

*The Third Conference on National Dialogues, 5-6 April 2017*

*The House of the Estates, Helsinki*

## Land Reform and Local Governance

Land is among the root causes of many conflicts around the world. Rights of access to and ownership of land are pertinent questions for building sustainable peace through inclusive dialogue and effective governance. Yet many political arrangements to end conflict shy away from the issue, or at best, address the restitution of rights usurped or abrogated during the conflict. Peace deals often lack the instruments to address deep rooted land and property problems, but most importantly by focusing on win-win situations to end the conflict they tend to ignore future needs, essential for reconstruction and recovery and the long term development of war ravaged countries.

Housing, land and property (HLP) issues are at the core of local governance and are essential to providing stability and reconciliation measures in post conflict situations. The ability of displaced communities to return to their homes is dependent not only resolving these issues but on mitigating the type of conflicts that often arise in the future due to scarcity of land. Communal lands, inheritance laws, local customs and the ability of women to assert their rights are aspects of a very complex and often conflicting sets of priorities. Conflicts between traditional systems of resolving land disputes and modern state adjudication procedures emerge not only because of competing normative systems; they are often a reflection of the new political economies that arise during and after civil wars. National power brokers who end up signing the peace deals are often themselves immersed in this problems. Resolving HLP issues will often be entangled in more complex issues of restitutions and transitional justice. These in turn are some of the most difficult and persistent problems to be negotiated in peace agreements. Stakeholders, often under international pressure to end the conflict, tend to end up focusing on power sharing and dividing the war economy cake rather than focusing on reasonable outcomes that would mitigate long term reconstruction needs.

In addition, a further complication is that there is a tendency to imitate the past patterns of ownership that entrenches patriarchal systems that does not consider that traditions and culture are dynamic and change due to both internal and external global changes. Perhaps more important, however, is that issues regarding sustainable land use, food security, climate change, harvesting and storing/recycling scarce resources are not addressed. The reality is that the impact of climate change to every aspect of HLP issues cannot be ignored.

The session will pose three levels of questions:

- 1- The preserving of fragile tenure rights: While many international mediation efforts and funding is provided to support post conflict arrangements (particularly the rights of women to regain property), little has been done to address these rights during the conflict. Moreover, attention is often given to preserving formal records and little is done to address customary rights and



informal tenure rights. Even the recent attention to traditional and customary land tenures have tended to romanticize these rights and ignore in turn how these systems privilege patriarchal power system at the expense of women' rights.

- 2- Restitution vs. Reconstruction needs: Most peace accords are naturally focused on negotiating the restitution of rights usurped or forcefully abrogated during the conflict. Future development and reconstruction are often bracketed off as international and third party mediators want to reduce the complexity of the negotiations. A subliminal understanding that reconstruction will be provided for by international development aid sets unrealistic expectations. Aid programs cannot be a substitute of developing local resources and managing land in more productive ways to provide for everyone in the future. Peace deals end up only postponing the emergence of new conflicts as they consecrate inefficient land management systems to preserve post conflict stability.
- 3- The political economy of land tenure in post conflict: HLP is at the core of building power and political patronage on the national and local level. The way land will be managed in the post conflict is telling of how political life and fragile democratic systems will be influenced in the future. The focus on formalizing land management plays into the hands of powerful national elites at the expense of local ones. HLP is not only a technical problem of documentation and restitution, it is a problem of redefining the societies after wars.

The session will focus primarily on two countries, Syria and Myanmar. In Myanmar the core problem is defined by the struggle between state legal and institutional framework to formalize customary land tenure and in doing so undermining the power of ethnic communities who are fearful of losing their customary rights in the process. While in Syria where the war impacted urban settlements and displaced communities to unprecedented levels, the problem of informality of land tenure will affect the ability to resettle over half of the population. HLP issues there are closely linked to issues of demographic and class transformations in urban areas. Lessons learnt for other countries like South Africa, Bosnia and Herzegovina will also be looked at to provide a comparative framework.

## Panel:

Mr. Omar Abdulaziz Hallaj, Senior Coordinator, Syria Initiative, Common Space Initiative (Moderator)

Ms. Shirley Moulder, Chair of the Peace Appeal Foundation Board (Moderator)

Mr. Anas Joudeh, President, National Building Movement

Ms. SiuSue Mark, Political Economist for Land Governance, Erasmus University

Mr. Tommi Tenno, Technical Director, Niras (Commentator)

