Scoping and Status Study on Land and Conflict:

Towards UN System-Wide Engagement at Scale

Working Paper
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EXECUTIVE SUMMARY

WHY A SCOPING STUDY ON LAND AND CONFLICT?

Global Challenges. Member States and United Nations staff are increasingly concerned that land is more and more a trigger for conflict, or a re-lapse into conflict, and a bottleneck to recovery. This situation will be made worse in the coming decades by global challenges such as population growth, urbanization, increasing food insecurity and climate change, which are already increasing competition over land and driving conflict at global, regional, country, local and family levels. These challenges are acknowledged in the General Assembly resolution 'Transforming our world: the 2030 Agenda for Sustainable Development' (70/1), which is a transformative development agenda. For land and conflict, the UN-wide system is not sufficiently fit for the purpose for supporting Member States and the international community to address these challenges. The UN needs to re-think its engagement on land and conflict, clarify roles and develop capacity, particularly as sustaining peace is a core business of the UN system.

In the scoping study, there was consensus among UN Staff across the UN pillars that land is often a root cause and driver of conflict (and relapses into conflict) and a critical bottleneck to economic recovery and development. UN records also show this trend. It has a range of manifestations including historical grievances, differentiated access to economic and natural resources with implications for livelihoods and the sharing of wealth, lack of rule of law, marginalization based on ethnic/religious intolerance, territorial or border disputes, organized crime, weak state institutions, and macro-level factors such as geo-political rivalries.

About the Scoping Study. In 2014, the Rule of Law Unit of the Executive Office of the Secretary General asked UN-Habitat to lead the drafting of a Secretary-General's Guidance Note on Land and Conflict, coordinated through the Rule of Law Coordination and Resource Group (RoLCRG). A number of UN entities, including the SG Rule of Law unit, the Global Focal Point for Police, Justice and Correction (UNDP/DPKO), DPA – Mediation Support Unit, PBSO agreed that the first step should be a scoping study and functional analysis of land and conflict in the UN system. It should cover all the UN pillars and examine both headquarters and country-level engagement and assess how the UN-wide system could better operate to face future challenges. It set out to identify from UN staff what needs to be done to work towards a UN system-wide engagement at scale on land and conflict issues. Areas of engagement relevant to land and conflict which were reviewed covered the full conflict cycle, including preparedness, prevention, mediation and peace-making, peace consolidation and peacebuilding, humanitarian response, recovery and development.

The assessment was done using existing methodologies that have been applied in the land sector. UN staff were interviewed and participated in focus group sessions focusing on 1) the organizational structure of each entity and roles related to land and conflict 2) cooperation with other actors 3) existing capacity of entities to perform functions dealing with land and conflict. A literature review was also undertaken. The zero draft produced in 2015 has been refined and validated through a number of focus groups involving over 17 UN entities. This is the Executive Summary of the final internal Working Paper. Earlier versions of this Working Paper have been used as a major input into the zero draft of the SG Guidance Note on Land and Conflict, which is currently at the review stage.

UN Reforms Makes it a Timely Review of UN Engagement on Land and Conflict. The Study builds on the on-going reform and review processes with regard to the UN-wide system, such as the ECOSOC Dialogue on the Long-Term Positioning of the UN Development System, the reviews of the Peace Operations, of the Peacebuilding Architecture, the implementation of Security Council Resolution 1325, GA Resolution A/70/L.43 on Reviewing the Peace Building Architecture and the upcoming World Humanitarian Summit. The vision, findings and approaches of the scoping study align with key elements of these on-going review and reform processes including the call for a system-wide focus on conflict prevention and sustaining peace, which strengthens the need for a better alignment of relief and development and improved integration across the UN pillars, taking into account the increasingly protracted nature of crises.

Timely Review because of Emerging New Land Approaches. The increasing acceptance of a range of legitimate land tenures, and not just freehold, as a continuum of land rights, and fit-for-purpose land administration, creates the conditions for effective engagement on land and conflict. The continuum of land rights is a basis to overcome tensions between formal and informal tenure systems and is the foundation for the incremental development of fit-for-purpose land administration. To date, land administration has not been useful for conflict situation solutions because it could not be scaled up or be used for rapid responses. Fit-for-purpose land administration could lead to stable land communities, quicker impact, improved land governance and empowerment of the poor, women and vulnerable groups.

Land and conflict has been assessed in this study through five areas or work streams which apply across the conflict cycle: land reform, land administration, land policy processes, capacity development and dispute resolution. Engaging with these ensures a coherent and durable approach to the land sector across the conflict cycle.

A theory of change is used where an incremental approach is adopted, focusing on identifying entry

points in the UN-wide system where new knowledge and approaches can be developed and awareness and advocacy undertaken, as well as capacity development of champions who can lead further change. Capacity development is seen as a major driver of the change required in the UN-wide system needed to address land and conflict.

KEY FINDINGS

This quick assessment and functional analysis reveals a UN system engaging on land and conflict in a piecemeal fashion without an overall strategy that is key to any successful country-level land sector interventions. The UN system is fragmented in terms of functions on land and conflict, and information sharing and cooperation between pillars and entities is often *ad hoc.* However, there are good examples and lessons about interagency cooperation in respect to existing mechanisms at headquarters and country level.

The UN system lacks some important elements: a common understanding and analysis of land as a root cause and driver of conflict and bottleneck to recovery, a theory of change and strategic framework for a common engagement on land and conflict. Land and conflict needs to be addressed through multiple lenses in a sustained and comprehensive manner over time.

Key Finding 1. Multiple areas of UN engagement exist on land and conflict across the UN pillars, global, regional and country levels

Peace and Security Pillar. This pillar has a number of key UN entities, such as the Department for Peace Operations (DPKO), the Department of Political Affairs (DPA), and the Peacebuilding Support Office (PBSO).

During peacekeeping operations, key areas of engagement relevant to land and conflict are: supporting preventive diplomacy, conflict mediation and peace agreements; rebuilding key rule of law-related institutions and political systems (constitution, elections, etc.) and transitional justice; strengthening the police, justice and correctional institutions

and their accountability; protecting civilians; and promoting and protecting human rights.

UN staff said that: peace keeping should include the protection of abandoned properties, land records and other assets; building evidence around the impact of land on peace building; creating institutional space for land and conflict in peace building; providing dedicated capacity on land and conflict. Staff also noted that land functions are not mentioned in mission mandates making it difficult to allocate funds, resulting in *ad hoc* engagement. Also, requests from country-level staff for technical assistance are increasing and there is a growing interest in land linked to natural resources. As outlined in the UN reform documents, political solutions should drive the UN response and peace operations, and land is integral to durable political solutions.

The Development Pillar. This pillar has a number of entities who engage on land and conflict such as UNDP, FAO, UNEP, UN Women and UN-Habitat. These agencies undertake a wide range of functions such as transitional justice to come to terms with large-scale past abuse; conflict analysis; support to the domestication of international conventions; the provision of frameworks for land governance; management of land use and natural resources in view of conflict prevention; strengthening the role of women in peacebuilding; managing urban growth dealing with the pressures on urban land due to displacement; fixing land systems; capacity development; dispute resolution; and support to land reform; land tool development and land policy processes.

Most development actors acknowledge the importance of addressing land issues in a sustainable way as a necessary pre-condition for longer-term recovery and development. This is considered key for infrastructure investments, management of natural resources and the development of extractive industries, and guiding urban growth and rural development. However, despite this the land sector is not subject to extensive coordinated programming across the development sector and is seldom a specific outcome in the UNDAFs, which guide UN engagement at country level.

The Human Rights Pillar (including Humanitarian). In the human rights pillar OHCHR plays a major role in promoting human rights based engagement throughout the conflict cycle at country level by providing dedicated capacity to peace keeping operations; improving access to justice and in monitoring of human rights violations, including of forced displacement. At the global level, OHCHR facilitates several human rights mechanisms, including a wide range of Special Rapporteurs.

The Inter-Agency Standing Committee, dealing with humanitarian affairs, has developed a humanitarian response and coordination mechanisms. This involves the Shelter and Protection Clusters. The latter oversees a Housing, Land and Property Area of Responsibility (HLP AoR). They have: recognized that delinking emergency response and longer-term impact is causing problems and further conflict; identified that HLP needs to be addressed early on in an emergency; acknowledged HLP issues as a key regulatory barrier to shelter response; struggled with chronic underfunding; and seen their case load increase in view of the proliferation of protracted crises and consequent protracted displacement.

Non-UN Entities. A number of these entities play a key role in land and conflict. Member States are key to achieving desirable outcomes, both as the parties requesting support and as donors. The International Organization for Migration (IOM), including through its lead role in the Global Camp Coordination and Management Cluster, works on internal displacement and land restitution. The Norwegian Refugee Council (NRC) assists refugees and IDPs, and deals with displacement; shelter; housing, land and property rights (HLP); and the mapping of the legal formal and informal frameworks relevant to land. The World Bank work is increasing its work on fragility, conflict and violence. It also has an important role in reconstruction and development with larger and long-term programmes, particularly on land administration.

Key Finding 2: Multiple entry points exist for improved coherence, coordination and integration

In recent years there have been increasing efforts to ensure a stronger, more coherent and accountable UN system-wide focus on conflict prevention, peacebuilding, and prevention of relapse into conflict during the peacebuilding phase.

A Range of Mechanisms. There are a range of mechanisms that aim to improve coherence, coordination, integration and effectiveness such as the: Rights Up Front Initiative; Rule of Law, Coordination and Resource Group (ROLCRG); Integrated Strategic Frameworks (ISF) and Integrated Mission Planning Processes (IMMP); UN Working Group on Transitions and the Task Team on Conflict Prevention; Standing Committee on Women, Peace and Security; Humanitarian and Resident Coordinators/Deputy Special Representatives of the Secretary General; UN Country Teams; UNDAF; UN-World Bank Partnership Framework for Crisis and Post-Crisis Situations; Global Focal Point for Police, Justice, and Corrections; DPA/UNDP Peace and Development Advisors; Solutions Alliance; Joint IDP Profiling Service; Global Land Tool Network; EU UN Partnership on Land, Natural Resources and Conflict Prevention; and regional mechanisms such as the African Union/ African Development Bank/UN Economic Commission for Africa (UNECA), the Land Policy Initiative and the International Conference on the Great Lakes Region (ICGLR).

The Coordinating Mechanisms Play Many Roles. These coordinating mechanisms, integrated support services and joint programs undertake a wide range of roles that have relevance for land and conflict. There are entry points across the UN pillars in humanitarian affairs, peace and security, development and human rights. The roles include:

- Global coordination and alignment across the three UN pillars to guide analysis, assessments and programming; to steer advocacy and political buy-in for initiatives at global, regional and sub-regional levels; to align political and technical work of the UN; to create a common monitoring and reporting framework; and to source financing.

- Designing and setting up peacekeeping and special political missions.
- Assisting at country level with technical assistance, mediation support, monitoring, integrating peace and security, human rights and development approaches.
- Coordination of UN programming at country level and alignment with government plans, dialogue and advocacy with governments, partnering with non-UN organizations, pooling of funding.
- Early warning and horizon scanning mechanisms to elevate potential human rights violations and politically sensitive grievances, such as mass forced displacement, civil war/genocide to the highest political levels in the UN system.
- Convening platform; including with non-UN organizations; support to non-UN organizations for peace building.
- Validation of guidance notes for the system; support to domestication of international protocols (e.g. IDPs/refugees); development of policies, guidelines and approaches to support countries.
- Special procedures / monitoring mechanisms through Special Rapporteurs (e.g. Human Rights of IDPs, adequate housing).
- Sharing, supporting and development of knowledge products to fill capacity gaps, including tool development, as well as conflict sensitive tools.
- Joint capacity development of staff and partners.

Tools for Shared Analysis. Tools for shared analysis and programming include: the UN-WB-EU Post-Conflict Needs Assessment (PCNA); UNDP's Conflict-related Development Analysis Tool; IDP Profiling; UNDG-ECHA Guidance Note to the PCNA and the UNDAF on Natural Resource Management in Transition Settings; DPA and UNEP's Guidance Note on Mediation and Natural Resources and; indicators from the GLTN Global Land Indicators Initiative.

UN staff agreed that a systematic approach to land and conflict requires engagement across the different UN pillars and that the nature and intent of the ISF and IMPP offer opportunities to foster coherence at country level throughout the UN system under the leadership of the RC/DSRSG and the SRSG. The newly emerging, integrated support services, such as the

Peace and Development Advisors, the Global Focal Point for Police, Justice, and Corrections, the EU UN Partnership on Land, Natural Resources and Conflict Prevention, the Joint IDP Profiling Service and the Solutions Alliance, fill a gap and are seen as important mechanisms to improve coordination and coherence across different pillars.

Key Finding 3: The Status Quo is Not Fit for Purpose

A number of important shared observations emerged from the consultations. These can help shape further change:

Member States and UN need to further clarify the role of the UN in the conflict cycle. Further engagement with the Member States is needed to strengthen the defining of the role of the UN system and highlight gaps, using conflict prevention, mediation and peace agreements as key entry points. UN staff expressed the need to renew and expand the dialogue with Member States.

*Existing Multiple-level Conflict Analyses across the Conflict Cycle Do Not include Land. I*n the UN system there are an increasing number of practical tools and approaches available for dealing with conflict, but none of these explicitly addresses land. UN staff said that land is often the root cause and/or driver of many conflicts but that it is often not mentioned in Security Council resolutions or in UN-brokered peace agreements. Some clarified the latter point, referring to the vested interests of conflicting parties at country level in leaving it out. However, at local level the role of land, as a driver of conflict is observable and tied closely to displacement, prevention of returns and/ or access to livelihoods. UN staff said that land and conflict should be part of the increased focus on conflict prevention and push for a shared analysis of root causes and drivers of conflict and peace building factors across the UN pillars.

Fragmented Engagement on Land and Conflict. While different entities within the UN are working on land and conflict, the mapping during the study of what different entities are doing confirmed that this is happening in a fragmented, often *ad hoc,* fashion.

At country level there is very little hand over between entities as the conflict cycle moves through different phases. Durable solutions involving all the various work streams on land are often insufficiently and indirectly addressed. There is very little coordinated analysis, strategy, planning and programming at country level for land and conflict across the entities and conflict cycle. High-level political engagement, global-level coordination and support to country/ field level activities and capacity development is also required.

A More Coherent Framework is Needed, Building on Existing Dispute Resolution Approaches. A number of UN agencies are already engaged in land dispute resolution for a wide range of purposes including tenure governance, rule of law, settlement planning, access to housing, and linking the information into some form of alternative land administration system. UN staff said that the roles of UN agencies undertaking this work in a post conflict setting need to be clarified, as does the value added by the UN because many INGOs are also involved. Also, more guidance is needed to ensure coherence and better integration with broader programming aimed at strengthening the rule of law, institution building, and economic development.

Need to Overcome the Lack of Sharing Land Information across Agencies and Throughout the Conflict Cycle. UN staff stated that more needs to be done to share information, pool understanding and knowledge in particular for a complex area such as land and conflict.

Displacement and Land Issues Require More Solutions Oriented Approaches with Better Links between Humanitarian Action, Development, Peace and Security. According to UN staff involved in humanitarian work, comprehensive engagement on land issues has proven hard to deliver at scale during an emergency response. This is due to: chronic underfunding in humanitarian appeals; insufficient connection between humanitarian agencies addressing HLP issues and peace-making, peacekeeping and development efforts; key UN guidelines on internal displacement and on evictions sometimes fail to offer solutions at country level because of the lack of

cooperation of key national actors and insufficient alignment with the nature and reality of protracted crisis, which requires solutions drawn increasingly from development approaches; restitution is often not possible because of protection concerns and of deals made in peace agreements; and displaced people increasingly move to urban areas and prefer local integration options, as displacement becomes protracted, requiring an increased land management and land rights focus from the outset. UN staff agreed that displacement is a humanitarian, human rights and development challenge. There is an increasing focus on national strategies for durable solutions rather than relying on global approaches. UN staff said that the following are needed: systematic coordination at a global level across the UN pillars to deliver a normative framework that could effectively deal with HLP-related issues; a better sharing of information and predictable UN leadership and access to technical capacity.

Insufficient Accessible and Predictable Capacity across the UN Pillars on Land and Conflict at All Scales (Global, Regional, National). UN staff indicated that even though land is considered to be foundational and cross cutting, there is limited capacity, both technical and political, to engage at the scope and scale necessary to prevent conflict and/or unblock development. The UN needs increased capacity development: to identify land as a root cause, support peace negotiations, set up land dispute mechanisms; establish foundations for development of land related policies and reforms; and initiate land administration systems. A clearer understanding is needed as to: what kind of capacity the UN itself requires; when, where and how capacity should be mobilized; and what added value the UN should bring to land and conflict at national level. UN staff said that the UN should focus on providing the expertise and capacity as part of a system wide approach. This would help the UN to be a more legitimate and credible actor at national level by supporting the mobilisation and guidance of multiple stakeholders and partners for delivery.

The UN also requires increased capacity for conflict mediation and improved analysis of root causes, strategy and planning to contextualize missions. This approach to peace would allow land to be better

embedded in the system-wide analysis and addressing of conflict, the sequencing and phasing of the implementation of peace agreements, and to be part of capacity development.

Disconnect between Technical Work-streams and Political Roles and Responsibilities on Land/Conflict Issues and Lack of Hand-over between UN Pillars. For sustainability, land at the national level needs to be addressed from political and technical angles in an integrated way across all the UN pillars. UN staff felt that Special Representatives of the Secretary-General (SRSGs) often do not prioritise the issue enough, assuming that the UNCT will deal with it. However, the UNCT tends to stay away from land and conflict because they have insufficient political clout around this highly political issue. Technical agencies are weak on the politics of land. There is a general lack of integration of the political and technical initiatives from policy level to programmatic approaches and this is a key block to sustainable solutions.

