Land Governance and Land Tenure Developments in the Arab Region

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World Bank Conference on Land and Poverty
April 18-20, 2011
Washington DC
The ARAB Region

22 Countries: The League of Arab states

- Algeria
- Bahrain
- Comoros
- Djibouti
- Egypt
- Iraq
- Jordan
- Kuwait
- Lebanon
- Libya
- Mauritania
- Morocco
- Oman
- Palestinian Authority
- Qatar
- Saudi Arabia
- Somalia
- Sudan
- Syria
- Tunisia
- United Arab Emirates
- Yemen
The new context for discussing land governance in the Arab Region:

WASHINGTON, March 16, 2011
Arab Voices and Views: Conference on the Opportunities and Challenges in the New Era

Unprecedented change is taking place in the Middle East and North Africa. The World Bank is convening Arab experts, social media representatives, activists, and academics on Monday March 21 to dialogue on what this change means for the region.
Main Issues of Land Tenure Security and Access to Land in the Arab Region

• Compared to other regions there is a lack of international partnership and cross-country cooperation (Why?)
• The prevalence of the state (or King, Emir) as the ultimate owner of the land is typical in the region
• The absence of peace and security is conditioning land tenure security, access to land, livelihood and investment
• There is a fundamental lack of trust between governments and civil society; central level decisions override local management functions
• The pressure resulting from migration plus refugees has extreme effects on all facets of life, including public services, land tenure and food security
• Climate change and food security are overriding topics for reforming land tenure issues in the Arab region
Overriding issue: Migrants plus Refugees
For example: Iraqi Refugees and IDP’s (UNHCR)
Most experts and documents consulted within the topic agree that the Arab Region is characterised by the paucity of accessible empirical data on:

- normative framework (inconsistencies)
- the land tenure - water rights relationship
- the status and management of public land
- the resolution of land disputes
- the consequences of political conflicts on land tenure security
- Land tenure analysis including gender specific analysis
The need for policy orientation and land tenure reform

- Pro-poor and conflict-sensitive land policy
- Gender Issues in Land Tenure Reform
- Islamic Land Tenure Reform
- Common Property Rights and Pastoralism
- The Water Rights and Land Tenure Interface
- Matching sustainable management of land resources (UNCCD) and secure land tenure arrangements
- Regularisation and management of Public Land
- Sustainable Urban Land Management including regularisation of the informal
- Land law reform (laws do not reflect the complexity of tenure arrangements
- Modernising land registration
- Institutional reengineering
Governance in Land Administration

- Progress is made in land registration. Jordan, UAE, Palestine, Morocco or Lebanon for example have effectively modernised the land administration system. But progress is driven by Geo-industry not by improving tenure security, access to land or land law reform.

- More than 3/4 of all land is public land. Public land registration remains incomplete and badly managed. Partial interest or secondary land rights are neither registered nor robust, resulting in large scale tenure insecurity.

- Waqf is not properly registered
For example Jordan statement (Cadastral template) and misleading perception:

• All land in Jordan is registered!

Reality:
• All private land in Jordan is registered (826 000 land titles)

• All public land (80% of the country) is badly defined, poorly documented; partial interest and customary rights are unclear and can hardly be enforced: leading to large scale rural and urban tenure insecurity
<table>
<thead>
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<th>Region or country</th>
<th>Procedures (number)</th>
<th>Time (days)</th>
<th>Cost (% of property value)</th>
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<td>2</td>
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<tr>
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<td>47</td>
<td>10.7</td>
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<tr>
<td>Yemen, Rep</td>
<td>6</td>
<td>19</td>
<td>3.8</td>
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Transparency and Accountability in Land Administration

• Transparency International’s Global Corruption Barometer 2009 presents the main findings of a public opinion survey.

• In the Middle East and North Africa, the most bribe-prone institutions are reported to be those handling procedures related to buying, selling, inheriting or renting land. (TI Global Corruption Barometer Report 2009)
Question 10 B: *How serious do you think the problem of grand or political corruption in land matters is in this country?*

<table>
<thead>
<tr>
<th></th>
<th>Total Sample</th>
<th>Middle East and North Africa</th>
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<td>69 countries</td>
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<td>3%</td>
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<td>2</td>
<td>6%</td>
<td>11%</td>
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<td>4</td>
<td>23%</td>
<td>22%</td>
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<tr>
<td>Very serious problem</td>
<td>36%</td>
<td>21%</td>
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</table>
Land Governance in Conflict and Post-Conflict Situations

- Land tenure issues can be a source of tension and can equally fuel violence once it has erupted (e.g. valuable resources such as water resources and oil).

