 22 of 1992 and its amendments), will need to build additional capacities. This will help them to better manage land disputes, especially in tribal areas, and contribute to reducing land dispute cases in courts.

7.2. Institutional reforms

These are proposed recommendations for developing government institutions and agencies working in the land sector at all levels.

7.2.1. Improving integration, coordination and cooperation in land policy development

This research proposes an institutional framework for integrated land policy development in Yemen, describing envisioned tasks and roles of central and local government agencies and investigating how an integrated approach towards land development can be ensured.

7.2.2. Strengthening land sector/authorities at the Ministry of Public Works and Highways

- Collecting and studying project contents, data and inputs in new land policy development.
- Increasing the number of trained staff with a suitable profile for land policy development and ensuring sufficient equipment.
- Investigating and proposing how on-the-job capacity-building in land policy development within the MoPWH (Land Sector/Authorities) could be done.

7.2.3. Strengthening local General Authority of Lands, Survey and Urban Planning teams

- Increasing the number of local staff with capacities and on-the-job capacity-building in land strategy development of local GALSUP teams and ensuring sufficient equipment.
- Investigating and proposing how and with whom capacity-building in land strategy development for local GALSUP teams would be most effective.
- Ensuring a future generation of capable staff by cooperating with universities.

7.3. Human and financial resources development

7.3.1. Engage with and invest in land governance institutions

Such investments can contribute to the stabilization of communities and peacebuilding from the local community-up, which should meet the specific needs and aspirations of communities. Moreover, engaging communities to determine their criteria for effective dispute resolution and governance can establish new foundations. If organizations decide to invest in capacity-building, these initiatives should be adapted to reflect the needs of the service providers and communities. Finally, investments in these initiatives must overcome the short-term limitations of humanitarian funding to ensure continuity and to develop a relationship of trust with local communities.

7.3.2. Addressing social, economic and environmental root causes of many conflicts

The war exacerbated many of the social, economic and environmental challenges related to land degradation, inadequate and unsafe housing, water scarcity and deforestation that contributed to sparking conflict in the first place. Investments in restoring land, water and forests may be an essential tool to build peace and trust between communities and actors who must share in accessing and improving these resources. Failure to address the root causes of these conflicts, one of the most significant of which is the economic condition of people, means that these problems will only increase the vulnerability of these societies and will be one of the most difficult post-war challenges. Additionally, recognizing the significant capacity-building and technical assistance needs identified in the Action Plan, the GoY will need to prepare a multi-year financial plan to seek donor support in implementing this reform programme over the next ten years.

7.3.3. The need to provide support and funding for training courses permanently

Support and funding for training courses should be secured to meet the growing need for knowledge exchange and capacity development in land policies, housing, land and property rights, and land administration in Yemen.

The purpose of the training is to improve the ability of government officials and other land-related actors to plan, execute and monitor land policies that are inclusive and ensure security of tenure. In addition, such courses will boost the performance of the land sector by increasing staff efficiency.

7.4. Technical reforms

Activating the land registration process requires addressing the main barriers to registration, improving the quality of service and removing restrictions imposed on the application for land registration through the following:

- The need to stop “alternative methods of land registration” that undermine registry use and the perceived added value, which is court approval of transfer documents. It is proposed to merge the authentication and registration procedures with the land registry (until then or, alternatively, to add a disclaimer to the court baptism stamp stating “The certificate does not confer ownership”).
- Reducing the costs associated with registration to stimulate the use of the registry, in particular, the abolition of the requirement to pay all taxes accrued on previously unregistered transfers by those seeking to register land.
- Amending the laws regulating land registration procedures and regulating the land registry (e.g., the GALSUP Law) to introduce the decisive legal effect of the registration process. This, along with the designation of persons of legal/judicial authority responsible for the registration process (i.e., registrants), would restore the importance of registration law to the courts and the public.
- To reduce the risks, steps and time required for registration, it is recommended to take advantage of the mediator role played by sharia secretaries and lawyers – as market representatives with appropriate motives – to work on completing the transfer and registration procedures on behalf of the transacting parties in exchange for a fee.
- There is a need to regulate the process of transfer, registration and authentication of property documents, and to improve the monitoring and regulation of the work of Al-Amin, that is, limiting their activities to their geographical areas and dealing only in registered lands and properties.
- On the supply side, there is a need to improve registration mechanisms and maintain the registration process by legally entering ID numbers for plots, better indexing and verification of registry information (property rights, reservations, methods of recording, etc.) and to develop regulations supporting the deeds registration process.

A more efficient registration process is expected to have several advantages, the most important of which is a decrease in the volume of land disputes in the courts. With a reduced backlog and adequate support and capacity-building for judges, the average time spent adjudicating land disputes is expected to decrease.