Need for Improved Funding Mechanisms to Support a Sustained Engagement on Land and Conflict. This study did not review funding mechanisms used for land and conflict, and this should be done in the next phase. This could also include an assessment of how the UN could be involved in pre-investment and preparation for the World Bank's investment phase. A number of bilateral organizations fund aspects of the conflict cycle with some land-related interventions and development work. Given the competition for funds, particularly in the emergency phase at country level, and the need to work within a common framework for land across the UN system and with non-UN partners, a funding mechanism that strengthens collaboration should be considered. In the interim, some form of multi-partner trust fund should be considered to fund capacity development, where multiple UN agencies work on a joint work plan with non-UN partners, for land and conflict, Lessons could then be learned from this for the implementation at country level and across the UN pillars phase.

RECOMMENDATIONS

These findings form the basis for the following recommendations for consideration by the Rule

of Law Resource and Coordination Group, the UN Working Group on Transition, other non-UN entities and Member States. A range of recommendations emerged from the scoping and status study and are summarized as follows:

Recommendation 1: Use the SG Guidance Note on land and conflict to create a common basis and outline the further change process

The SG Note should provide guidance on how to facilitate UN-wide system engagement at scale within a fit-for-purpose framework for land and conflict, at headquarters and country level, across the three UN pillars and throughout the conflict cycle. It should:

- Facilitate the development of agreements around whether land and conflict should be core business of the UN wide system, in line with the broader core UN task of sustaining peace.
- Create a common understanding of land-related principles and values, a shared vision, an aligned strategy and prioritize land-related functions that need to be addressed by the UN-system, also identifying that the UN system needs external non-UN partnerships.
- Provide overall guidance on what needs to be done to make the UN more fit-for-purpose on land and conflict, on the change process and the needed capacity development.
- Identify the UN Working Group on Transitions as the key UN coordination platform within which to position this work. It fits well with land and conflict because it links global, regional and country levels, focuses on creating shared analyses, improving programming, information sharing, reporting, and a better hand over between the different UN pillars. It is also embedded in broader UN reform processes.
- Country level work should empower UN leadership (SRSGs, RCs) and make land sector outcomes key to UNDAFs in fragile states and not optional. This should be linked to clear leadership and mandates for the different sub-topics of land and conflict also to ensure quality control of deliverables.
- Develop a better coordinated strategic planning capacity for land and provide guidance on how

the UN system can more effectively address HLP issues related to preventing displacement, manage protracted displacement and facilitate return.

Recommendation 2: Adopt the continuum of land rights and fit-for-purpose land administration approaches for a sustained and coherent engagement on land and conflict

These fit for purpose approaches are game changers as they allow quicker and more affordable action for a more stable and enabling framework to address land as a driver of conflict and bottleneck to development. The following key recommendation is proposed:

- Building on existing international standards that take this approach, seek a UN system-wide formal adoption and further shared understanding of the range of legitimate tenures within a continuum of land rights and fit-for-purpose land administration approaches.

Recommendation 3: Use key levers for a UN-system wide engagement at scale on land and conflict and to make the UN more fit-for-purpose

A sustained and coherent engagement is necessary throughout the conflict cycle. UN staff said that neither drastic re-alignment of mandates nor quick fixes are feasible and desirable. The following key recommendations are proposed:

- Use an incremental over time catalytic approach to implement change, which uses capacity development as the main driver of change across the UN pillars. This capacity development should emphasize action learning, communication, building new knowledge and using tools that drive change at the individual and organizational levels. It should align with broader UN reforms.
- Use a variety of entry points as levers for change ensuring that all the major land entry points are covered for coherence and sustainability.

Key Lever of Change 1. Use conflict prevention, mediation and peace agreements as key entry points to start improving coordination and hand-over on land related functions. Build on the reports of the High

Level Independent Panel on Peace Operations and of the Secretary-General's Advisory Group of Experts on the 2015 Review of the United Peacebuilding Architecture. The following key recommendations are proposed:

- Use the UN Working Group on Transitions to develop a common land and conflict approach across the system and oversee the change process.
- Embed land and conflict in existing coordinating mechanisms and joint services to strengthen the existing UN system's overall response, retaining purpose built land units in entities to develop normative guidelines and tools, manage knowledge, provide technical assistance, capacity development and support advocacy.
- Develop a practical guide on how land and conflict can be introduced into the framework of PCNAs, IMPP, peacebuilding, the UN Common Country Analysis (CCA) and the UNDAF and other appropriate tools and frameworks.
- Pilot the inclusion of land and conflict issues in the designing of peacekeeping and special political missions and in the integration of the mandates decided upon by the Security Council, including implementation plans for peace agreements, overall costing, division of responsibilities and hand over with UNCTs, staffing, and capacity development.
- Use the Integrated Strategic Framework model at country level to align action on land and conflict and to identify hand-over mechanisms between the political action, humanitarian response, human rights work and development efforts of the UN system. Clarify how land-related issues should be addressed in Integrated Mission Planning Processes, including Strategic Assessment Missions.
- Ensure that land expertise can be included in the deployment of small teams to help national governments and the UNCTs to address emerging conflict situations or to facilitate the transition from a UN mission back to the UNCTs; Expand the current Standby Mediation Team, hosted by DPA, with dedicated land and conflict expertise to support conflict mediation and peace negotiations.

Key Lever of Change 2. Develop a common and shared analysis of land as a root cause and driver of conflict and bottleneck to development. The reviews of Peace Operations and the Peacebuilding Architecture state that, sustaining peace requires a solid understanding of root causes for lapse or relapse into conflict. The following key recommendations are proposed:

- Develop better knowledge and capacity around how land is a trigger for conflict, how it blocks development and how it can be addressed. With UN staff involved in conflict analysis, develop data on the number and type of land-related conflicts occurring in UN entity work and identify, document and develop solutions. Develop more conflict assessment and analysis tools, including for the political economy of land and conflict linked to a more technical profile of the land sector.

Key Lever of Change 3. Assess and develop capacity (staff / institutional) across the UN system sustainably and at scale. The UN should focus on pre-investments to initiate land related policies, land reform, fit-for-purpose land administration systems, preparing the ground for longer term development of the land sector with support from other actors. The UN cannot do everything on its own. Instead, it needs to position itself and clarify its role at different levels in relation to other actors. There needs to be more clarity on the roles that regional organizations, international non-governmental organizations, the private sector, academia and civil society could or should play. The UN should align its work on political agreement, land policy process, capacity development, dispute resolution and access to justice, working with key INGOs. The UN system should have improved capacity to deal with land issues as part of conflict prevention, mediation, peace agreements and setting out a sustained approach to land. The following key recommendations are proposed:

- Conduct a more systematic capacity assessment of the different UN entities and develop a capacity development strategy, building on the existing technical capacity of existing UN entities.
- Create more awareness and capacity to address land and conflict in preventative diplomacy, conflict mediation and peace agreements, for SRSGs/DSRSGs, RCs and within DPKO and DPA.

- Support the development of a common pool of knowledge and capacities, and scaling of tools for land and conflict through specific short term programmes and mainstream these throughout the UN system and to non-UN partners. This should facilitate country operations and joint services access to technical land expertise.

Key Lever of Change 4. Prioritise a coordinated solutions oriented approach to dealing with displacement across the UN pillars, addressing the underlying land-related issues. The management of displacement requires further complementary measures across the UN pillars. This should build on initiatives of the Global Protection Cluster to make support to HLP issues and the Solutions Alliance more predictable for addressing crisis situations. This process should be led by UNHCR, in consultation with the members of the Protection Cluster, the Solutions Alliance, and other relevant stakeholders.

*Key Lever of Change 5. I*dentify specific priorities for the UN to strengthen the role of women in sustaining peace, in relation to land and conflict. The review of Peace Operations, the Peacebuilding Architecture and the Global Study on the implementation of Security Council Resolution 1325 states that, strengthening the role of women in prevention, peace-negotiations, and peacebuilding is critical. Indeed, perhaps the key finding to emerge from the Global Study is that women's participation and leadership in all areas of peace and security is central to our operational effectiveness and our ability to secure sustainable peace and development. The Global Study addresses the issue of land across a range of contexts including in relation to justice, peacebuilding, participation, protection and prevention. Building on the Global Study, the following are key recommendations to advance the rights on women in conflict and post-conflict settings:

- A commitment to raise, as a matter of course and routine, specific gender issues for inclusion in ceasefires and peace talks, including women's land access and property rights.
- Provide women and girls with identity documents as a matter of priority during and after conflict, in order to register to access land and avail

themselves of social services and benefits.
- Legislative and policy reform to secure women's equality in accessing land including amendment of marriage, inheritance and related laws. This must involve sensitization and awareness raising to support women in claiming and securing land rights.
- Linking reparations processes to land and property reform including land restitution.

Recommendation 4: Create a platform of partners, including UN and non-UN entities, to develop a shared vision and road map forward

A broad issue-based coalition on land and conflict should be built that stretches beyond the UN. The following key recommendations are proposed:

- Develop a road map and prioritise a joint work plan to build knowledge and land tools (including conflict sensitive tools), common data systems and fit for purpose land administration approaches.
- For improved fit for purpose, and while strengthening the UN system, expand this functional analysis for better alignment across the UN-wide system and between the UN system and non-UN actors, to overcome gaps, and clarify overlaps and duplication.

Recommendation 5: Create more funding opportunities for the UN system to implement these changes

This study did not allow for the reviewing of current financing opportunities; the identifying of financing needs to guide further change management; or the scale of financing needed for land related work at country level to sustain peace. The following key recommendations are proposed:

- Undertake a further review on financing and opportunities at global, regional and country level.
- Discuss the setting up of a multi-partner funding mechanism to develop the necessary capacity in the UN system-wide to address land and conflict at scale across the conflict cycle.
- Consider clarifying and strengthening the role of the World Bank in terms of playing an investment role while the UN focuses on pre-investment in

regard to land and conflict.

- Develop a work plan and budget for a four-year programme to develop capacity in the UN system on land and conflict as part of the road map linked to this study, as well as in non-UN partners. A best estimate of the costs for this is around USD 30 million.

Recommendation 6: Overarching Road Map Going Forward

In addition to the range of actions identified above, an overarching road map is required. The Rule of Law Resource and Coordination Group should validate this, as this study was done under them. It should also be validated by the UN Working Group on Transitions, which appears from this study to be the most appropriate framework for embedding land and conflict work further in the UN system. The actions and entry points identified above need to be part of the overarching road map going forward which should have three potential tracks, each with their champions, timelines and benchmarks.

Track 1. Further change management within the UN-system (including with Member States and within intergovernmental processes). This should involve:

- Using the UN Working Group on Transition to coordinate further change management within the UN system, identifying champions, integrating land and conflict in on-going UN reform processes and implementing priority initiatives to move the

agenda and road map forward.

- Expanding the consultative process to clarify the needs of Member States and their political will to drive change and the translation of this into intergovernmental processes.

Track 2. Finalise the SG Guidance note through the RoLCRG and support its roll out.

Track 3. Develop a platform of UN entities and non-UN partners to engage with land and conflict to institutionalize change, build the knowledge base, mobilize resources, develop capacity, solutions and approaches at global, regional and country levels.

Next Steps. While work has started on putting the overarching tracks of the road map into place, a detailed road map should also be jointly developed, champion organizations, coordination mechanisms and individuals identified, to lead further change and mobilize resources for the next phase. Some early work on this has started and UN-Habitat/GLTN has acquired seed funding from the Swiss Development Cooperation, which is being used to fund some of the road map actions described above.

1.1 UN FACING GLOBAL CHALLENGES CAUSING INCREASED COMPETITION AND CONFLICT OVER LAND

The global population is facing a range of large-scale challenges, which create increased competition and conflict over land at the transnational, national, sub-national, local and family levels. This will increase over the next decades.

By 2050 the world's population will grow to around 9.6 billion people, with a **population growth rate** of 1 billion every 12 years. Already more than 50 per cent live in urban areas. All these people will need access to land and have to be fed in a sustainable way. The impact of this growth will be the greatest in the developing world, and particularly in Africa, where large-scale **urbanization** is expected. In 2010, 40 per cent of the population in developing countries was under 15 and young people (15-24 years) account for another 20 per cent. **Young people** are the least likely to have secure tenure (UN-Habitat/GLTN) and are a key vulnerable group. They are also the most likely to engage in conflict.

Population growth, urbanisation, and the impact of climate change make ensuring **food security** a fast increasing challenge. FAO estimates that 805 million people were chronically undernourished between 2012 and 2014, particularly in sub-Saharan Africa and Asia. **Climate change** could reduce food production growth by 2 per cent each decade for the rest of this century (IPCC). The President of the UN Security Council noted his concerns in 2011 when he said, "possible adverse effects of climate change may, in the long run, aggravate certain existing threats to international peace and security." Shifting global development needs and patterns increase the pressure on large-scale exploitation of **natural resources,**

which often competes with the needs of local communities. Conflict often strengthens the power of elites over land, as they take advantage of weak institutions and rule of law to increases their land holdings

As a result of these trends, large numbers of people are likely to be forcefully **displaced**, evictions will increase, and an upsurge in migration is likely by people in search of food security and livelihoods. In the absence of planned urbanisation, slum development will continue to spread. Rural areas, including agricultural areas, risk becoming increasingly dysfunctional. Women, children and other vulnerable groups (for example indigenous people) will be affected the most.

Crises are becoming more and more **protracted** and fuelled by the overall **fragility** of certain countries. This fragility is a combination of weak and ineffective governance, weak rule of law, and fragile economies with a high degree of informality and often, high levels of structural poverty conflicts. These challenges are acknowledged in the proposed Sustainable Development Goals, which proposes a transformative development agenda.

The overall perception of the UN staff interviewed is that the **UN is not fit for the purpose of** supporting Member States and the international community in addressing the above challenges related to land and conflict.

1.2 TIMELINESS AND OBJECTIVES OF THE REPORT

In April 2014, the Rule of Law Unit of the Executive Office of the Secretary General asked UN-Habitat to lead the drafting of a **Secretary-General's Guidance**

Note on Land and Conflict, coordinated through the Rule of Law Coordination and Resource Group (RoLCRG). This followed a number of preliminary discussions between UN-Habitat and a variety of stakeholders including the Global Focal Point for Police, Justice and Correction (UNDP/DPKO), DPA – Mediation Support Unit, PBSO and Member States represented in the Peacebuilding Commission. The Global Land Tool Network (www.gltn.net), hosted by UN-Habitat, agreed to fund a First Phase. The UN Department of Political Affairs agreed to second the Land and Natural Resources Expert on their Standby Mediation Team as Senior Strategic Advisor to UN-Habitat.

It was noted during the ***preliminary discussions*** that:

- There is insufficient shared understanding of land-related issues within the UN system; roles and responsibilities are fragmented and unclear; and there is insufficient capacity;
- There is a need to initiate a UN system-wide 'change management' process as to better support Member States and affected populations to adequately address land issues in conflict contexts at the scale necessary to prevent, mitigate, and recover from conflict;
- There is a need to define how far the UN's role stretches, guiding the system also in its partnerships with the World Bank, academic and research institutions, the private sector and Member States.

The intention was that the scoping study should cover all the UN pillars and examine both headquarters and country-level engagement and assess how the UN-wide system could better operate to face future challenges. The study set out to identify from UN staff what needs to be done to work towards a UN system-wide engagement at scale on land and conflict issues. Areas of engagement relevant to land and conflict which were reviewed covered the full conflict cycle, including preparedness, prevention, mediation and peace-making, peace consolidation and peacebuilding, humanitarian response, recovery and development.

A lot of work on the land and conflict nexus has been done in the last decade. Several factors, however, make it **timely** to push now for further change to make the UN more fit-for-purpose to address land and conflict at scale:

- A growing acknowledgement of the global challenges described above, underscores the current drive for a new **universal, transformative development agenda (post-2015)** and the call for the UN as a whole to become more **fit-for-purpose,** including as part of the **ECOSOC Dialogue on the Long Term Positioning of the UN Development System**, which will be the basis for the next Quadrennial Comprehensive Policy Review resolution (2016);
- The Peace and Security Pillar of the UN is likely to undergo catalytic changes, following the recommendations of the High Level Independent Panel on **Peace Operations,** of the Advisory Group of Experts on the **Peacebuilding Architecture,** and the Global Study on the implementation of **Security Council Resolution 1325** on Women, Peace and Security. The finalisation of this scoping study was delayed to allow framing within the broader recommendations emerging out of the mentioned reviews;
- The **World Humanitarian Summit,** planned for May 2016, which intends to shape future humanitarian action to address the shifting humanitarian needs, creates space to re-define the engagement of the humanitarian actors on the land and conflict nexus;
- Two game changers in the **land sector** will allow quicker and cheaper action to create a more stable and enabling framework to overcome land as a driver of conflict and bottleneck to development: growing consensus on the **continuum of land rights** and **fit-for-purpose land administration** (see 2.2).

The **first phase of** the work would consist of **three parts,** namely: 1) a scoping and status study, 2) drafting an outline for a SG Guidance Note, and 3) a road map for work to be undertaken over subsequent phases (see Annex 1 TOR). The work is conducted under the coordination of RoLCRG.

This report focuses on the scoping and status study. It analyses the engagement of the UN system on 'land and conflict' through the lens of the UN pillars: peace and security, human rights and development, also with a focus on humanitarian affairs. The focus is on roles and responsibilities at headquarter and country-levels, in mission and non-mission settings.