- Land tenure issues are also often a critical factor in the displacement of populations, both in its causes and in its effects.

- The countries of the league of Arab states have by far the highest rate of migrants plus refugees worldwide

- There is a lack of awareness at political level for conflict-sensitive land policies and specific land tools
Selected best practices

- Modernization of land registration (UAE, Jordan, Lebanon, Morocco)
- Recognition of pastoral rights and local resource management in Mauritania (Code pastoral)
- Land policy initiatives in Palestine and Iraq
- Program for Decentralisation in Morocco and civil society aspects in the new constitution
- The role of regional bodies ACSAD (land management in dry lands) and AUS (Arab union of surveyors)
- Integration climate change in land management (Morocco)
A framework for actions

Investing in
– Governance / Land Governance
  • The new enabling role of the state at central and local level, empowering civil society, conflict-sensitive land policy, land law reform
– Connectivity
  • Cross-scaling with African Union initiatives in the land sector and international Initiatives
– Capacity
  • Promoting an Arab Land Tenure Center for postgraduate studies and research
  • Linking Land Administration programs with Arab Financing Facility for Infrastructure AFFI
The way forward for promoting good land governance in Arab Region

- **Partnering with Regional bodies such as the League of Arab States, the Islamic Development Bank and NGO`s**
- Strategic partnership for promoting conflict-sensitive policy orientation, accountability and transparency in the land sector
- Partnership for building the normative and operational framework land tenure security
- Strengthening civil society engagement in land matters and involving all stakeholders
- Fostering regional cooperation and international networks
- **Integrating the Arab region more in ongoing international initiatives (FAO, WB, UN HABITAT, EU, FIG, IFPRI and others)**
The vision of the Government of Iraq includes developing a policy to manage and administer land and implement all relevant decisions, in addition to using land in an equitable, transparent, efficient and sustainable manner.

It is important to undertake a national land policy formulation process. This policy should be the framework for establishing programs of work, institutional arrangements and legislation which are directed towards enabling the achievement of national goals of economic development, poverty reduction and good governance.
Examples for possible cross-scaling for supporting the Arab Region

- Expanding the African Union Land Policy Initiative to the League of Arab States

- Expanding the African Border Demarcation Initiative

- Partnering with IFPRI Global Land Governance Research
Border issues are land governance issues

- Since countries gained independence, the borders have been a recurrent source of conflicts and disputes in the Arab region. Large tracts of land are not accessible for the local population because of security restrictions.

- People are forcibly evicted from critical border areas and are loosing their land rights without being compensated.
Border issues are land issues

Second conference of African Ministers in charge of border issues Addis Ethiopia, March 2010

Action Plan
• Best practise for the Arab Region?
The new Arab Financing Facility for Infrastructure (AFFI)

AFFI is a new partnership of the World Bank (IBRD), International Finance Corporation (IFC) and Islamic Development Bank (IsDB). It is an integrated facility which aims at fostering infrastructure development and regional dialogue in the Arab countries. It focuses on regional infrastructure programs and public-private partnerships (PPPs).

• *Point for discussion: Investing in land governance / land policy / land management should be considered as enabling infrastructure for sustainable regional development. Is there scope for applying the AFFI model to reforming the land sector in the Arab region?*
Research gaps

• What mechanism help to overcome the land governance problems?

• The land tenure / water rights relationship in the context of climate change

• Analytical framework for understanding the linkages between degradation and land, and the land tenure / resource tenure / policy implications in drylands
Message for the Conference

We must understand the politics involved in land matters in the Arab Region.

We must understand the fundamental role of the land sector in society in the Arab region as well as the impact of conflict and climate change.

We must assess the current changing context and relationships in the region as well as the potential for new opportunities.

It is time for new partnerships in times of change.
Towards Land Governance in the Middle East and North Africa Region

Vers une Gouvernance Foncière dans la Région du Moyen Orient et de l’Afrique du Nord

Hacia la Gobernanza de la Tierra en la Región del Oriente Medio y África del Norte