7.5. Recommended areas for intervention on the training and education level

The capacities of land professionals and practitioners will be at the heart of developing and enacting land-related interventions. This section draws attention to a few interventions that can be put in place to develop land professionals’ and land practitioners’ skills, which include the following:

- As government structures in Yemen are weak, it is important to recommend a committee or a task force for land-related capacity development by joining existing capacities of academia and civil society organizations, such as the International Youth Council – Yemen, as well as

international organizations already in Yemen, such as UN-Habitat. This committee or task force will discuss topics related to the following: (a) systematic educational curricula development and host university, (b) training, training material such as case studies in Yemen and training of trainers, (c) blended training making use of internet-based material available at GLTN and/or other organizations (see Table 2), and (d) local training on the ground (on the job).

- Qualifying academics and trainers specialized in the various fields of land, through regional and international development programmes supported by international and regional partners, to train and qualify local specialists and to lead future development programmes for this sector.
- Establishing and strengthening land professionals' and land practitioners' associations.
- Providing opportunities for continuous professional learning in the form of short courses, on-the-job training, learning exchanges, participating in regional activities existing in the Middle East, North Africa and the Arab states, etc.
- Ensuring better coordination and alignment of the different land professionals and practitioners, including surveyors, lawyers, planners, etc.

7.5.1. Proposed types, beneficiaries and topics of academic curricula

The development of curricula on land governance in Yemen supports the implementation of the many recommendations on land issues and challenges in Yemen, in particular, the recommendations proposed to “build adequate human, financial and technical capacities to support land policy development and implementation”.

The recommendation proposals mainly target universities and other higher learning and research institutions for the benefit of students, policy and decision makers, practitioners and actors in the land sector. The proposals are also a valuable basis for development partner support to institutions charged with training and research in Yemen.

The proposed topics of academic curricula must include the following:

- Land Registration and Land Registry System
- Evolution of Land Governance
- Land Governance in Rural Areas
- Urban and Peri-urban Areas
- Women's Land Rights
- Environment, Climate Change and Land
- Conflicts and Land Governance
- Access to Land, Land Tenure and Property Rights
- Land Administration and Information Systems
- Land Policy and Legislation.

7.5.2. Proposed research topics and expected partners

The proposals for research topics will extend the proposed topics of academic curricula to be developed and implemented in universities and institutes. This research will provide comprehensive coverage of the main topics and secondary subtopics. It will cover all regions of Yemen, which will contribute to solving land problems at all levels and identify the areas of their occurrence and impacts.

A wide variety of possible partners may include non-government and civil society organizations (international and national), governments, United Nations entities, displaced people and host communities, the private sector, donors, academic and training institutions, customary authorities, etc.

7.6. Recommended areas for potential collaboration

There is a need to provide support and funding for training courses permanently.

Seeking support and funding for training courses in response to the growing need to increase the exchange of knowledge and capabilities in the field of developing land policies, housing, land and property rights, and increasing capacity in the field of land administration in Yemen.

The objectives of the training are to enhance the capacity of government representatives and other land-related actors in developing, implementing and monitoring land tenure security and inclusive land policies. Additionally, by helping land office staff work more efficiently, these courses will improve the sector's overall performance. In general, the training courses will enable the trainees, after completion, to be able to:

- Describe the main aspects of the comprehensive land policy development process.
- Explain the importance of having multiple stakeholders in all land management areas and sectors.
- Analyse the political, social and technical aspects of land policy development and implementation.
- Engage in and successfully lead or contribute to comprehensive land policy operations.

Several areas could be recommended for future collaboration in curriculum development and land governance in Yemen. It is also recommended to take advantage of all research materials and reports available in international organizations interested in this aspect, such as UN-Habitat, GLTN, GIZ, Arab Land Initiative, etc. Table 4 shows part of the proposed tools of GLTN.

Table 4: Examples of GLTN tools for application

Access to Land and Tenure Security	Land Administration and Information
Continuum of Land Rights	The Social Tenure Domain Model
Participatory Enumeration for Tenure Security	Costing and Financing of Land Administration Services
Land Record System for the Poor	Fit-for-Purpose Land Administration

Customary Tenure	Transparency in Land Administration
Land-based Financing	Land Management and Planning
Innovative Land and Property Taxation	Land Readjustment
Land-based Financing	City-wide Slum Upgrading
Valuation of Unregistered lands and Properties	Land-use Planning
Land Policy and Legislation	City-wide Planning
Regulation Framework for Non-State Actors	Land Sector Coordination
Pro-poor Land Policy Development	

7. CONCLUSIONS

Some contributing factors to constant conflicts over land in Yemen are the constant political and tribal conflicts and war, the absence of a land policy, a real estate registry and an inventory of state lands, and the spread of illegal land acquisition. Other factors are the lack of an effective authority to implement the laws, the delay and complexity of registration procedures, and the ineffectiveness of the judicial system in resolving disputes in the courts. War, political and tribal conflicts, revenge and water shortages result in forced displacement. Moreover, poverty causes internal migration, especially from the countryside to the main cities, in search of work.

Based on the findings of this study, there is an absence of information on land tenure of all kinds, including information on women's ownership of land. Moreover, it is difficult for women, compared to men, to access landownership rights. It is also difficult, especially for women, to obtain funds from banks/financial institutions/cooperatives to purchase land or properties.