1.3 METHODOLOGY

The **research approach** is based on the Global Land Tool Network's (see Annex 2) experience of the development of large-scale land tools with a wide variety of political, technical, global and country partners. The approach includes: process management to draw on a wide range of knowledge and experience (individually and in groups), integration of political and technical issues, developing global- and country-level/scale approaches, developing road maps to implement change, and using reference groups for knowledge generation and validation. The approach has proved to be useful in managing change in complex systems.

The intention was not to re-visit the excellent research, analysis and guidance already developed within and outside of the UN around land and/or conflict, including on natural resources. It does not, for example, re-assess drivers of conflict and exacerbating factors. This study instead focuses on undertaking a **functional analysis** of the UN-wide system with regard to land and conflict, to assess how the UN-wide system could better operate to face future challenges.

From October-November 2014, a consultant conducted **interviews** with representatives of seventeen UN entities (see Annex 3), across the different UN pillars. The interviews focused on documenting key issues, needs and gaps in UN engagement on land and conflict, and on identifying each entity's functions (see Annex 4). Specifically, the following were looked at: 1) the organizational structure of each entity and roles related to land and conflict 2) the cooperation with other actors and 3) existing capacities of entities to perform functions dealing with land and conflict.

In addition to the interviews, a **literature review** of key materials was undertaken (see References). A range of UN records were analysed to assess specific land and conflict trends (e.g., the peacemakers' database, the UN Peacebuilding Fund and Security Council Resolutions).

Two UN system-wide **focus group meetings** were conducted (on 15 October 2014 with 31 participants from 14 UN entities; and on 16 December 2015 with 24 participants from 13 UN entities) to also obtain information. The latter was also used to receive initial feedback on findings and agree on next steps. Participants were called upon to draw from their respective careers and not to limit themselves to the perspective of their current position or agency. The participation of UN-colleagues currently based at country level has been limited to date. The second focus group confirmed the importance of country-level input to ensure the SG Guidance Note adds value to country level operations. An additional focus group was held in September 2015 to validate the zero draft of this report and obtain further direction.

A **reference group** of people who had attended the focus group meetings was used for fact verification, enrichment of the report and an initial validation of findings. The zero draft produced was refined and validated through a number of focus groups, including one in September 2015. The draft was circulated within the UN system under the auspices of the RoLCRG mechanism. In addition, the executive summary was presented at two meetings of UN and non-UN entities focused on land and conflict for comment. This working paper was used as a major input into the zero draft of the Secretary-General's Guidance Note on Land and Conflict.

1.4 STRUCTURE OF THE REPORT

Following the introduction, the report has three main sections:

- **Section 2** provides the **background** and the **conceptual framework**. It frames the land and conflict nexus, reflecting on the UN pillars, the fit-for-purpose reforms, the theory of change used,

and the land and conflict cycle. It outlines how land can be a positive lever, working along five work streams, through the use of a fit-for-purpose land administration approach, and making use of the new land tools and technology that are coming on stream for country level work;

- **Section 3** summarizes **key findings,** based on an assessment of the status, scope and functions of UN engagement on land and conflict. The intent is not to produce a comprehensive, detailed analysis but to identify key patterns, gaps and possible entry points to induce change towards a more fit-for-purpose UN system, engaging on the land and conflict nexus;

- **Section 4** gives overall **recommendations,** taking into account the recommendations of the higher-level review processes mentioned earlier.

This chapter frames the work on 'land and conflict' against the ongoing UN reform and key land-related concepts.

2.1 INSTITUTIONAL FRAMING

Alignment between the Pillars of the UN

The study is structured around the three key UN pillars outlined in the UN Charter: peace and security, human rights and development (including humanitarian affairs). The place of any specific UN entity in the UN system impacts its governance, the way mandates are detailed and the entity's relationship with governments of countries of concern. This study examines the respective roles, scope and focus of different UN entities across the system in relation to areas of engagement that is relevant to land and conflict. It assesses the land-related functions and their level of alignment and cooperation with UN entities in other pillars. This includes all the relevant dimensions/phases in the conflict cycle: preparedness, prevention, humanitarian assistance, peacemaking, peacekeeping and peacebuilding, recovery and development, and human rights monitoring.

Reforms to make the UN more fit-for-purpose

Post-2015 – Long-Term Positioning of the UN Development System. The ECOSOC is currently discussing the Long-Term Positioning of the UN Development System as to ensure that the UN can support Member States to deliver the Sustainable Development Goals (SDGs) and to make the UN more fit-for-purpose. This should result in a revised Quadrennial Comprehensive Policy Review Resolution in 2016.

The High Level Committee for Programmes (HLCP), the UN Development Group (UNDG), including the UN Working Group on Transition, are advancing, amongst others, the following key elements:

- Integration by coherence and alignment at global, regional and country levels and building issue-based coalitions;
- Changing the concept of 'transition from relief to development' to a better integrated articulation and alignment of relief and development approaches;
- Delivering as one on the post-2015 agenda (incl. Goal 16);
- Putting human rights at the centre through enabling a systemic interface between development and human rights systems, and operationalizing the Rights Up Front Initiative (see 3.2.1).

Reform of humanitarian action: World Humanitarian Summit. The UN Secretary-General is convening the first ever World Humanitarian Summit in May 2016. The goal is to find new ways to tackle humanitarian needs in our fast-changing world and it will set a new agenda for global humanitarian action. The summit will include, amongst other things, a focus on humanitarian effectiveness, reducing vulnerability and managing risk, and serving the needs of people in conflict. It will also build on the on-going discussion to better align humanitarian and development assistance in crisis settings, jointly contributing to increased resilience and broadening the humanitarian partnerships, to include regional organizations, private sector, local authorities, etc.

Major reviews of peace operations, the peacebuilding architecture and the implementation of Resolution 1325 on Women, Peace and Security in 2015. The peace and security pillar of the UN is likely to undergo

catalytic changes, following the recommendations of the independent *review of peace operations,* the *review of the peacebuilding architecture,* and the *Global Study on Security Council Resolution 1325* related to women, peace and security.

	High Level Independent Panel on UN Peace Operations (released July 2015)	Ten-year Review of the Peace Building Architecture (PBA) (released July 2015)	Global Study on resolution 1325 (which will feed into the High-Level Global Review on 1325 that is planned for October 2015) (release October 2015)
What's the purpose of the review	To examine whether the UN peace operations, namely peacekeeping and special political missions (SPM), are fit for purpose in today's environment and how they can be made more effective, efficient and responsive	To examine the significance of the evolution of the PBA in addressing the challenges post-conflict countries face; to consider its implications for the role and positing of the PBA and the operational entities of the UN; and to propose ways to strengthen the performance and impact of the PBA	To examine the status of implementation of resolution 1325 in preparation for the 2015 High-level Review
Who requested the review	Secretary-General	General Assembly and Security Council, pursuant to: A/RES/65/7 (2010) and A/RES/1947 (2010)	The Security Council invited the Secretary-General to commission the study

Incremental change management approach

Capacity needs to be developed within the UN to prepare for the expected increase in land-related conflicts. The UN system and the conflict environments in which the UN engages are highly complex. It is therefore not possible to use a 'fix the system' UN system-wide approach. Instead, an incremental change management approach is proposed which focuses on **identifying and strengthening key levers of change** that could make a difference to the UN system's engagement in land and conflict. Some of the key levers for change are institutions, platforms, geographies, on-going UN processes, champions and networks, agreed priorities and urgent interventions, capacity development, and new knowledge generation, including tools. The proposed road map (see 4.6) is premised on this approach.

2.2 THEMATIC FRAMING: LAND-RELATED CONCEPTS

To analyse the scope and status of engagement of the UN system on land and conflict issues the following conceptual framework is used to guide the exercise.

Definition of land

Housing, land and property (HLP) is a commonly used term in the humanitarian sphere. In this report, preference is given to a broader understanding of the term 'land'. Property rights are about registered land rights usually associated with full ownership or freehold. Alternative forms of tenure are now being recognized as being part of a range of legitimate land rights along a continuum. These land rights are not registered but are recorded preferably within some kind of coordinated arrangement, hence the continuum of land rights. For this reason, the term 'land' has become more commonly used both at global and country level by the land sector, particularly with regard to issues around poverty and vulnerability. Land in this report includes all land systems, urban and

rural, and therefore underpins a wide range of sectors not just human settlements.

Continuum of land rights: game changer 1

Conventional land administration systems are based on individual freehold ownership. This causes major obstacles to the delivery of land rights, because freehold titles are generally not affordable for poor and vulnerable people, and require specialized technical capacity that is often not available at scale in developing countries. Approximately 70 per cent of people do not have freehold and rely on customary and/or indigenous tenure, informal tenure types, or rental arrangements etc. Many of these people are insecure and cannot protect their rights against land grabbing by neighbours, the state, investors and invaders, particularly during times of conflict. Scaling up the delivery of land rights, and quick delivery in hot spots, means moving away from freehold as the only option. A range of tenure types needs to be adopted in the form of a range of legitimate land rights on a continuum (see Figure 1). This approach has been adopted at the global level (Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security; UN-Habitat in its Governing Council Resolutions 23/17 and 25/4; African Union, UN Economic Commission for Africa (UNECA) and African Development Bank Land Policy Initiative; and World Bank Land Governance Assessment Framework).

Awareness, UN system-wide acceptance and use of the continuum of land rights could be a game changer throughout the conflict cycle.

Fit-for-purpose land administration: game changer 2

Until today, dealing with land and conflict was very difficult as conventional land administration systems are very expensive, technically complex and very slow to put in place. As a result, they cannot be scaled up easily to facilitate conflict resolution, peacebuilding and to unlock development potential. Most developing countries have less than 30 per cent coverage in terms of land registration (cadastre) and it would take more than 600 years to get complete coverage at the current rate. Those addressing land and conflict have been frustrated because land administration systems are critical to the protection of land rights.

In 2014, the World Bank and the International Federation of Surveyors launched a new approach to land administration. This approach has been further adopted by the land industry for example at the Beijing Declaration on Sustainable Development with Geospatial Information (Beijing, China 2014); and UN Economic and Social Council (2015) Application of geospatial information related to land administration and management, Committee of Experts on Global Geospatial Information (E/C.20/2015/9/Add1.). This allows for a range of different forms of land administration that are more affordable, are incrementally upgradeable, and which require much less time and in-country technical capacity. This is a major game changer, driven by new technology. It allows for a more rapid response for land and conflict purposes, in line with the contextual priorities of peace consolidation and peacebuilding. The GLTN partners are piloting the new approach, including in conflict-

Figure 1: The Continuum of Land Rights

Perceived tenure approaches — Occupancy — Adverse possession — Leases

Informal land rights → Formal land rights

Customary — Alternatives to eviction — Group tenure — Registered freehold
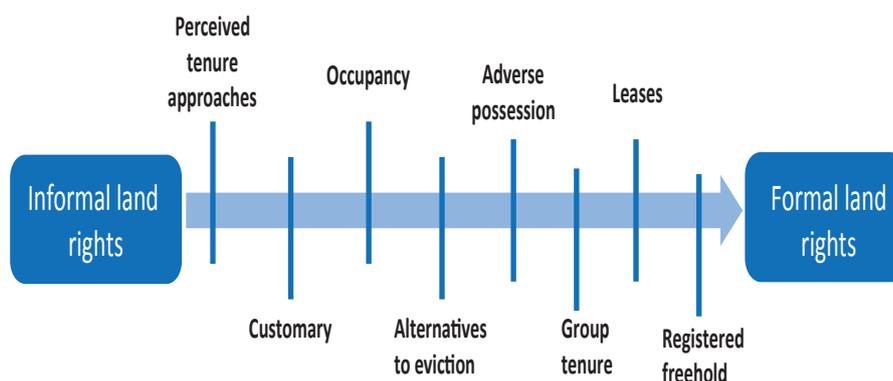
affected environments. The continuum of land rights also makes it possible for non-land professionals to use more affordable technology.

The global acceptance of Fit for Purpose Land Administration by the land community opens the door to addressing land and conflict issues at scale in new ways. It is a trigger for change in the UN system with regard to land and conflict, in terms of how it engages and what functions it undertakes. The Global Land Tool Network is now funding the guidelines to implement this framework in terms of technical tools and approaches. The first material should be available early in 2016 and will give the global community and Member States the first real opportunity to see if it is possible to create stable land communities as part of prevention, mitigation of effects, recovery and development phases, and prevent land becoming a cyclical trigger for conflict.

Five key work streams of land

Land is a cross cutting issue and there are many potential entry points for addressing it. Work streams that are commonly used by the land sector have been chosen for ease of reference and to facilitate coherence within and across programmes and over time. They are also sufficiently high level that all land sector work and cross cutting linkages can fit under the five works streams. This report assesses whether, and to what extent, there is UN system-wide operationalization of these work streams across the UN 'pillars.

- **Land dispute and conflict resolution** is a key aspect of conflict prevention, peace-making, peacekeeping, peacebuilding and a humanitarian response and takes multiple forms, with varying degrees of linkages and integration into formal legal and institutional frameworks (including land administration);
- **Land policy** defines how resources and benefits are to be allocated. While national land policies are common in the development phases, limited policy agreements on specific land issues are useful when emerging from conflict. For example, specific policies may address the re-allocation of land in rural areas or the integration of IDPs into urban areas. Good governance usually implies that a land policy is developed through a process that engages all major stakeholders including civil society. Policy elements can also be integrated into peace agreements (for example, in a specific geographic area, land cannot be bought or sold without the agreement of the parliament);
- **Land administration** allows for protecting and concretizing land rights and includes a range of systems and processes. Its functions include allocating land rights, land registration, land use control, land information management, the defence of land rights against invaders, and resolving conflicts over the ownership and use of land. The judicial, regulatory, fiscal, information management and enforcement functions linked to these systems (see Annex 5) cannot be implemented at scale without a land administration system. This is a major problem as most developing countries have less than 30 per

| Capacity development | Land policy process | Dispute resolution | Land reform | Land administration systems |

cent coverage by a land administration system, making it much harder to manage competition and conflict over land in the other 70 per cent, or to allocate and manage land rights in those areas. Conventional land administration interventions during times of conflict have only been successful in countries with good land record coverage (e.g. Kosovo). Fit for purpose land administration is the best way forward for countries without good land records;

- **Land reform.** Conventionally land reform is seen as covering land redistribution. While it includes this, today it goes much further. Examples of land reform from the land and conflict cycle include: redistribution of the land from the elites to the majority of the population (Mexico); prevention of the capture of the land registry records by the elites or criminals (Colombia); protection of IDP and refugee properties (Iraq); fixing the land administration systems for reform purposes (Namibia - land tax); making land laws and regulations more gender responsive (Brazil); addressing historical injustices including IDPs and refugees (Rwanda); and addressing ethno/religious competition over land including mass evictions (Kosovo). Land policy processes that identify and address historical injustices and issues that cause conflict are key to land reform (Mozambique, South Africa, Uganda, Kenya, Namibia and Liberia);

- **Capacity development.** Land issues are highly conflictual and filled with vested interests. Developing and implementing land policy and human rights approaches is complex, and managing change is both technically and politically challenging particularly when capacity is weak. Throughout the conflict cycle, engagement with the land sector requires interventions that are geared to change. Capacity development in the land sector is defined as the continual and comprehensive learning and change process by which governments, organizations and people identify, strengthen, adapt and retain capacity for effective land policy development and implementation. This change related definition has been accepted by a range of organizations for

land, including the African Union, UNECA and the African Development Bank, and is seen as being central to successful engagement with the land sector.

Land and the conflict cycle

There are many factors that may cause or exacerbate conflict. Previous studies and the UN staff interviewed confirm that land is key throughout the conflict cycle. Land-related conflicts may relate to historical grievances, differentiated access to economic and natural resources with implications for livelihoods and the sharing of wealth, lack of rule of law, marginalization based on intolerance of ethnic groups or religion, territorial or border disputes, organized crime, weak state institutions, and macro-level factors such as geo-political rivalries.

Conflicts are often not linear in character. They evolve in cycles in which phases of insecurity and partial stability may come and go. Conflict cycles can be broken down in stages of grievances, insecurity, the triggering of conflict, phases of negotiation and peacemaking, peace consolidation and peacebuilding, including economic recovery and development. Land may represent one element of a conflict that takes on different dimensions in each phase. When linked to the exploitation of high-value natural resources, such as oil, gas, minerals and timber, land is a key trigger in escalating or sustaining violent conflict. Overall, land-related issues are often a key cause of relapse into conflict and are a bottleneck to development.

Land is more and more acknowledged to be a **critical factor in peacemaking and peacebuilding**. A quick analysis of **peace agreements** indicates that the number of times land-related issues are mentioned has increased drastically since the 1990s. UN staff, however, said these do not necessarily reflect all relevant land-related grievances of all parties and/ or contain commitments that are hard to meet in timeframe that is short enough to prevent a relapse into conflict (for example, the establishment of a cadastre and registration of properties).

