

Human
Settlements
in Crisis

A POST-CONFLICT LAND ADMINISTRATION AND PEACEBUILDING HANDBOOK

Volume 1: Countries with Land Records

UN  HABITAT

From emergency to reconstruction

A POST-CONFLICT LAND ADMINISTRATION AND PEACE-BUILDING HANDBOOK

SERIES 1: COUNTRIES WITH LAND RECORDS

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Foreword

Throughout history, conflicts have been waged over land. Confrontations over territory, border disputes, the illegal occupation of the territory of one state by another or grievances stemming from inequitable access to land resources invariably have had dramatic consequences for human settlements. Never before has this been truer than with today's very different types of conflict which tend to take place within nations rather than between them. While the humanitarian response of the international community to internal conflict is constantly improving, the question still remains of what we can do to help the victims to restore their homes and livelihoods.

The answer lies in large part in sustainable human settlements planning and management. But, the rapid restoration of homes and livelihoods so that normal peacetime processes of sustainable planning and management can operate is complex and difficult to achieve. In particular, it requires that humanitarian relief operations be conceived from the very start as a bridge to development.

Internal conflicts have had an especially profound impact on housing land and property (HLP) rights. Terrorising civilian populations through processes such as "ethnic cleansing" have become an almost routine strategy for armed protagonists seeking control of territory, which typically includes scorched-earth policies, land grabbing and discrimination.

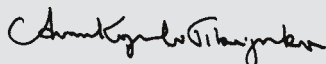
HLP rights are in fact human rights under international human rights law. They are also increasingly recognised as such within the domestic laws of many countries, not only through official regulation under statutory rules or but also through recognised customary land arrangements.

When conflict strikes, what once may have formerly been a formally enshrined land rights regime in conditions of peace can be transformed into a tangled web of bitter claims and counterclaims. Indeed, HLP disputes are often a primary cause of recurring conflict.

In this context, the rationale for UN assistance in HLP is nation re-building, which is essentially a development activity. To do this, the citizenry in conflict-affected countries needs an enabling framework to resolve HLP disputes in the search for sustainable peace. This means giving special attention to promoting security of tenure, women's inheritance rights and other questions often left out in post-conflict peace-building. It is essential that these matters begin to be addressed during humanitarian actions so that they can become an important component of the previously-mentioned bridge to development.

To assist in creating this enabling framework, UN-HABITAT is producing a series of handbooks in a series entitled, *Post-conflict Peace-building: From Emergency to Reconstruction*, of which this handbook is the first. This series combines UN-HABITAT's expertise in human settlements and the lessons it has learnt from recent emergencies and post-conflict activities.

It is my sincere hope that this handbook will serve as a valuable tool towards safeguarding and upholding internationally recognised housing, land and property rights.



Anna Tibaijuka
Under-Secretary-General of the United Nations,
Executive Director
UN-HABITAT

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People have fought over land since the beginning of recorded history. Population growth and environmental stresses have exacerbated the perception of land as a dwindling resource, tightening the connection between land and violent conflict. Land is often a significant factor in widespread violence and is also a critical element in peace-building and economic reconstruction in post-conflict situations. – From a report of the USAID Office of Conflict Management and Mitigation (2004) entitled, Land and Conflict –

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