Despite the common citizens' lack of understanding of land registration processes regarding securing and formalizing their land rights, this study's findings outline that the proportion of those who have secure tenure rights with legally recognized documentation exceeds 50 per cent. More than half of the respondents indicated that there is no sex-disaggregated information on secure land tenure.

The land tenure system is complex and divergent in Yemen, with formal and informal systems, including legal and customary ones. Land categories according to Yemeni law include state (public) land, private land, communal land, waqf land, rent land and land recognized by informal customary mechanisms.

From the study's findings, there is a functioning cadastral system, according to more than 45 per cent of the respondents, and none, according to more than 40 per cent of them. The procedures for creating new properties are fairly easy. However, transferring properties or use from one party to another (including sale, inheritance, gifts, etc.) is easier. These procedures are expensive and take approximately one month and, in some cases, more.

The main cadastral office is located in Sana'a, with 22 offices in the main cities (governorates' capitals). Despite respondents' differences in opinions regarding the number of professionals working in the cadastral offices, the research findings confirmed that more than 800 professionals work in the main cadastral office in Sana'a.

The cadastre includes information on the cadastral map, sketches of the land and location, boundaries, ownership/tenure, value, land use and land type. Additionally, the cadastral information is neither linked to nor interoperable with other spatial data (e.g., natural resources maps, land-use plans, etc.) The cadastral information is used by the staff of GALSUP and MoPWH.

In Yemen, there are different forms of land tenure allocation or registration (formal, informal, temporary, religious and customary). However, *basira* is still widely used. Moreover, the unofficial occupation of the land, especially of state lands and endowments, is still widespread.

The findings show an inadequate institutionalized methodology to assess land value (urban and rural), covering some land tenure types. However, there is no methodology to assess the value of buildings.

Additionally, there is an unfair taxation system for land and/or properties in urban and rural areas. Further, there is a lack of complete and accessible/digital land information systems recording land value and land use and natural resources (maps). Moreover, the respondents clarified that they do not know if there is any estimated portion of national land coverage.

There are no adequate and updated land-use plans at both the national and regional levels. However, there is an adequate and updated land-use plan at the local level. Moreover, there are plans for the main fast-growing urban centres, with low enforcement.

There are regulations or schemes addressing the resettlement of informal/temporary/displaced populations', whose enforcement is low. Additionally, there are adequate building permit regulations, which are fairly enforced. Rural/agricultural land-use regulations are adequate and updated but may not be adequately enforced.

The respondents were divided in fairly close proportions regarding whether there are adequate environmental protection land-use regulations.

The rules for the governmental management of state lands are fairly clear and adequate. Additionally, there are sufficient opportunities for the government to acquire private land for public development.

The findings indicated that there are mechanisms for the public to acquire land for public use, but they are unfair, not cost-effective, and used incorrectly. There is also an adequate land expropriation mechanism, but it is not cost-effective and is used correctly. Moreover, there are efficient regulations to control land subdivisions/consolidation in urban and rural areas, but they are not cost-effective and are used incorrectly. Further, there are adequate and fairly cost-effective, albeit often used incorrectly, mechanisms/regulations that ensure construction is aligned with land-use regulations.

From the research findings, the property development process is easy for landowners and public authorities and slightly easy for professional developers. There are effective mechanisms to change land use by granting planning permissions and building permits. Nevertheless, they are not cost-effective and are used incorrectly. There are, however, no mechanisms to ensure that development costs are fairly distributed between the public and the private actors.

There is a well-structured formal system to resolve conflicts and disputes related to land rights and parcel boundaries, but it is slow and unaffordable for most people. Moreover, the people are not familiar with the procedures to access the formal dispute resolution system and they also do not trust this system. Besides, women face many challenges, among them societal restrictions due to customs and traditions, which often prevent women from claiming their rights, especially from their male relatives, through the courts. There are between 41 and 60 per cent of land-related cases in the formal courts. Nevertheless, there are mechanisms other than formal courts to solve land rights disputes, which include official arbitration according to Yemeni law, tribal customary arbitration through tribal sheikhs and social figures, and reconciliation (conciliation).

According to the academics who participated in the survey, there are no academic or training courses on land management in public or private Yemeni universities. However, some topics, directly or indirectly related to land management, are certified by the Ministry of Higher Education and Scientific Research and

studied in other courses at both undergraduate and postgraduate levels. These include Building Legislation, Urban Design and City Planning (undergraduate courses) in the Architectural Engineering Programme, Public Finance (undergraduate course) in the Faculty of Sharia and Law and Advanced City Planning (postgraduate course) in the Architectural Engineering Programme.

The fees paid by undergraduate students studying in public universities are not as high compared to those for studying in private universities. Furthermore, the students are required to pay a higher tuition fee to study in postgraduate programmes in all public and private universities.

The study also found only a few pieces of research related to land in Yemen, which were carried out at the request of some ministries or international organizations such as FAO, GIZ, UN-Habitat, and others.

Currently, there are no proposals for cooperation by stakeholders, especially the public sector, and the existing ones are based on funding provided by international organizations to conduct land management research.

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