Box 1. From DPA records of number of peace agreements

Number of peace agreements and peace
building programmes that mention land (per decade)
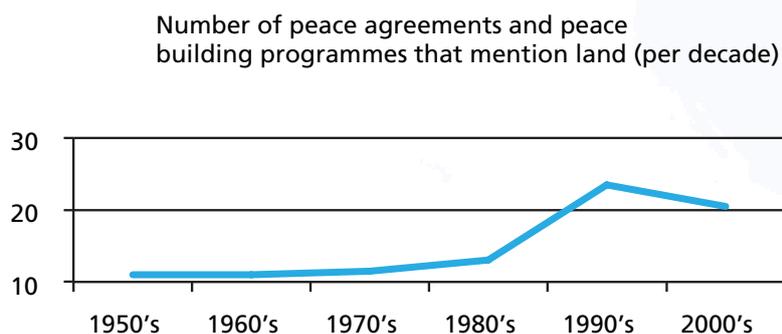
Box 2: Land references in peace agreements

Indigenous land	State owned land
Communal land	Customary/indigenous land vs private ownership
Land for resettlement of returnees	Land and food security
Government land in tribal belts	Land and natural resources
Confiscated land and property	Land holding rights
Land within conflict zone	Foreign ownership during conflict
Recovery of abandoned land	

Fragile states, in particular those most vulnerable to protracted crises, are often characterized by an absence of land administration, land records and recurring tension between customary and/or indigenous land rights and formal legal systems. This makes it difficult to create stability when land-related issues are driving the conflict, enabling a relapse into conflict and, as such, contributing to the more protracted and complex nature of conflicts. This also relates to the fact that in the peace consolidation phase, efforts to boost economic development (for example, around the exploitation of natural resources or urban development) risk creating new land-related conflicts.

Different perspectives of UN entities on land and conflict

Land is cross cutting with a range of stakeholders with different perceptions of issues and priorities. This is also true for UN entities. For example governments might tend to prioritize the establishment of rule of law, broader institution building, economic recovery (for example, through natural resource exploitation) and the evacuation of public buildings and land. Humanitarian actors will focus on HLP rights for

displaced people. Human rights actors will focus on historic injustices related to land. Development actors might focus on quick fixes to unblock development efforts. This needs to be taken into account when addressing land and conflict issues.

2.3 CONCLUSIONS

The vision and approaches being developed by the on-going UN reform processes were incorporated into this scoping study, including aligning it with the framework of increased integration to better articulate and align relief and development and a systematic interface between systems. The analysis and recommendations in the UN reform reports have been used for the framing of the findings and recommendations below.

An assessment of land and conflict was made across the three UN pillars of security, human rights and development (including humanitarian), focusing on preparedness, prevention, humanitarian assistance, peacemaking, peacekeeping and peacebuilding, recovery and development, and human rights monitoring. An assessment was also made of the

land and conflict cycle. Additionally, the assessment included a range of UN entities, many with very different perceptions of what needs to be taken into account.

A theory of change is proposed whereby an incremental approach is adopted which focuses on identifying entry points in the UN-wide system where new knowledge and approaches can be developed and awareness and advocacy undertaken, as well as capacity building also of champions.

Land can be a positive factor and can provide an opportunity to break the conflict cycle if the right factors are put in place. A range of legitimate tenures and a fit-for-purpose land administration system could be critical as land rights linked to land administration underpin broad land reform and land policy implementation and systemic dispute resolution. To date land administration has not been useful for conflict situations because it has not been able to be scaled or be used for rapid responses. Fit-for-purpose land administration could lead to stable land communities, improved land governance and empowerment of the poor, women and vulnerable groups.

This section highlights the key findings of the scoping and status study. It describes the multiple areas of engagement, led by the UN across the different pillars, relevant to the land and conflict nexus. It points to the specific land-related functions that are undertaken and outlines the increasing number of mechanisms which could be used for enhanced engagement at scale with improved coherence, coordination, integration and effectiveness (see also Annex 4).

The section also summarizes the observations of UN staff on the issue and the changes that are needed. Key gaps and potential levers relevant to land and conflict are identified to make the UN more fit-for-purpose. This is the basis to address land in a more systematic way throughout the conflict cycle to overcome land-related issues that are drivers of conflict and bottlenecks to recovery and development.

3.1 MULTIPLE AREAS OF UN ENGAGEMENT EXIST ON LAND AND CONFLICT ACROSS THE UN PILLARS, GLOBAL, REGIONAL AND COUNTRY LEVELS

There are many areas of UN engagement across all UN pillars (including humanitarian) that are relevant to land and conflict. However, explicit land-related functions are limited.

Peace and security pillar

Peace operations are either led by the **Department of Peacekeeping Operations** (DPKO) or the **Department of Political Affairs** (DPA), and are multi-faceted. They aim to create conditions for lasting peace in countries experiencing conflict, to initiate peacebuilding and to prevent relapse into conflict.

Missions are set up and **mandated** by **formal Security Council Resolutions**. They come with the appointment of senior UN leadership by the Secretary-General (Special Representatives of the Secretary-General) to act as the Head of Mission. They are senior political representatives of the UN and engage directly with the highest level of government of the country in question and other key players in the conflict.

Increasing attention is focused on the support for **mediation efforts and the elaboration of peace agreements.** DPA has a **Mediation Support Unit** (MSU), which aims to strengthen the mediation capacity of regional and sub-regional organizations as well as the UN system as a whole. The MSU serves as a source of mediation knowledge, policy and guidance, lessons learned and best practices. This includes the deployment of members of the **Standby Team of Mediation Experts** (since 2006). This team currently has approximately eight experts on call including an expert on natural resources and wealth sharing, but no dedicated land expert. The last expert holding the function (until February 2015) had a specific focus on land-related issues due to his own specific expertise and experience, although his terms of reference did not specifically mention land.

The **Peace Building Support Office** (PBSO) is a key element of the UN peacebuilding architecture. It is not operational. It supports the Peace Building Commission and the Peace Building Fund, while contributing its knowledge to inter-agency mechanisms. Two areas of engagement linked to land are access to natural resources and women, peace and security. The on-going Ten Year Review of the Peace Building Architecture is an opportunity to see how the political, financial and policy arms of the peacebuilding architecture can be strengthened and better connected.

Key areas of engagement relevant to land and conflict during peace operations are: support to preventive diplomacy, conflict mediation and peace agreements; rebuilding key rule of law related institutions and political systems (a constitution, elections, etc.), and transitional justice; strengthen the police, justice and corrections institutions and their accountability; the protection of civilians, and the promotion and protection of human rights. UN staff interviewed said that overlaps with the mandates and programmes of development partners in the UNCTs are a challenge.

UN staff said that, as a minimum, peace operations should have a direct role in the protection of abandoned properties, land and property records and important assets (for example, archaeological/religious sites). At the global level, DPA has noted a growing interest in land issues related to natural resources in the General Assembly as well as the Security Council, although real progress has been lacking due to the political sensitivity of the subject. UN staff stressed that issues relating to land rights are very important in peace operations, but that dedicated capacity to analyse and deal effectively with land issues is missing. Security Council mandates rarely identify land issues so no budgets are earmarked, and UN staff said engagement on land-related issues is **ad hoc.** As part of work on the rule of law, there is sometimes work on analysis of the customary and/or indigenous and statutory land-related frameworks (for example, UNAMA), in preparation for legal or judicial reform. UN staff said that land-related conflicts are an important part of court cases, which also translates into increasing requests from country-level staff for technical support on land-related issues.

UN staff identified the importance of building the evidence base for its potential impact on peace building, for instance of strengthening the involvement of women in natural resource management or improved land rights. As with other potential peacebuilding factors, there is limited institutional space to discuss the connections and contribution to peacebuilding of inter-related areas such as for instance land, gender, peace agreements and access to natural resources.

The **High-Level Independent Panel on UN Peace Operations** report (June 2015) stated that political solutions should drive the design and implementation of peace operations. UN staff suggested that land-related grievances, if they drive conflict and are bottlenecks to recovery, should be dealt with properly at the highest level during peace negotiations. The report states that peace agreements need to be linked to sequenced and phased implementation plans. The panel calls for the UN to have its own capacities to prioritize and undertake conflict mediation. The panel also calls for investing in stronger underlying analysis of root causes of conflict, strategy and planning to contextualize missions better. Addressing land and conflict issues through this lens would make it possible to address land related grievances and conflicts when there are bottlenecks to recovery. It would also make it possible to implement land activities in an incremental and sustainable way and build the necessary capacity in land for conflict mediation and for land to be part of the analysis, strategy and planning of missions, allowing for better contextualization of missions.

Development pillar

For the **United Nations Development Programme** (UNDP), land is a cross cutting issue which supports their work on the rule of law, transitional justice, dispute resolution, peacebuilding and governance, poverty reduction, conflict prevention and the management of natural resources (extractives). UNDP has been leading a number of inter-agency partnerships connecting conflict prevention, peacebuilding and development, which are described in other sections of this study.

An important area of engagement for land and conflict is the work around transitional justice. In 2010 the UN Secretary-General Ban Ki-moon adopted a **Guidance Note related to Transitional Justice**. The guidance note defines transitional justice as "the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses" in order to ensure accountability, serve justice and achieve reconciliation in a society. Components of transitional justice may be judicial and non-judicial processes and mechanisms, including prosecution initiatives, facilitating initiatives

in respect of the right to truth, delivering reparations, institutional reform and national consultations. Approaches to be incorporated into transitional justice activities are 1) taking account of the root causes of conflict and addressing related violations of all rights, which can both be land-related 2) taking human rights and transitional justice considerations into account during peace processes and 3) coordinating disarmament, demobilization, and reintegration initiatives with transitional justice activities in a positively reinforcing manner.

Another key instrument is the **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests,** endorsed by the Committee on World Food Security (2012), making them an authoritative tool. At global level, the implementation of the guidelines, led by the **Food and Agriculture Organization** of the United Nations (FAO), is supported through capacity building and raising awareness. At country level, the focus is on early implementation of the Voluntary Guidelines. The overall aim is to attain food security, with an emphasis on vulnerable groups and marginalized people, through work on different fronts: sustainable livelihoods, social stability, housing security, rural development, environmental protection, and sustainable social and economic development. For FAO, land is the vehicle for tenure governance. FAO has been working on mechanisms to address land disputes as a means to increase tenure security, human security and livelihoods through multi-stakeholder groups, based on an understanding of the customary and/or indigenous and formal legal systems.

The **United Nations Environment Programme's** (UNEP) expertise lies within the environmental dimensions of land use management and conservation. Land is regarded as one part of a portfolio of natural resources that also includes extractives, renewables and water with land being an underlying issue affecting ecosystems and livelihoods. UNEP analyses how access to land and other resources can contribute to conflict and supports the UNCTs in identifying what needs to be addressed and how land issues feed into the conflict narrative and peacebuilding processes. UNEP also focuses on land concessions, and related discrimination and

displacement of local communities, on benefit sharing in mining activities and the development of best practices within natural resource management.

For **UN Women,** land is a cross cutting issue which is addressed across a range of sections and portfolios including rule of law and transitional justice, economic empowerment, peacebuilding, protection, prevention and participation. Specifically in relation to conflict and post conflict settings, UN Women's programming is guided by Security Council resolution 1325, and the seven supporting resolutions on women, peace and security. UN Women works to promote the protection, participation, leadership and empowerment of women in conflict and post conflict settings, including in relation to all aspects of the ways women use, manage, make decisions on, and benefit from land and natural resources. UN Women in collaboration with UNDP, UNEP and PBSO was involved in the publication of a report titled, "Women and Natural Resources: Unlocking the Peacebuilding Potential," which examines the relationship between women and natural resources in peacebuilding contexts, including land, renewable and extractive resources. The **Security Council resolution 1325** and the seven resolutions on women, peace and security that have followed reaffirm the important role women have in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction. Together they stress the importance of women's equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.

Women's rights to land and productive assets are strongly linked to women's security. The way women use, manage, make decisions on, and benefit from land and natural resources remains an underutilized entry point for strengthening contributions to securing peace and sustainable development. The difficulties which women face in accessing land heighten their insecurity and negatively impact their resilience. The percentage of women with legal titles to land is significantly lower in conflict and post-conflict countries (9%) compared to the global rate (19%). Without access to land, credits and tenure, women's

power to build peace and promote recovery from conflict is seriously impaired.

It is important to look at women's rights to land as part of programming around transitional justice because reparation approaches and land restitution may have gender implications. Women may not have a framework where they access titles or secure tenure. Land rights can be transformative from a transitional justice perspective. This area of engagement has the interest of Member States and represents an interesting entry point for an expanding engagement on land and conflict. The Global Study on the implementation of resolution 1325 published in October 2015 addresses the issue of land across a range of contexts including in relation to justice, peacebuilding, participation, protection and prevention. It makes a number of recommendations that are detailed below (see 4.2.5).

Land is a recurrent theme for **UN-Habitat** in most of its substantive areas of engagement, both globally and at country level in urban planning and design, participatory slum upgrading, housing, urban legislation and risk reduction, and rehabilitation. UN-Habitat has a global land unit, which address thematic areas such as access to land for all, land policies, efficient urban land management, land tenure and ownership, land and urban planning, indigenous peoples' rights to land, and use of land-redistribution tools to facilitate inclusive planned urban growth. UN-Habitat uses the different work-streams set out above to phase its engagement on land-related issues at country level in conflict and fragile settings.

The unit also hosts the **Global Land Tool Network (GLTN)** , an alliance of more than 66 global, regional and national partners contributing to poverty alleviation through land reform, improved land management, and security of tenure particularly through the development and dissemination of pro-poor and gender-sensitive land tools. This is supported by UN-Habitat Governing Council resolutions 23/17 and 25/4. The network's partners include international networks of civil society, international finance institutions, international research and training institutions, donors and professional bodies. GLTN delivers land tools at the global level to solve problems associated with fit for purpose land administration and management in developing countries.

GLTN partners are currently implementing tools such as the Social Tenure Domain Model (STDM) and the Gender Mechanism at the local level. UN-Habitat aims to create capacity by assisting local communities to deal with land disputes. This work is done in partnership with civil societies, local authorities and land administration systems. This includes a strong focus on finding more durable solutions for urban displacement or returning communities, through inclusive planned urban growth. At provincial level work is targeted towards strengthening the capacity of land administration systems, initially to deal with land-related disputes and to facilitate domestic revenue generation through property taxation.

UNECA, working with the African Union and African Development Bank, has developed a Land Policy Initiative for Africa (LPI). It has a Framework and Guidelines, adopted by governments, that outlines land policy approaches for Africa. UNECA is the secretariat for this Initiative.

Human rights pillar

The Office of the High Commissioner for Human Rights (**OHCHR)** has human rights components in the majority of peacekeeping missions. In some countries OHCHR has a human rights advisor to assist the Resident Coordinator (RC). The intent is to institutionalize cooperation and coordination with other UN agencies on human rights before, during and after conflicts. One important area of engagement is to identify root causes of conflict and to argue for the necessary changes to diffuse tensions in the country.

At the global level, OHCHR facilitates several human rights mechanisms, i.e. early warning systems on violations of human rights, such as the Special Rapporteurs. In the area of land and conflict, the following are relevant:

- The Special Rapporteur the right to adequate housing;
- The Special Rapporteur on the right to food;

- The Special Rapporteur on Indigenous Peoples;
- The Special Rapporteur on minority issues;
- The Special Rapporteur on human rights of migrants;
- The Special Rapporteur on the human rights of internally displaced people.

Some UN staff suggested that a stronger human rights-based approach could strengthen coherence across UN pillars and throughout the conflict cycle. In most cases, human rights are mentioned in generic terms, but are not translated into action. For instance, how could emergency shelter be improved and harm avoided if human rights were addressed at the onset of the planning phase? UN staff raised questions in relation to human rights and the fact that intervention by UN agencies in post conflict settings exacerbates the existing situation at times. Agencies and departments involved were often not successful in analysing the conflict dynamics, i.e. linking the situation before conflict (such as discrimination, access to land, evictions - factors that might have been root causes and triggers to the conflict) to comprehensive structural interventions in the post conflict period.

OHCHR does not have specific programmes for dealing with land and conflict, but acknowledges that land-related issues come up in many contexts. At country level, the land-related focus is often on monitoring and advocacy for addressing the protection concerns of displaced and refugees (for example, forced evictions, challenges to restitution). In many cases, other human rights violations involving physical harm are considered to be more urgent, while acknowledging that land-related issues are often key underlying causes. OHCHR also provides inputs to institution building, for instance through the provision of a human rights perspective for lawyers, judges and stakeholders who serve at tribunals dealing with land restitution. Another gap relates to the mainstreaming of human rights and issues related to womens' rights in the field of land and conflict.

Humanitarian affairs

The cluster system set up by the Inter-Agency Standing Committee guides the international **humanitarian response.** The most relevant areas of engagement are the Shelter Cluster and the Protection Cluster. The Global Shelter Cluster has set up a Regulatory Barriers in the Provision of Shelter Working Group , which produced a checklist to assist shelter actors to ensure that they respect existing rights over plots of land on which they intend to construct shelter and minimize the risk that may contribute to land disputes, in line with the 'do no harm' principle.

Currently, the formal entry point to address and coordinate response to land-issues (HLP) is the **Housing Land and Property Area of Responsibility** (HLP AOR) under the Global Protection Cluster, led by UNHCR. The HLP AoR brings together non-governmental organizations, UN agencies and academic institutions working at global and country levels, to address HLP issues in humanitarian crises. This is to facilitate a more predictable, accountable and effective HLP response in humanitarian emergencies. The group has developed useful guidance, including a HLP Checklist for Resident and Humanitarian Coordinators . At country level, the Protection Cluster sometimes activates a national HLP Working Group. A major challenge has been chronic under-funding of proposed HLP interventions in consolidated or flash appeals. Often the intervention is limited to an analysis of the HLP concerns and some recommendations on how to address them during the humanitarian response. Discussions are on going to revisit the position and functions of the HLP AOR, and its link with the rest of the UN engagement.

UN staff said that emergency response is too often de-linked from their longer-term impact and from longer-term solutions. A key example is how unplanned displacement has contributed to accelerated slum growth across many conflict affected countries and cities. In the case of Liberia, this ultimately provided fertile ground for an unprecedented health crisis. A central role is played by access to land and incremental tenure options. An incremental approach to addressing housing, land and property issues in an early stage of emergency, particularly in urban settings, seems to be an important gap waiting to be addressed systemically.

