



International Federation of Surveyors
Fédération Internationale des Géomètres
Internationale Vereinigung der Vermessungsingenieure

FIG COMMISSION 7
Cadastre & Land Management



Symposium on Land Administration in Post-conflict Areas

FIG Commission 7, 'Cadastre and Land Management', held a symposium on 'Land Administration in Post-conflict Areas' in the 'Palais des Nations', Geneva, Switzerland from 29th to 30th April 2004. This meeting was co-organised by the Kosovo Cadastral Agency and UN-Habitat. About fifty experts involved in emergency and reconstruction activities in post-conflict areas (peacekeeping professionals, land-policy specialists, land administrators, land surveyors, land registrars, land managers, information-managers, donors, non-governmental organisations, officials and politicians) from seventeen countries participated. The purpose of the symposium was to bundle good practises, lessons learned, experience and knowledge on the issue of land administration in post-conflict areas and thus provide a good knowledge base for future operations.

The causes of conflicts and violence are many. For example ethnic envy, nationalistic tendencies, opposing interests, class conflicts, disputed frontiers, acts of expansion or economic interests. During such conflicts people are killed or disappear, buildings and physical infrastructure is destroyed, legal frameworks are set aside, public registers are destroyed, markets cease to function, properties are taken and lands occupied. If the conflict ends, peace treaties, UN resolutions or national development plans aim at restoring governance and the rule of law in all its variety (security, health, energy, shelter etc.)

In many cases, a substantial component of the restorative process consists of the (re-)introduction of secure land tenure, mechanisms of resolution of land conflicts, land allocation, restitution, transparent land markets, land use planning, land taxation and the like. This implies both institutional and operational measures. Some form of land registration and cadastre is needed as a provider of secure property rights, as a facilitator for the land and land-credit market and as an information source for various public tasks like planning, taxation, land reform and the management of natural resources.

Papers Presented

During the symposium presentations were given on the following subjects: 'Challenges to Sustainable Peace: Land Disputes Following Conflict', 'Strategic Action Planning in Post Conflict societies', 'Legal aspects of land administration in post-conflict areas', 'Land administration in post-conflict Cambodia', 'Experiences with land administration in Guatemala', 'Putting registration in perspective in rural areas: the case of

Afghanistan', Land administration in post-conflict Chile', 'Land Administration in Kosovo before and after the War (1999)', 'Land administration in post-conflict Serbia', 'The Creation of an Immovable Property Registration System in Albania', 'Transition of Land Administration in Post-war Croatia', Land administration in Bosnia and Herzegovina after the war', and 'Slovenian Experiences: an example from a transition country'. A paper from Rwanda on 'Land administration in Rwanda post-genocide' could not be presented; the author was unable to attend the symposium due to visa problems.

Observations and Conclusions

Commission 7 chair, Paul van der Molen, observed that land administration in post-conflict areas was complicated; land was a conflict issue. Land might not always be the direct cause of a conflict but it was always related. The implementation of peace treaties could mark the beginning of economic development or it could equally result in the start of a new war if the land issue was not really solved. One situation might require short-term emergency action, others might allow for less hasty and more gradual response.

Conventional concepts of Land Administration did not work in unstable situations. The classical responses to property rights were limited; the restoration of land ownership is not always the same thing as restoration of social justice. 'Fix the Cadastre' was not the solution; land is not always a pressing issue. The (wo-)man-land relationship had to be recognised in community or locally-based processes and this did not necessarily mean community participation. Being aware of this might make it possible to identify 'true owners' as recognised by the community and to reach the crucial stage of trust in the authorities and in the registration of property rights.

Van der Molen concluded that land registration represented not the beginning of a reconciliation process, but its end. The relationship between land reform and reconciliation was very strong, so that land reform might indeed be part of the reconciliation process. It was most likely that differing approaches would be needed in different post-conflict situations. Apart from the fact that countries differed in history, culture and attitude, post-conflict situations may themselves differ, requiring a specific policy; land registration concepts might result in unconventional approaches. Often, he added, surveyors failed to be involved in peace treaties.

Recommendations

The relationship to land administration and land policy is relevant and should be recognised in peace treaties. Parties involved in formulation of peace agreements and/or strategic action plans should mention land registration not as an isolated objective but rather embed in such plans a wider development and land policy. Territorial land issues are a basis for conflict; there is acceptance within the international community that we need to be better prepared for this.

Workshops and reference materials have to be organised for humanitarian practitioners. FIG Commission 7 is committed to informing United Nations on the importance of land policy and land administration in relation to peace treaties in order to improve awareness

on this issue. Effective land-administration institutional frameworks have to be developed. Knowledge concerning this issue has to be collected in the regions.

Proceedings are published at www.oicrf.org (the electronic library on Cadastre and Land Management of FIG) and www.fig.net/commission7/index

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