Over the last decade, the humanitarian caseload has drastically increased and is currently dominated by five

crises, which are all protracted in nature (Syria, Sudan, South Sudan, the Central African Republic, and the Democratic Republic of the Congo). In most of these cases, land-related issues have become increasingly important as they prolong crises and prevent return of the displaced and stabilization if political agreements are reached.

Role of partners outside the UN system

UN staff suggested that without the support of **Member States,** and their prioritization of the issues of land and conflict, it would be difficult to make progress at country level. It is important to develop better awareness, engagement, understanding and what it takes to deliver in Member States for better outcomes.

The **International Organization for Migration** (IOM) is the leading inter-governmental organization in the field of migration and works in four areas of migration management: migration and development, facilitating migration, regulating migration and addressing forced migration. Within the organization, cross cutting activities include the promotion of international migration law, policy debate and guidance, protection of migrants' rights, migration health and the gender dimension of migration.

The organization has taken the lead responsibility for the Global Camp Management Cluster, which has led it to focus a large part of its work on internal displacement and land-related issues in view of facilitating return of the displaced. IOM has set up a **Land, Property and Reparations (LPR) Division.**

The **Norwegian Refugee Council (NRC)** provides assistance, protection and durable solutions to refugees and IDPs worldwide. At country level, NRC's key areas of engagement are addressing displacement, including through the provision of shelter and through its ICLA programs (information, counseling and legal assistance). This often includes in-depth analysis of housing, land and property issues, and a mapping of the broader land sector.

The **World Bank** is increasing its work on 'fragility, conflict and violence'. For many UN staff, the

World Bank is better known for its role during the reconstruction phase and consequent development programmes. Compared with the UN, the World Bank has much larger and longer-term programming, directly focused on the development of the land sector, for example through expanding land registration and setting up land administration systems. This is often seen as a necessary condition to create stability and facilitate economic development. Consideration should be given to clarifying and strengthening the role of the World Bank in terms of playing an investment role, while the UN focuses on pre-investment in regard to land and conflict.

Other actors that play a role in this area are **global and regional think tanks and advocacy groups** (for example, the International Crisis Group and Displacement Solutions) as well as international, regional and national research institutions. The African Union is also a key partner for the UN's work in Africa. Many of these bodies are decentralized and can play an advisory role on sensitive issues. When land becomes a sensitive political topic, these 'external' voices can help to foster a transparent debate on difficult topics, such as underlying drivers of conflicts, which often includes historic land grievances. They can also provide early warning before conflicts escalate. **Multiple entry points exist for improved coherence, coordination and integration**

In recent years, there have been increasing efforts to ensure a stronger, more coherent and accountable UN system-wide focus on conflict prevention and peacebuilding, and preventing a relapse into conflict during the peacebuilding phase. From a UN system perspective this involves a range of functions such as interagency mechanisms; early warning systems at different levels; conflict analyses; conflict management; and joint programming.

The number of entry points for improved coherence, coordination, integration and effectiveness in UN engagement has multiplied. The most important ones are described below. The first set describes the relevant coordination platforms. The second set describes emerging integrated support services and programming which is relevant to land and conflict. UN staff said that the most of the needed mechanisms

and partnerships are in place, it is more a matter of making better use of them.

3.2 COORDINATION MECHANISMS

Rule of Law Coordination and Resource Group

The Rule of Law Coordination and Resource Group (RoLCRG) has the Rule of Law Unit in the Office of the Secretary-General as its secretariat . The RoLCRG mechanism is unique as a global coordination mechanism, which promotes coherence on rule of law issues across the UN pillars, under the direct leadership of the Deputy Secretary-General. Rule of law is a key common area of engagement across the UN pillars. It is seen as the logical vehicle to validate Guidance Notes on different topics under the broad rule of law umbrella, including on land and conflict. This scoping and status study is intended to lead to such a Guidance Note.

Rights Up Front: Multi-level UN system-wide conflict prevention mechanism

Security Council resolution 2171 (2014) "Encourages field-based Special Political Missions and Peacekeeping Operations to enhance their assessment and analysis capabilities to prevent relapse into conflict within their existing mandates." The resolution also calls upon the Secretary-General to pro-actively report back to the Council on violations of key international law instruments and on potential conflict situations, including on territorial disputes, to prevent armed conflict.

This resulted in, among other things, the most ambitious new initiative in the area of conflict prevention: the Rights Up Front initiative (RuP). It was launched by the Secretary-General (2013) in response to the reported "systemic failure" of the UN to effectively protect civilians at the end of the recent Sri Lanka war (see Petri Report, 2012). RuP includes a hierarchical early warning mechanism that starts at the regional level, to bring serious deteriorations of human rights to the attention of senior UN leadership for early system-wide action, to prevent further serious conflict

or large-scale human rights abuses. UN staff stated that the Rights Up Front mechanism is a potential vehicle to elevate politically sensitive grievances, including land-related ones, that could result in mass displacement, civil war or genocide, to the highest political level within the UN and from there to the Security Council.

Integrated Strategic Frameworks (ISF) and Integrated Mission Planning Processes (IMMP)

The Integrated Assessment Policy states that the vision, shared objectives and means through which the UN promotes peace consolidation is developed through an inclusive analytical and planning process, summarized in an **ISF** document. The ISF creates a unique umbrella to align the "political, development, human rights and humanitarian" work of the UN. It includes the main findings from integrated assessments of the conflict and challenges to peace consolidation; the UN roles and comparative advantages; a clear definition of peace consolidation priorities for the UN; an articulation of all programmatic, functions and/or operational areas requiring an integrated approach; agreed implementation and coordination arrangements; and a common monitoring and reporting framework. The Inter-Agency Task Forces at the global level use the ISF as a key foundation for further coordination and alignment.

The IMPP is used to guide the design of the proposed scope and set up of the UN support to peacekeeping and peacebuilding efforts when a mission set up is being considered. It can be triggered by a request from the Security Council, a recommendation by the Peacebuilding Commission, or the negotiation of a peace agreement with implications for the international community and the UN. The IMPP should be consistent with, and mutually supportive of, other relevant planning processes across the different UN pillars (such as the Common Humanitarian Action Plan, UNDAF, etc.).

UN staff agreed that, a systematic approach to land and conflict requires engagement across the different UN pillars and that the nature and intent of the ISF and IMPP offer opportunities to foster coherence at

country level throughout the UN system under the leadership of the RC/DSRSG and the SRSG.

UN Working Group on Transitions and the Task Team on Conflict Prevention

The UN Working Group on Transition is unique in that it unites the development, political, peacebuilding, peacekeeping, and humanitarian actors of the broader UN System and was set up to develop policies, guidelines and approaches to support countries in post-conflict transition settings. The terms of reference have been broadened to include the full conflict-cycle and in particular conflict prevention.

The **Inter-Agency Framework for Coordination on Preventive Action** (in brief the Framework Team), which has existed as the key platform on conflict prevention since 1995, has recently been transformed into the **Task Team for Conflict Prevention,** under the **UN Working Group on Transitions**. The Task Team fulfils three main functions:

- To serve as a forum to share, support, and reflect on conflict analysis of country-level dynamics, and to engage in early warning and horizon scanning based on the analysis, including sharing the analysis with the Rights Up Front team;
- To catalyze the development of specific guidance and other knowledge products that seek to address identified capacity gaps and needs among UN staff, especially at country level;
- To coordinate any headquarters-level technical and/or programmatic support to selected countries that may be required based on findings of the above horizon scanning or conflict analyses.

UN staff interviewed considered the UN Working Group on Transition a very useful forum to support the elaboration of new policies, methodologies and guidance. It offers opportunities to prepare and guide change management on policy, capacities and tools, and to prepare further decision making by the principals where needed.

Standing Committee on Women, Peace and Security

The UN Inter-Agency Standing Committee on Women, Peace and Security is made up of 22 UN entities. It plays a catalytic role in global policy development, advocacy, strategic policy advisory support to global programming, coordination, monitoring and reporting of the UN systems joint response to women, peace and security. It does this in partnership with Member States, regional organizations and non-governmental organizations. This work is based on Security Council resolution 1325 (2000) and its ensuing resolutions on women, peace and security.

UN HC/RC/DSRSG

The Resident Coordinator (RC) is often also the Humanitarian Coordinator and, in the case of an integrated mission, can be also the Deputy Special Representative of the Secretary-General (DSRSG). This results in three reporting lines. Their role, as a coordinator of the humanitarian actors through the Humanitarian Country Team, UN development actors through the UNCT and of the mission overall in support of the SRSG, and as key interlocutor with national governments, is central and critical. The combination of functions (HC, RC and DSRSG) was introduced following previous reviews of the peacebuilding architecture. Findings were that peacekeepers, political missions and humanitarian agencies were working side-by-side in conflict-affected countries rather than coordinating UN efforts around common objectives.

In his/her role as RC and chairperson of the **UNCT,** he/she needs to make sure that the relevant issues are prioritized as part of the **UNDAF** with support of the relevant UN agencies. The UNCT is a key instrument to foster coherence, coordination, integration and effectiveness amongst development-focused UN agencies in support of national plans. Overall, UNCTs coordination is considered to work well.

As no single UN agency is specifically mandated to lead on land issues and because land and conflict issues are very complex, UN staff questioned if the right tools were available to support the necessary coherent system-wide programming. The existing

UNDG guidance notes to develop the Common Country Analysis and the UNDAF provide specific guidance on thematic issues such as the integration of climate change and disaster risk reduction consideration but not land.

UN staff said that the position of HC/RC/DSRSG is critical to promote an overall coordinated approach to land and conflict, bridging and aligning the political engagement and technical work of the UN, and to facilitate better hand-overs between the UN pillars on land-related issues. This position is important because land and conflict is linked to a wide range of interventions by the UN system at the country-level and involves many government line ministries. Addressing land issues, in any setting but in particular a conflict setting, requires the support of the office of the president/ prime minister to create the necessary political space. This requires direct engagement by the DSRSG and/or the SRSG. UN staff said that the potential for this very much depended on the backgrounds and personalities of the DSRSG and SRSG, as this was not explicitly part of their training and terms of reference.

UN-World Bank Partnership Framework for Crisis and Post-Crisis Situations

Partnership models are not limited to the UN. The UN-World Bank Partnership Framework for Crisis and Post-Crisis Situations emphasizes an integrated approach linking politics, security and development, overseen by the Senior Peacebuilding Group. This formed the basis for the joint development and use of a common methodology for post-conflict and post-disaster needs assessments and a coordinated approach to recovery and planning. The partnership also aims at the joint capacity development of respective staff. This partnership is considered to have great potential as both partners share the understanding that land is often a key cause for fragility and a driver of conflict. It would facilitate funding flows.

Global Land Tool Network

The **Global Land Tool Network (GLTN),** introduced earlier, is an alliance of more than 66 global and regional organisations. The network develops tools to

implement land policies and approaches within a fit-for-purpose land administration framework, including for conflict settings. It offers potential for further coherent and coordinated action on land and conflict in particular amongst a wide variety of stakeholders. IFRC recently joined the Network and many of GLTN's partners are already involved in land and conflict. Current Swiss Development Cooperation financial support is allowing an increased focus on conflict-sensitive land tools and platform development for this purpose, for both rural and urban areas.

Regional mechanisms

Regional organizations have an important role to play according to several UN staff. To achieve success both UN and non-UN entities are required. The High Level Independent Panel on Peace Operations identified regional non-UN entities as key to peacekeeping. They are also increasingly engaged in conflict prevention and peacebuilding. UN agencies increasingly provide direct support to regional non-UN entities. This is considered to be a potentially effective way of engagement as challenges across a region can be addressed without getting stuck in global normative discussions, which are often fractured along major geo-political fault-lines. This approach allows sensitive drivers of conflict to be addressed, where there is no credible broker at country level.

A key regional example in Africa is the Land Policy Initiative of the African Union, the African Development Bank and the UN Economic Commission for Africa **created by the African presidents. It supports Member States on land policy development, implementation and the tracking of results.**

Another African initiative is the **International Conference on the Great Lakes Region (ICGLR),** which developed out of the Pact signed in 2006 on security, stability and development in the Great Lakes Region. ICGLR further adopted several protocols, including on the Protection and Assistance to Internally Displaced Persons and on the Property Rights of Returning Persons. In March 2015, Ministers of the Great Lakes Region adopted an action plan to ensure the 'Effective Implementation and Operationalization

of the Protocol of Property Rights of Returning Persons' at national level, including legal reform, the development of inclusive land administration mechanisms, including customary and formal rights, the establishment of conflict mediation and dispute-resolution mechanisms and compensation mechanism for lost property. Several UN agencies have signed a Memorandum of Understanding with ICGLR to support the implementation of their mandate.

UN staff agreed that these entities need to be better supported in addressing land and conflict issues as they have regional knowledge, presence and might be good brokers to address land-related grievances of communities which in some cases cross national boundaries. The regional organizations, with strengthened capacities on land management and early warning systems, could also be a strong partner to UN engagement at country-level. The UN, working with NGOs and CSOs alongside regional organizations, could then play a more neutral role. Joint capacity development efforts of local experts and institutions could be an entry point to strengthen cooperation between the UN and regional organizations.

Integrated support services and joint programmes

Global Focal Point for Police, Justice, and Corrections

In September 2012 the Secretary-General appointed UNDP and DPKO as the Global Focal Point for Police, Justice and Corrections to facilitate 'Delivery as One' in the area of Rule of Law in post-conflict or crisis situations. This includes a co-located support team at headquarters to:

- Assist UNCTs and UN Missions to develop and implement common rule of law, justice and security strategies and programmes and sector-wide fundraising;
- Provide timely and high-quality technical assistance in response to requests from the country level;
- Enable the UN to fill capacity gaps in terms of people, skills, knowledge and policy in crisis and conflict contexts;
- Strengthen the UN outreach and partnerships with and between Member States, NGOs and think

tanks, with a particular focus on strengthening South-South cooperation.

Members of the joint platform report an increased request from country level rule of law focal points for support on land-related issues. As such, it offers opportunities for joint engagement on land-related programming as part of a broader one-rule-of-law strategy linking development work with peace operations.

DPA/UNDP Peace and Development Advisors

The joint programme of DPA and UNDP on 'Building National Capacities for Conflict Prevention' was established in 2004. One of its deliverables has been the creation of a new cadre of officials called Peace and Development Advisers (PDAs), on two-year contracts at P5 level, in countries with conflict risks. The PDAs are trained in facilitation, dialogue and inter-group dynamics, and constitute a link between peace-making and development activities. The PDAs deliver support to UNCTs, report to the Resident Coordinator, as well as assist national authorities in regard to programme implementation. To date approximately 25 PDAs have been deployed and they assist in the implementation of conflict prevention programs at country level.

To date, PDAs have not received capacity development assistance or tools to include land-related issues more effectively in their advisory services. Their location in the RC office offers an opportunity to assist the HC/RD/DSRSG to facilitate the hand over between the different UN pillars, aligning development work with conflict prevention and peacebuilding activities and land.

Solutions Alliance

The **Solutions Alliance** (2014), with Danida, IFRC, UNDP and UNHCR as co-chairs, brings together humanitarian actors, development organizations, affected states, donor nations, academics, the private sector and other actors. Its focus is to promote and enable the transition for displaced persons away from dependency towards increased resilience, self-reliance and development, through concrete country-level

operations, global policy debates and broadening partnerships. The alliance has started developing innovative solutions and concrete operations in selected displacement situations (e.g. Somalia). It also intends to shape the global policy agenda, including the New Deal on Fragile States process, to recognize displacement as a development challenge, as well as a humanitarian and protection issue.

EU UN partnership on Land, Natural Resources and Conflict Prevention

A key interagency initiative was the **EU UN partnership on Land, Natural Resources and Conflict Prevention,** bringing together the Department of Economic and Social Affairs (DESA), Department of Political Affairs (DPA), Peacebuilding Support Office (PBSO), UN-Habitat, IOM, UNDP, and UNEP. The objective of the partnership was to build the capacity of the UN, the EU and in-country counterparts to prevent, manage and resolve conflicts related to natural resources. Since the outset in 2008, the EU-UN partnership has delivered a toolkit and guidance to prevent and manage land and natural resources conflict . This included a capacity inventory and online training modules**.** Phase II and III of the partnership applied the guidance and training modules at the field level in areas where specific natural resource management and conflict challenges were identified.

Funding for the partnership ended in April 2015 and its future is uncertain. It proved challenging to translate global level work into scalable joint activities at country level, both from a governance perspective and from the perspective of financing a common secretariat that mobilized the core expertise of the different operational agencies involved. A strategic paper on the way forward suggested: parallel tracks with their own sources of funding; shared surge capacity to support requests from country level; seed funding to initiate joint regional and/or national programmes; and global policy and advocacy.

Tools for shared analysis and programming

Fragility assessment methodologies and land and conflict-related indicators

Current **fragility assessment methodologies** do not provide guidance on how to assess the contribution of land-related issues to the overall fragility of a country. The lens used was initially very economy-focused, but efforts are under way to broaden the scope. One source could be the work done by the **Global Land Indicators Initiative, a platform created by GLTN to develop land indicators for the SDGs and for country-level work. It has** developing a framework for global land monitoring. The proposed indicators also include 'land and conflict' related indicators:

- Indictor 6 land-dispute resolution efficiency: time to resolve a land dispute;
- Indicator 7 land-dispute resolution effectiveness: percentage of reported land disputes that have been resolved.

Post Conflict Needs Assessment

The UN-WB-EU **Post Conflict Needs Assessment** (PCNA) is a tool to support national governments in post-conflict programming to overcome the consequences of conflict or war, prevent renewed outbreak, to shape the short-term and potentially mid-term recovery priorities, and to articulate their financial implications on the basis of an overall long-term vision or goal. The following sectors get special consideration in a PCNA to stabilize post-conflict countries and create the conditions for peaceful development: political reforms to return the country to democratic rule; transitional justice and reconciliation programmes (e.g. plans for a truth and reconciliation commission, community justice programmes, and measures to resolve land disputes); security sector reform; promotion of productive activity and re-establishment of a legitimate market economy; reconstruction of basic infrastructure and restoration of basic services including food security; promotion of national dialogue, peace building and reconciliation (e.g. establishment of reconciliation commissions mandated to manage this process). For IDPs/refugees, voluntary repatriation and reintegration, provisions and emergency services to camps, and resettlement plans, and support to the re-establishment of the civil service at the national and local levels is needed. The

reference to land-related issues is limited to "resolving land disputes" as part of "transitional justice".

Conflict-related Development Analysis Tool

UNDP has produced an update of its **Conflict-related Development Analysis Tool** for use at the country level. This has been accepted by UNDG as a useful global tool for use by the UN. It has a modular set-up allowing other agencies to complement it with specific modules and to promote its use as a common analysis tool across the UN. The intent is that it will also inform the development of UNDAFs in conflict-sensitive environments. The seven-step approach includes a factor assessment to identify 'conflict factors' and 'peace factors', deeply rooted issues that underlie the dynamics of conflict and peace, and to identify latent conflict or manifestations of conflict. The **Task Team on Conflict Prevention,** under the UN Working Group on Transitions, has been actively discussing a much wider and shared use of conflict analysis to create a common base for programming. The current version does not yet offer specific guidance on identification and analysis of land-related issues.

Joint IDP Profiling Service

The **Joint IDP Profiling Service (2009)** is an inter-agency mechanism that provides technical support to government, humanitarian and development actors seeking to improve their information about internally displaced populations, including on land-related matters. It works closely with humanitarian organizations (UN, NGOs), academic institutions and national statistical agencies. They increasingly focus on profiling IDPs in urban settings, which also requires a better understanding of underlying land-related issues.

Guidance Note on Natural Resource Management in Transition Settings

UNDG-ECHA created a supplementary guidance note to the PCNA and the UNDAF on **Natural Resource Management in Transition Settings**. This aims to help UNCTs and UN Missions understand the negative and positive roles that natural resources can play in peace consolidation. The document on natural resource management offers diagnostic tools,

assists UN entities on the ground in deciding where, when and how issues relating to natural resource management need to be addressed. Practical guidance is offered on how natural resource management can be introduced into the framework of PCNAs, IMPP, peacebuilding, planning and associated tools, the UN Common Country Analysis (CCA) and the UNDAF.

Guidance Note on Mediation and Natural Resources

DPA and UNEP developed a **Guidance Note on Mediation and Natural Resources**, which includes sections on land. It targets practitioners and is used as the basis for further awareness raising and capacity development.

3.3 THE STATUS QUO IS NOT FIT FOR PURPOSE

Consensus across the UN pillars that land is often a structural driver of conflict and bottleneck to recovery

UN staff throughout the UN system highlighted the crucial role land plays as a root cause and driver of conflict (and relapse into conflict) and as a critical bottleneck to economic recovery and development. Land-related conflicts may involve a number of issues, including historical grievances related to large-scale, land-based investment in rural and urban areas also known as land theft; differentiated access to economic and natural resources with implications for livelihoods and the sharing of wealth; lack of rule of law; marginalization based on intolerance of an ethnic group and/or religion; territorial or boundary disputes; organized crime; weak state institutions; and macro-level factors such as geo-political rivalries.

Most felt that land, as a root cause of conflict, was not sufficiently translated into the substantive focus of the different UN entities, their institutional set-up, human resource strategies, capacity development efforts and the available tools and programming instruments. The consensus was also that this would require an integrated, coherent and sustained approach across the UN pillars.

Need to overcome the lack of sharing land information across agencies and throughout the conflict cycle

UN staff are concerned that there is no mechanism for sharing information, particularly when there is a risk of destabilization. The practice of sharing and discussing information across UN entities and over the different phases does not exist. Specific guidelines are needed to avoid this ad-hoc practice at global and country-level. This also applies to early warning systems on conflicts and emergencies.

Most fragile states have under-developed land administration and land management systems. Initial interventions in crisis situations, be it humanitarian, development or human rights monitoring in nature, are hampered by a lack of understanding of the multiplicity and multi-layered nature of the land sector, with its overlapping customary and/or indigenous, informal and formal land tenure systems and layering of historic grievances. This is particularly important for humanitarian and recovery interventions because a lack of clarity about existing land systems quickly becomes a barrier to effective response and also carries the risk of aggravating pre-crisis land-related issues. Different parts of the UN system and/or INGOs tend to call upon consultants to do quick mapping exercises to outline key issues, including the legal and institutional framework and practices related to land. These are not always at the appropriate scale and scope to understand how the land systems and conflict are linked at numerous levels. There is rarely an adequate pre-crisis mapping of the land sector and key land-related issues, in particular on the often overlapping customary, statutory and informal tenure systems.

In urban areas, where land is often treated as a high-value commodity, documenting land and land rights is even more complicated, given the vested interests and the pressure on urban land during emergencies. Assessments of the land sector are often focused on qualitative analyses, as there is a general lack of quantitative date on the different forms of land tenure and the evolution of the different types of land-related disputes and conflict. UN staff said more work is needed to pool information, understanding and knowledge of a complex area as land and conflict.

Fragmented engagement on land and conflict

Roles and functions exist among UN entities, but not in a sufficiently systematic manner that makes the UN fit for purpose in addressing global challenges on land and conflict. The UN has a number of agencies and mechanisms that address parts of the various land work streams. There is no single overarching strategy and institutional framework for the system to be able to address land in a systemic way throughout the conflict cycle.

The five key land work streams are addressed directly by a few of the specialised agencies, which have mandates on land-related matters, but often from a more technical and non-mission perspective. It is addressed indirectly by other agencies, particularly those involved in peace agreements, mediation and humanitarian affairs. The UN system should expand the number of roles in land and conflict but only where these add value. UN staff requested that each entity take on a role that is viable and sustainable, within mandate and resources.

Current multiple-level conflict analyses across the conflict cycle should include land

Increasing volume of conflict-related analyses and assessments

Different parts of the UN-system are increasingly engaging in conflict-related analysis, each for their own purposes. None of these tools gives clear guidance on how to assess the role of land-related issues as drivers of conflict or bottlenecks to development.

At the global level, DPA supports UN senior management with **political (economy) analyses** relating to the prevention of conflict and the management of crises. UN staff said that the analysis normally does not elaborate upon thematic issues such as land, although land is acknowledged as a root cause and/ or driver of many conflicts in DPA's regional divisions.

Different perspectives and analyses at the local, national and global level

Civil Affairs Officers (CAOs) in DPKO constitute the primary interface between the mission and local interlocutors. They are based at grassroots level and one of their tasks is to build confidence at community level. The officials are not experts in mediation, but aim to create an environment where the local authorities will play a role in mediation processes. They sometimes facilitate mapping of local conflicts, including local perceptions amongst the affected populations. A DPKO report on "Understanding and integrating **local perceptions** in multi-dimensional peacekeeping" (DPKO, 2013) noted that there are disconnects between Security Council mission mandates and key priorities as defined through local perceptions. Land disputes, for instance, often emerge as key perceived areas of tension at local level, but are absent from Security Council mission mandates.

UN staff stated that this is an issue that needs to be addressed, as community level land-related issues should be of acute concern because they are linked to displacement, they prevent people returning and/ or prevent access to livelihoods. At the same time, the land issue is often hidden at national level in discussions between parties to the conflict. This is also because those retaining power often benefit substantially from land-related resources and often do not want to comprehensively address land-related grievances, new and old. This then translates into the way the government and parties to the conflict address land-issues in peace agreements, and the way they engage with senior UN leadership. Conflict and competition over land during the development phase is also exacerbated by the many invisible deals that are made in both rural and urban areas with, and between, those in power and elites in the country.

No shared analysis of drivers of conflict, including land-related drivers

UN staff said that as part of the increased focus on conflict prevention across the UN system there was an increasing interest across the UN pillars to develop a more shared analysis of root causes and drivers of conflict and of peacebuilding factors. It will be important to ensure that land and conflict issues are embedded in the tools and capacity being developed around this, taking into account the different levels.

Building on existing dispute resolution approaches to create a more coherent framework

UN staff acknowledged that several UN agencies are now increasingly engaging in land-related dispute resolution, but from different angles (tenure governance, rule of law, settlement planning, access to housing, etc.) and are expanding outwards from there to work on policy, institution building, capacity development, etc. There are a variety of tools on dispute resolution available. The question remains how best to introduce dispute resolution with the double objective of consolidating peace and fast tracking recovery and development early on in the conflict cycle. Some UN staff suggested clarifying the roles and responsibilities of UN entities in regard to dispute resolution. Others said that there is good capacity in dispute resolution with a number of INGOs. The added value of the UN and specific UN entities needs to be clarified, including its partnering with INGOs around dispute resolution and land.

Other UN staff requested more guidance to ensure coherence and better integration with broader programming aimed at strengthening the rule of law, institution building, and economic development. Even if disputes are resolved through alternative, community-based mechanisms, it was considered important to somehow register agreements through government-based mechanisms to ensure they are not linked solely to community leaders but also obtain some level of institutional validation. UN-Habitat, through its Global Land Tool Network initiatives, as mentioned earlier, is supporting the use of the Social Domain Tenure Model to capture these agreements

and make them part of the incremental development of a fit for purpose land administration in the DRC.

Land issues related to displacement require more solutions oriented approaches with better links between humanitarian action, development and peace and security

According to UN staff, comprehensive engagement on land issues has proved hard to deliver at scale during an emergency response. This is partly due to chronic underfunding in humanitarian appeals. Some said that the humanitarian agencies cannot address these politically and technically complex issues on their own, and need to link more with peace-making, peacekeeping and development efforts.

UN staff raised concerns about how well UN guidelines developed at a global level, for example the Pinheiro Principles, which relate to housing and property restitution for refugees and displaced persons, guiding principles on internal displacement, and guidelines on evictions, are known and applicable at country level. The Pinheiro Principles have limitations in terms of responding to the needs of displaced people because effective restitution is often not an option in the aftermath of conflict, and because it does not account for IDPs and refugees local integration This is due to protection concerns, the results of the peace agreement, the trend for displaced people to move to urban areas and opt for local integration, and the scarcity of land overall. There is a growing recognition that displacement is not only a humanitarian challenge but is also a development and human rights challenge, and that a single focus on restitution ("restoring pre-displacement property relations as outlined in the Pinheiro Principles) may either be impracticable (where landlessness was widespread) or undesirable (where unjust or unsustainable land relations were a root cause of conflict"). This is resulting in an increasing focus on national strategies for durable solutions for IDPs and innovative new alliances, including between humanitarian and development actors.

The establishment of camps in the humanitarian phase, for refugees and IDPs, and related infrastructure, has implications on land **management** and land rights. This is particularly important as the

trend is for displacement to become more and more protracted, with an average duration currently of 17 years, and more and more centred in urban areas, as reported by the International Displacement Monitoring Centre (IDMC) in the 2014 "Global estimates of people displaced by disasters", and the recent IDMC/MIT study on "Housing practices and tools that support durable solutions for urban IDPs" .

Also, at present HLP-issues are dealt with in an **ad-hoc** and arbitrary manner. UN agencies and departments engaged in peacekeeping, peacebuilding, humanitarian and developmental approaches do not necessarily share information on land-related issues. UN staff said that systematic coordination at a global level was first needed to deliver a normative framework, which could effectively deal with HLP-related issues. Another challenge is predictable UN leadership and capacity on the ground.

Insufficient accessible and predictable capacity across the UN pillars on land and conflict at all scales (global, regional, national)

Land is cross cutting and foundational. It requires capacities in both political and technical areas. Conflict prevention is one area but, depending on the nature of the conflict, additional knowledge is needed on land rights, indigenous rights, land governance, tenure security, land information systems and land administration/management. Most UN staff indicated that there is no, or very little capacity, in their agency to undertake land and conflict-related functions at the scope and scale necessary to prevent conflict and/or unblock development. They identify the lack of staff, either at headquarters, at regional level, or at country-level, and a lack of financial resources to respond to requests on this issue. They also identified a gap in the profile of staff, which should combine a sufficient understanding of technical land functions with political economy knowledge and the skills to engage appropriately in political processes on behalf of the UN.

Staff also asked for improved awareness, understanding and technical capacity within the UN system on how to deal with land-related issues at all

levels and throughout the conflict cycle. This includes the capacity to identify land as a root cause of conflict from the outset of peace negotiations; building land-dispute mechanisms; establishing foundations for development of land-related policies and reforms; and establishing a land administration system. They also said that other required skills in regard to land include process skills; raising awareness on socio-political issues; analysis of societal conflicts that detect underlying dynamics that may develop into conflict in five years' time.

Technical agencies have the technical knowledge on land and conflict, with regard to land tenure, dispute resolution, and equal rights to land, land policy and reform, land administration systems. However, they often do not have the capacity for political and economic analysis. Some UN staff also noted that the technical agencies often lack the capacity to provide predictable and timely support, and cannot go to scale when multiple crises are occurring at the same time.

UN staff had divergent views on how much and what kind of capacity the UN required internally, and on when, where and how capacity should be mobilized from external parties. This was partly because of a lack of agreement on where the UN would add value around land functions at national level. UN staff did not think that the UN should supply comprehensive technical support in country. Rather, the UN should have sufficient expertise to provide guidance, be a legitimate and credible actor at national level, and be able to mobilize and establish adequate non-UN partners and actors, both national and INGOs. A clearer understanding of the range of actors, their capacities and functions in the land sector is required, including private lawyers, land professionals and civil society actors, to ascertain how the gap could be filled. Information on how private and non-UN actors could receive funding from the UN also needs to be further explored.

No UN staff said that any one agency could deliver all the required land functions because of current resources, different thematic focuses, technical and/or political capacity, and country-level presence. They concluded that an inter-agency approach, across the different pillars, is necessary.

Disconnect between technical work-streams and political roles and responsibilities on land/conflict issues and lack of hand-over between UN pillars

One of the most widely shared observations across the UN system is the perceived disconnect between 'technical work-streams' pursued by development actors and the political engagement of UN leadership on land-related issues in the peace and security phases. This is true even where land is identified as a key driver of conflict and a trigger for a relapse into conflict.

UN staff reported that SRSGs sometimes tend to "stay away" from land-related issues, as they are considered complex, require a long-term engagement to address, and count on the UNCTs to manage it. The UNCTs in post-conflict settings tend to be hesitant to make it a core focus of their work as it is considered politically charged. There is a general lack of understanding at country level on how the land issue can be addressed by integrating both the political and technical aspects throughout the conflict cycle and across the three UN pillars. Political UN entities are seen as not making progress on land issues in their early efforts of peacebuilding due to a lack of technical awareness. For example, endorsing peace agreements with land clauses that are not capable of being implemented. The initiatives of technical agencies, on the other hand, are described as being stalled by political agendas, a lack of strategy and diplomatic skills, and weak capacity in navigating the political terrain. UN staff recognized that there is a general lack of integration of political and technical aspects, from the policy level to programmatic approaches, which is detrimental to achieving sustainability.

There is consensus that careful alignment across the UN pillars and the sequencing and timing of interventions is needed. This is because there are a variety of different land-related challenges triggering conflict and blocking development, which vary from country to country. This requires finding the right entry points, and taking into account local perceptions and political opportunities at the national level within a UN-wide theory of change.

Need for improved funding mechanisms to support a sustained engagement on land and conflict

This study did not, review current financing opportunities, identify financing needs to guide further change management, or assess the scale of financing needed for land-related work at country level to sustain peace.

No funding mechanisms exist that have a specific thematic window to support land-related programming and action across the UN pillars. HLP project proposals rarely receive funding under humanitarian consolidated or flash appeals, making it difficult to provide the initial analysis in a crisis setting. Some bi-lateral donors (Sweden, Switzerland, the Netherlands, USAID, etc.) have demonstrated specific interest in supporting land-related programming that can help overcome conflict and build stability. On the development side, the United States Government, Finland, DFID, Germany, France, Switzerland and the World Bank often support longer-term development initiatives in support of the land sector. The Global Donor Platform Working Group on Land, consisting of all the major Western donors, has development as its major focus. Sometimes, on a case-by-case basis, the UN-World Bank Fragility and Conflict Partnership Trust Fund and the UN Peacebuilding Fund provide financing for specific, relatively small land and conflict-related initiatives.

The best estimate of funding required to develop the minimum capacity in the UN-wide system and non-UN partners is drawn from the funding experience of the Global Land Tool Network of UN-Habitat. The GLTN develops new land tools at scale for country-level work, develops knowledge, undertakes capacity development on land at global, regional and country level, and implements these in priority countries. Based on the current GLTN annual budget, it is estimated that a four-year programme of capacity development to make the UN system fit for purpose, with regard to land and conflict, would be around USD 30 million, or about USD 8 million a year. However, it is proposed that a more accurate figure against a work plan is developed during the road map stage.

Also, UN staff indicated that there is serious competition over funds between UN agencies in the peace, stability and emergency phases, particularly at country level. Given this, and that for land and conflict to be addressed UN entities need to strategize within a common framework and hand over to each other for sustainable solutions, new forms of funding mechanisms need to be investigated which facilitate this approach. One potential mechanism is UNDPs Multi-Partner Trust Fund (MPTF). UNOPS has a similar mechanism (e.g. UN Water). The mechanism is a multi-agency funding mechanism designed to receive contributions from multiple donors that are held in trust by an appointed administrative agent, such as UNDP or UNOPS. Donor resources are co-mingled to fund programmes and projects either implemented by UNCT members in a specific country, or global or regional thematic areas. Only UN agencies receive the funds and a mechanism for funding non-UN organizations would need to be investigated. GLTN has a mechanism whereby 40 per cent of its funding is executed through partners, including UN and non-UN partners. These types of mechanisms require custom-designed governance structures, including boards, carefully negotiated spreading of the support cost, non-UN partners that have collaborative experiences, and financial instruments which ensure efficient disbursement, otherwise the intended collaboration across agencies and joint work programming is compromised. Other options also need to be investigated.

The findings outlined above form the basis for the following recommendations for consideration by the Rule of Law Resource and Coordination Group, the UN Working Group on Transition, other non-UN entities and Member States.

This scoping and status study set out to identify from UN staff what needs to be done to work towards a UN system-wide engagement at scale on land and conflict issues. This was to address land-related issues that are drivers of conflict and bottlenecks to recovery and development more effectively.

This study has been aligned with the emerging fundamental UN reform agenda, driven by the ECOSOC Dialogue on Long Term Positioning of the UN Development System (incl. QCPR 2016), the review of peace operations, the peacebuilding architecture and the humanitarian system. The recommendations below have been developed from the findings of the study based on interviews with UN staff, as well as through engagement with the UN reform processes. They represent practical options for change to make the UN more fit-for-purpose to deal with land and conflict in a sustainable way.

Further recommendations below outline core elements of the incremental theory of change. They should be informed by the following **guiding principles:**

- **Global drivers, not just local drivers:** understand conflict over land also as a manifestation of global drivers of change, climate change, population growth, urbanization and food insecurity, rather than only as a national or local phenomena;
- **Incremental:** adopt an incremental, catalytic approach to change based around capacity development;
- **Be strategic:** efforts to induce change will need

to be concentrated where there is the potential for maximum impact, keeping in mind broader reform, existing capacities and the time needed to see results;

- **Build on successes and lessons learnt:** it will be key to build on good practices be it from specific countries, regions or global level, or from work being done by existing UN entities, with demonstrated potential to scale up;
- **Quick wins:** even if some of the necessary changes will take a long time to have a meaningful impact at scale, it will be key to have quick wins that make a concrete difference in the way land and conflict is addressed.

4.1 USE THE SG GUIDANCE NOTE ON LAND AND CONFLICT TO CREATE A COMMON BASIS, PURPOSE AND SUPPORT FOR FURTHERING THE CHANGE PROCESS

The SG Guidance note should provide guidance on how to facilitate UN-wide system engagement at scale within a fit-for-purpose framework for land and conflict, at headquarters and country level, across the three UN pillars and throughout the conflict cycle.

The SG Guidance Note on Land and Conflict should:

- Facilitate the development of agreements as to whether land and conflict should be core business of the UN wide system, in line with the broader core UN task of 'sustaining peace', taking into account the upcoming global challenges;
- Create a common basis of land-related principles and values, a shared vision, an aligned strategy and priority land-related functions that need to be covered by the UN-system, outlining also that the

UN system will need to seek external partnerships;

- Provide overall guidance on what needs to be done to make the UN more fit-for-purpose on land and conflict and on the necessary change process;
- Identify the UN Working Group on Transitions as the key UN coordination platform within which to position this work. It fits well with land and conflict because it links global, regional and country levels, focuses on creating shared analyses, improving programming, information sharing, reporting, and a better hand over between the different UN pillars. It is also embedded in broader UN reform processes;
- Develop a more coordinated strategic planning capacity for land within the overall UN response and ensure capacitated UN leadership at country level (SRSGs, RCs). (See also recommendations in the report of the Secretary-General's Advisory Group of Experts on the 2015 Review of the UN Peacebuilding Architecture (137, 148, 154, 155, 156 – 158) and in the report of the High Level Independent Panel on Peace Operations (58, 60)). As part of this coordination, develop specific guidelines to ensure the sharing of land information and strategies across UN entities and across the different phases and pillars, both at global and country level. This also applies to early warning systems on conflicts and emergencies;
- Consider making the land sector outcomes a key to UNDAFs in fragile states and not optional;
- Provide guidance on how the UN system can support a more effective response to address land-related / HLP challenges related to preventing displacement, managing protracted displacement and facilitating return.

The outline of the SG Guidance Note on land and conflict should include:

- A listing of all relevant international and UN legal and policy instruments relevant to land and conflict;
- A summary stock taking of the major issues associated with land and conflict;
- Reference to a road map for the implementation of the Guidance Note within the UN system, also to translate the recommendations of this study into practical steps.

4.2 USE KEY LEVERS OF CHANGE FOR A UN-SYSTEM WIDE ENGAGEMENT AT SCALE ON LAND AND CONFLICT AND TO MAKE THE UN MORE FIT-FOR-PURPOSE

A sustained and coherent engagement is necessary throughout the conflict cycle. There is a consensus amongst the UN staff interviewed that neither drastic re-alignment of mandates, nor quick fixes are feasible and desirable. The question that needs to be addressed is how the UN system can draw on existing institutional arrangements, capacity and knowledge, without building new institutions and shying away from what has to be done and what is not currently working. Key proposed recommendations for consideration are:

- Use an incremental, over time, catalytic and capacity development approach to implement change across the three UN pillars because of the scale and complexity of the changes necessary. The intent is not 'to fix the whole system'. It requires creating a shared vision across the UN system to achieve the overall goals and a capacity development rather than training approach, and an iterative dynamic, non-linear process;
- Use levers for change as entry points: institutions, platforms, geographies, on-going UN processes, champions and networks, priorities, urgent interventions, capacity development, new knowledge generation and key problem issues. Ensure that all the major land work streams and entry points are covered to ensure coherence and sustainability. These include dispute resolution, land policy processes, capacity development, land administration and land reform;
- Use an approach to capacity development tailored to a theory of change that works for land, based on a vision for change over a short, medium and long term period, using multiple entry and exit points for engagement. The emphasis should be on action learning, communication and building new knowledge using tools that will drive change at the individual and organizational levels. It will also require flexibility to take advantage of possible new levers emerging.

The following levers are proposed.

Use conflict prevention, mediation and peace agreements as key entry points to start improving coordination and hand-over on land-related functions

Building on the UN reform reports to address land-issues effectively the following key recommendations are proposed:

- Use the UN Working Group on Transitions as the main forum to proactively develop a common land and conflict approach that links up with, and builds on, on-going and upcoming UN reform processes, including the Long-Term Positioning of the UN Development System, reforms related to peace operations and the peacebuilding architecture, and the World Humanitarian Summit;
- Embed land and conflict in existing coordinating mechanisms and joint services to strengthen the existing UN system's overall response. Prioritize which coordinating mechanisms and joint services should be champions. Retain purpose-built land units in entities to develop normative guidelines, undertake knowledge management and tool development, pilot, give technical assistance, capacity development and develop communication messages for awareness raising and advocacy;
- Develop a practical guide, learning lessons from UNEP's natural resources work on how land and conflict can be introduced into the framework of PCNAs, IMPP, peacebuilding, the UN Common Country Analysis (CCA) and the UNDAF and other appropriate tools and frameworks;
- Pilot land and conflict issues in the designing of peacekeeping and special political missions early on (prevention, mediation), ensuring that it is properly articulated in peace agreements, and in the integration of the mandates decided upon by the Security Council, including implementation plans for peace agreements, overall costing, division of responsibilities and hand over with UNCTs, staffing roles and responsibilities, and capacity development. Prepare the ground for this through informal consultations with the Security Council;
- Use the Integrated Strategic Framework model at country level to align action on land and conflict and to identify hand-over mechanisms between the political action, humanitarian response, human rights work and development efforts of the UN system;
- Ensure that land expertise can be included in the deployment of small teams to help national governments and the UNCTs address emerging conflict situations or to facilitate the transition from a UN mission back to the UNCTs, as envisaged also by the Human Rights Up Front proposal for 'light teams' in line with recommendations 75 and 302 of the High Level Independent Panel on Peace Operations;
- Expand the current Standby Mediation Team, hosted by DPA, with dedicated land and conflict expertise to support conflict mediation and peace negotiations.

Ensure a common and shared analysis of land as a root cause and driver of conflict and bottleneck to development

As outlined in the UN reform reviews, "sustaining peace" requires a solid understanding of root causes for lapse or relapse into conflict. Land has been identified as one of the major root causes of conflict and is likely to be an increasing root cause because of global challenges. The following key recommendations are proposed:

- Develop better knowledge and capacity around the way in which land is a trigger for conflict, how it blocks development and how it can be better addressed also with UN staff involved in overall conflict analysis (e.g. DPKO, DPA, OCHA desk officers, PDAs etc.); develop periodic data around number and type of land-related conflicts occurring in UN entity work; identify, document and develop solutions; further develop shared conflict assessment and analysis tools to include the specific role of land-related issues;
- Develop a complementary tool to allow for a more in-depth analysis of the political economy of land and conflict linked to a more technical profile of the land sector, including customary and/or indigenous and informal land rights systems, as a basis for improved programming and alignment of land-related functions to be taken up by the

different UN pillars. Develop capacity to use the tool with technical agencies in and outside the UN system;

- Clarify how land-related issues should be addressed in Integrated Mission Planning Processes, including Strategic Assessment Missions.

Assess and develop land awareness and capacity (staff/institutional) across the UN system in a sustained manner and at scale

The UN system should have improved capacity to deal with land issues as part of conflict prevention, mediation, peace agreements and setting out a sustained approach to land. The following key recommendations are proposed:

- Conduct a more systematic capacity needs assessment of the UN system and the different UN entities and develop and implement a capacity development strategy;
- Support the development, documentation, piloting, replication and scaling of tools for land and conflict through a specific short-term programme. Mainstream these throughout the UN system as appropriate, particularly at country level, through awareness raising, knowledge management, strategic communication and targeted capacity development;
- Create more awareness and capacity to address land and conflict in preventative diplomacy, conflict mediation and peace agreements, for SRSGs/DSRSGs, RCs and within DPKO and DPA (including the Mediation Support Unit);
- Pursue developing capacity in all five land and conflict work streams in entities working in other, linked sectors, such as natural resources management, political economy analysis, migration, refugees, returnees, IDPs, women, governance, managing displacement, human rights, regional and urban planning, housing, restitution, wealth distribution, transitional justice, rule of law, institution building, and the protection of civilians;
- To facilitate country operations and joint services access to technical land expertise, develop an appropriate common pool of knowledge and capacities relevant to all UN pillars, reaching out beyond the UN system.

Prioritise a coordinated solutions oriented approach to dealing with displacement across the UN pillars, addressing the underlying land-related issues

The management of displacement requires further complementary measures to address more effectively humanitarian, development and human rights concerns across the UN pillars. This should build on initiatives of the Global Protection Cluster, to make support to HLP issues and the Solutions Alliance more predictable for addressing crisis situations. This process should be led by UNHCR, in consultation with the members of the Protection Cluster, the Solutions Alliance and other relevant stakeholders.

Identify specific priorities for the UN to strengthen the role of women in sustaining peace, in relation to land and conflict

The UN reviews on reform, including Security Council Resolution 1325, state that strengthening the role of women in prevention, peace-negotiations and peacebuilding is critical. A key finding to emerge from the Global Study is that women's participation and leadership in all areas of peace and security is central to operational effectiveness and the ability to secure sustainable peace and development. The Global Study addresses the issue of land across a range of contexts including in relation to justice, peacebuilding, participation, protection and prevention. Building on the this study, the following are key recommendations to advance the rights on women in conflict and post-conflict settings:

- A commitment to raise, as a matter of course and routine, specific gender issues for inclusion in ceasefires and peace talks, including gender-specific provisions in administrative and economic recovery arrangements including women's land access and property rights;
- Provide women and girls with identity documents as a matter of priority during and after conflict, in order to access land and land rights and avail themselves of social services and benefits;
- Legislative and policy reform to secure women's equality in accessing land including amendment of marriage, inheritance and related laws. This must involve sensitization and awareness raising

of women's rights in relation to land, including with community and traditional leaders as well as public awareness and legal education campaigns (targeting all levels of government, civil society and communities) to support women in claiming and securing land rights;

● Linking reparations processes to land and property reform including land restitution.

4.3 ADOPT THE CONTINUUM OF LAND RIGHTS AND FIT FOR PURPOSE LAND ADMINISTRATION APPROACHES FOR A SUSTAINED AND COHERENT ENGAGEMENT ON LAND AND CONFLICT

A range of legitimate tenures within a continuum and fit for purpose land administration are game changers, as they allow quicker and more affordable action for a more stable and enabling framework to address land as a driver of conflict and bottleneck to development. The following key recommendation is proposed:

● Building on existing international human rights standards that take this approach, seek a UN system-wide formal adoption and shared understanding of the continuum of land rights and fit-for-purpose land administration approaches.

4.4 CREATE A PLATFORM OF PARTNERS, INCLUDING UN AND NON-UN ENTITIES, TO DEVELOP A SHARED VISION AND ROAD MAP FORWARD

A broad issue-based coalition on land and conflict should be built that stretches beyond the UN. The following key recommendations are proposed:

● Develop a road map and prioritise a joint work plan to build knowledge and land tools (including conflict sensitive tools), common data systems and fit for purpose land administration approaches;
● For improved fit for purpose while strengthening the UN system, expand this functional analysis

for better alignment across the UN-wide system and between the UN system and non-UN actors, to overcome gaps, and clarify overlaps and duplication.

4.5 CREATE MORE FUNDING OPPORTUNITIES THROUGHOUT THE CONFLICT CYCLE FOR LAND-RELATED FUNCTIONS AND TO IMPLEMENT CHANGE

This study did not review current financing opportunities. However, a number of recommendations should be considered moving forward:

● Undertake a further review on financing and opportunities at global, regional and country levels;
● Discuss the setting up of a multi-partner funding mechanism to develop the necessary capacity in the UN system-wide to address land and conflict at scale across the conflict cycle;
● Consider clarifying and strengthening the role of the World Bank in terms of playing an investment role while the UN focuses on pre-investment in regard to land and conflict;
● Develop a work plan and budget for a four-year programme to build capacity in the UN system on land and conflict as part of the road map linked to this study.

4.6 OVERARCHING ROAD MAP GOING FORWARD

In addition to the range of actions identified above, an overarching road map is required. The Rule of Law Resource and Coordination Group should validate this, as this study was done under them. It should also be validated by the UN Working Group on Transitions, which appears from this study to be the most appropriate framework for embedding land and conflict work further in the UN system. The actions and entry points identified above need to be part of the overarching road map going forward which should have three potential tracks, each with their champions, timelines and benchmarks.

Track 1. Further change management within the UN-system (including with Member States and within intergovernmental processes). This should involve:

- Using the UN Working Group on Transition to coordinate further change management within the UN system, identifying champions, integrating land and conflict in on-going UN reform processes and implementing priority initiatives to move the agenda and road map forward;
- Expanding the consultative process to clarify the needs of Member States and their political will to drive change and the translation of this into intergovernmental processes.

Track 2. Finalise the SG Guidance note through the RoLCRG and support its roll out.

Track 3. Develop a platform of UN entities and non-UN partners to engage with land and conflict to institutionalize change, build the knowledge base, mobilize resources, develop capacity, solutions and approaches at global, regional and country levels.

Guiding principles to inform the road map include:

- Identify quick wins / low-hanging fruit;
- Break road map into complementary but separate work-streams that can proceed independently with different lead UN entities;
- Anticipate budget needs if any;
- Establish maximum linkages with other UN review and reform processes;
- Clarify timelines, key phases and benchmarks;
- Build on what already works.

4. Next Steps. While work has started on putting the overarching tracks of the road map into place, a detailed road map should also be jointly developed, champion organizations, coordination mechanisms and individuals identified, to lead further change and mobilize resources for the next phase. Some early work on this has started and UN-Habitat/GLTN has acquired seed funding from the Swiss Development Cooperation, which is being used to fund some of the road map actions described above.

PREAMBLE

This note is the result of discussions initiated by UN-Habitat during the mission of Clarissa Augustinus (Unit Leader of Land and Global Land Tool Network, New York, April 2014). Consultations took place with a variety of stakeholders (Global Focal Point for Police, Justice and Correction (UNDP/DPKO), DPA – Mediation Support Unit, PBSO, Member States represented in the Peacebuilding Commission, etc.). The Rule of Law Unit of the Executive Office of the Secretary-General requested UN-Habitat to lead the drafting of an SG Guidance Note on "Land and Conflict", coordinated through the RoLCRG.

Background

Preliminary discussions started from the assumption that land, and the conflict over land-related resources, are increasingly becoming a driver of violence, instability and intra-state or cross border conflict, posing an increasing global challenge. This will only increase in the next decades due to the effects of climate change, food insecurity, limited natural resources and unsustainable urban growth.

UN engagement is needed around a common agenda that includes land issues as an integral part of conflict prevention, peace agreements and peacebuilding, humanitarian and development efforts. The knowledge and experience developed so far indicate the need to prioritize conflict prevention and ensure that all crisis response feeds into continued and sustainable action resulting in longer-term stability.

The **Global Land Tool Network (www.gltn.net)** provides the starting point for engagement on land. It is built on a set of core values and principles: pro-poor, good governance, equity, subsidiarity, sustainability, affordability, systematic large-scale and gender sensitiveness. The central concept of **"security of tenure"** is defined by the continuum of land rights; where different sources of land access and use patterns co-exist, acknowledging a diversity of tenure situations ranging from the most informal types of possession and use, to full ownership; recognizing the complexity of land rights, claims and records (e.g. customary, indigenous, statutory, informal); and systemic inequalities (e.g. women).

Towards a UN system-wide engagement at scale with regard to land and conflict

The consultations so far resulted in an overall impression that the UN system was **not fully fit for purpose.** This can be summarized in the following preliminary assumptions:

Insufficient shared understanding across the UN system about land-related matters and related UN responsibilities, both in terms of basic concepts related to the continuum of land rights; to the basic components of sustainable, inclusive, affordable and equitable land management systems; the role of good land governance and land management in relation to the conflict cycle (prevention, mitigation of effects, early recovery, development); the link between land and conflict; the scale of the global challenge and what it would take to address it.

Fragmented and unclear alignment of roles and responsibilities across the main UN pillars (peace and security, development, humanitarian, human rights) and key phases (conflict prevention, peace negotiations, peacekeeping, peacebuilding, humanitarian response, development programmes).

Insufficient capacities: what are the profiles and skills sets needed in the different parts of the UN system to ensure a more appropriate response at scale.

Guiding principles moving forward:

Comprehensive: to reduce land as a driver of conflict and create longer-term stability requires context-specific, comprehensive and coherent interventions within five work streams: 1) dispute resolution; 2) policy process; 3) land administration; 4) capacity development; 5) land reform.

Broad and consultative: to ensure shared understanding and early buy-in of what is needed and how to achieve it.

Phased: to work towards inter-mediate agreements and results, allowing also for the necessary change management and mobilization of resources to implement recommendations.

Expected outcome

UN system able to support Member States and partners to adequately address land issues in conflict contexts at the scale necessary to prevent, mitigate, and recover from conflict.

Proposed phases:

Phase 1:   Scoping and status study, description of status, and initial road map for further action;

Phase 2:   Elaboration of SG Guidance Note on land and conflict through the RoLCRG;

Phase 3:   Elaboration of broader Action Plan for UN support.

Phase 1: main components

The focus is on both mission and non-mission settings, where the UN is called on to have an operational role in country. The study will cover the UN-wide system, covering all pillars, currently involved in dealing with conflict situations, whether or not land is included.

Phase 1: Expected results

- Mapping of the understanding across the UN-

system of the scope and nature of the global challenge;
- Assessment of status of the UN-system: which partly takes on what roles and functions (prevention, peace-making, humanitarian, peacebuilding, development, monitoring); what are the available capacities (functional analysis and capacity assessment), at what level (global, country, community, other) and which other entities play a key role? Who are the government counterparts?
- Definition of scope and focus of a SG Guidance Note on Land and Conflict: which questions need to be answered?
- Initial road map for further action, including suggestions related to institutional roles and responsibilities.

Phase 1: Outputs

Scoping and status study and description of status

- Summary of the challenges facing the UN-wide system with regard to food security, climate change, natural resources and rapid urbanization all of which generate conflict;
- Mapping of the scope of the issues and the scale at which the UN-wide system is currently working on conflict and post-conflict and land;
- Description of each of the different parts of the UN-wide system involved in conflict and post-conflict, and land and their roles, functions, linkages to each other with regard to this thematic area, and an initial assessment of capacity to undertake post conflict and land functions;
- Identification of functional gaps, overlaps, duplication, and coordination issues, and where possible how and by who these gaps are being filled and by who (ex. NGOs);
- With UN-Habitat/GLTN and other UN entities, identify key land initiatives which could impact the future of post conflict and land within the UN wide system (e.g. work on fit for purpose land administration);
- 2- 3 case studies of a few current initiatives (global, regional programmes, response mechanisms) to serve as context for the description of the functions, gaps etc.

a) **Outline of an SG Guidance Note on Land and Conflict:**
- Scope, focus and objectives, including questions/issues to be addressed;
- Identification of stakeholders to be involved and process as to ensure its objectives are met and facilitate operational translation.

b) **Initial Road Map:**
- Draft recommendations on what it will take to make the UN fit for purpose, what the main components should be and put forward a realistic timeline;
- Propose priority actions / quick wins;
- Suggest possible governance structures to guide the process further.

Phase 1: Governance and management:

- Leadership and technical support and quality control by UN-Habitat;
- Overall coordination provided by the RoLCRG, through the Rule of Law Unit of the Executive Office of the Secretary-General;
- Additional support in organizing the necessary consultations by PBSO [tbc];
- Consultations to ensure inclusiveness and early mobilization through ad hoc fora, bilateral consultations and focus group discussions both at HQ, and with selected field-based colleagues.
- Michael Brown, Land and Natural Resources Expert

on DPA's Standby Team of Mediation Experts, will provide targeted senior strategic guidance and inputs and lead on high-level consultations, in close collaboration with UN-Habitat.

Proposed timeframe

Phase 1

Step 1: September 2014: Validation of TOR through ROLCRG – September 2014

Step 2: October – November 2014: Draft Scoping and Status Study

Step 3: November 2014 – February 2015 (depending on consultations):
Final draft of the Scoping and Status Study and draft Initial Road Map

Outline SG Guidance Note on Land and Conflict and Initial Road Map

Phase 2: 2 months following finalization Phase 1

Phase 3: as per Road Map and based on available funds

GLTN was started in response to requests from governments and local communities worldwide to UN-Habitat to form such an organization. Together with several partners, UN-Habitat inaugurated the network in 2006. It has since grown to 66 partners, including amongst others the International Federation of Surveyors, the Huairou Commission, IFAD, NRC. Partners include rural and urban civil society, professional bodies, multilateral/bilateral institutions, and research and training organizations. The objective of the network's second phase (2012-17) is to contribute to poverty reduction and sustainable development through promoting secure land and property rights for all. Its work is focused on the development of 18 pro-poor, gender responsive land tools and it does this through knowledge development and management, advocacy, tool development and capacity development. Tools are not developed on their own but within a framework of nine cross cutting themes, of which post conflict is one (www.gltn.net). GLTN is hosted by UN-Habitat. It is funded collectively by the Netherlands, Norway and Sweden, and gets funds from IFAD and UNECA.

GLTN land tools are a practical way to solve a problem in land administration and management and are a way to put principles, policies and legislation into effect. The term covers a wide range of methods from a simple checklist to use when conducting a survey, a set of software and accompanying protocols, or a broad set of guidelines and approaches. The emphasis is on practicality; users should be able to take a land tool and apply it (or adapt it) to their own situation.

GLTN already has tools which have been used in post-conflict environments, such as a guide to undertaking a land policy process (used in Liberia and Iraq); guide to land-dispute mediation (developed in the DRC); training on transparency in land administration (trained people from Liberia, Angola, Rwanda and Sierra Leone); and a guide to donor coordination for the land sector (used in Kenya and the DRC). Key work has already been done on Islamic land law, including gender, which is being used in a number of countries, including Egypt. GLTN is also piloting a number of fit for purpose tools in post-conflict settings, such as participatory enumeration linked to a pro-poor land information management system – known as the Social Tenure Domain Model (STDM) (piloting in the DRC, Northern Uganda, the coast of Kenya and Colombia), is supporting land reform processes in the DRC and piloting gender responsive land tools in the DRC and Uganda.

There are early discussions to use the continuum of land rights and a pro-poor land information management system for customary tenure in Uganda, including Northern Uganda, as well as for small municipalities in Angola. The piloting of the Participatory Inclusive Land Readjustment tool, for planned city extensions and densification including slum upgrading, is being discussed for Uganda, Rwanda and Angola. GLTN leads a Global Land Indicators Initiative (GLII) to develop globally harmonized, technically robust land indicators among all the big global stakeholders. These indicators are to be used universally in all countries together with a specific land and conflict indicator which is under development. GLTN created a first report of a Capacity Development Framework for Africa at the request of the African Union, UNECA and the African Development Bank, including for countries in conflict.
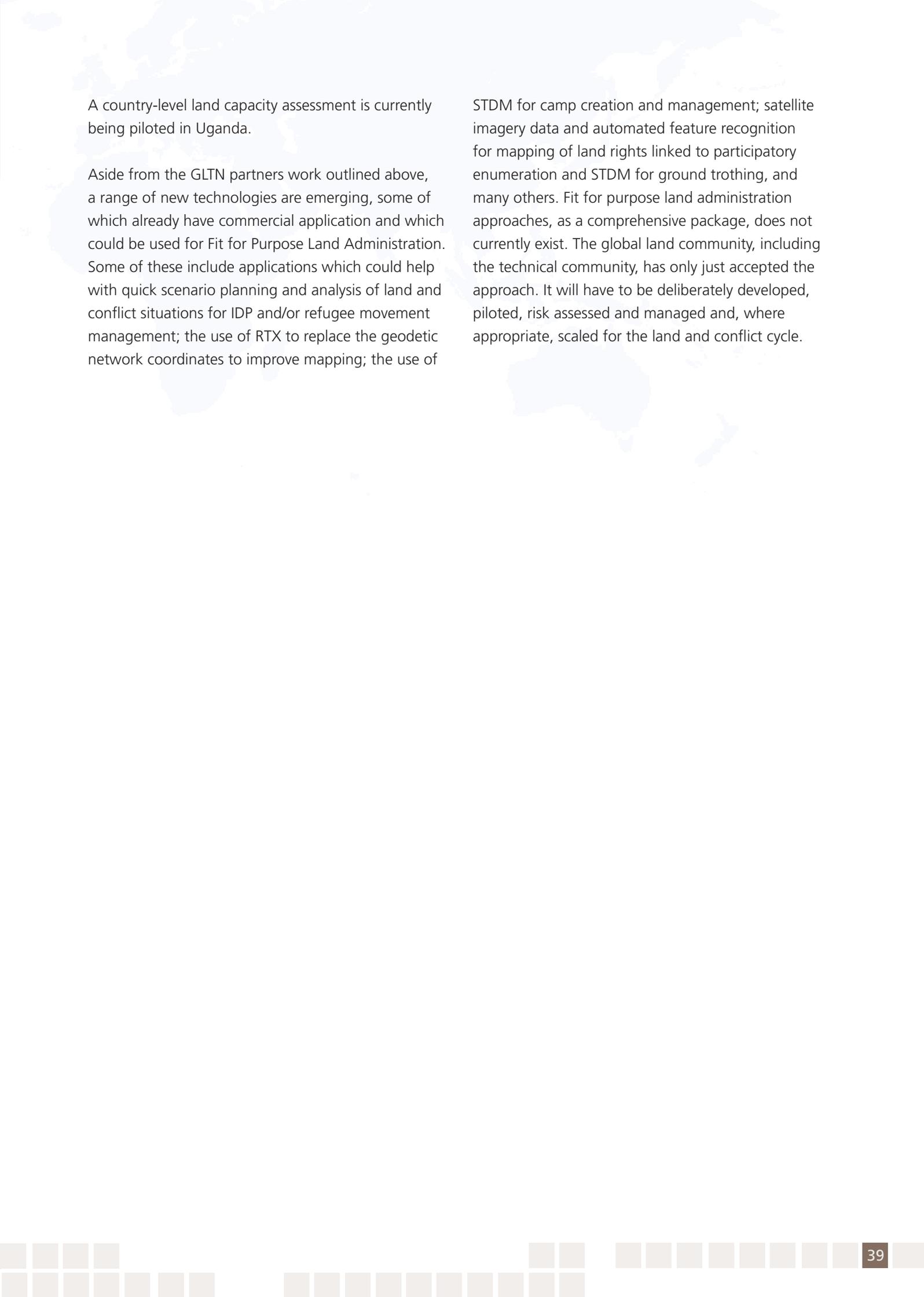
A country-level land capacity assessment is currently being piloted in Uganda.

Aside from the GLTN partners work outlined above, a range of new technologies are emerging, some of which already have commercial application and which could be used for Fit for Purpose Land Administration. Some of these include applications which could help with quick scenario planning and analysis of land and conflict situations for IDP and/or refugee movement management; the use of RTX to replace the geodetic network coordinates to improve mapping; the use of STDM for camp creation and management; satellite imagery data and automated feature recognition for mapping of land rights linked to participatory enumeration and STDM for ground trothing, and many others. Fit for purpose land administration approaches, as a comprehensive package, does not currently exist. The global land community, including the technical community, has only just accepted the approach. It will have to be deliberately developed, piloted, risk assessed and managed and, where appropriate, scaled for the land and conflict cycle.

Staff members of the following entities were interviewed and/or took part in focus group discussions:

UN ENTITIES

1. Department of Political Affairs (DPA)
2. Department for Peacekeeping Operations (DPKO)
3. Peacebuilding Support Office (PBSO)
4. Executive Office of the Secretary-General: Rule of Law Unit and Strategic Planning Unit
5. Development Operations Coordination Office (DOCO)
6. Department of Economic and Social Affairs (DESA)
7. UN Statistics Division, Global Geospatial Information Management
8. UN Office on Genocide Prevention and the Responsibility to Protect
9. United Nations Development Programme (UNDP)
10. UNICEF
11. UN Women
12. United Nations Environment Programme (UNEP)
13. Food and Agriculture Organization (FAO)
14. United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA)
15. United Nations High Commissioner for Refugees (UNHCR)
16. Office of the High Commissioner for Human Rights (OHCHR)
17. United Nations Office on Drugs and Crime (UNODC)
18. United Nations Human Settlements Programme (UN-Habitat)

Other

Robert Piper, Regional Humanitarian Coordinator, Sahel Region

Other Non-UN entities

International Organization for Migration (IOM)
International Peace Institute (IPI)
Norwegian Refugee Council (NRC)
Habitat for Humanity International
Quaker United Nations Office

Regional organizations

Organization of American States
Southern African Development Community (SADC)

ANNEX 4: MAPPING OF SCOPE, FUNCTIONS, LINKAGES AND GAPS: EARLY OBSERVATION

Introductory comment: This matrix is presented for illustrative purposes, primarily to show some of the information that has been collected to date. The information is partial and not complete. The matrix is intended to help facilitate initial analysis of patterns that start to emerge.

UN PILLARS+	AREAS OF UN ENGAGEMENT RELEVANT TO LAND/ CONFLICT	LAND FUNCTIONS (per 5 work streams)	KEY LINKAGES & PLATFORMS RELEVANT TO LAND/ CONFLICT	KEY GAPS RELEVANT TO LAND/CONFLICT
Peace and Security	**Global (HQ):** • Political economy analysis • Policy development • SG Guidance Notes • Preventive diplomacy • Technical advice to UN Senior Management • Inputs into Security Council **Regional:** • Regional conflict analysis and security assessments • Regional Strategies (for example. ICGLR) **National:** • Special Political Missions support to emerging political systems • Maintaining security by Peacekeeping missions minimizing displacement • Project funding via PBF • Constitutional building • Conflict analysis / monitoring • Support to conflict mediation • Local Dispute Resolution Quick Impact Projects by Peacekeeping Missions • Strengthening of judicial and correctional systems • Integrated Strategic Framework (ISF) Surveys of local perceptions by Peacekeeping Operations (incl. land disputes) Transitional justice and restitution/ compensation programming	**Capacity Development:** • Mapping HLP legal /institutional frameworks **Land Policy:** • Support to national consensus on HLP to mitigate inter-communal violence **Dispute Resolution:** • Local land dispute resolution mechanisms • Mapping local HLP issues **Land Reform** • Support to Land law reform • Address women's rights and rights of vulnerable groups' access to land • Reviewing and addressing links between land issues and questions of nationality / documentation • Addressing links between land reform and national reconciliation approaches. **Land Administration:** • Protection of abandoned properties / of land records • Management of claims relating to occupation (including by government officials)	• SG • EOSG • Rights Up Front • Peace agreements • RoLCRG • Global Focal Points • UN Working Group on Transition, incl. Task Team on Conflict Prevention • PBC / PBSO / PBF • EU-UN Partnership on Land, Natural Resources and Conflict Prevention • Peace and Development Advisors • Special Envoys (ex. Great Lakes) • SRSGs • DSRSG/HC/RC	• Mandates of missions not clear on land at outset, so no specific budget • Willingness of Member States to address land issues in mandates • Insufficient identification of land as a root cause in peace negotiations and through the conflict cycle • Insufficient links between land and other conflict triggers / aggravators • Engagement on land ad hoc • Disconnect of political and technical engagement • Capacity limitations on land / unequal awareness at senior level • Tying technical expertise on for example land tenure to national level - Pool of land experts for country level work • Roles and responsibilities / leadership on land and conflict unclear ? • How to link short-term and long-term approaches to land and conflict • How to balance political sensitivities relating to land against imperative to address root causes and conflict triggers

UN PILLARS+	AREAS OF UN ENGAGEMENT RELEVANT TO LAND/ CONFLICT	LAND FUNCTIONS (per 5 work streams)	KEY LINKAGES & PLATFORMS RELEVANT TO LAND/ CONFLICT	KEY GAPS RELEVANT TO LAND/CONFLICT
Development	**Global (HQ):** • Rule of law • Conflict prevention • Research and monitoring • Policy development • Indigenous People´s rights • NRM • Extractives Industries • Coordination • Guidance Notes Natural Resources / Conflict Prevention / Mediation • Tool and capacity development (natural resources / land / conflict prevention / mediation) • Surge capacity to country level • Commitment to gender equality **Regional:** • Support / cooperation with regional organizations, both pilot programme initiatives and legislation process (ex. AU, ICGLR) • Regional support offices • Support to capacity development on land	**Capacity Development:** • Training on land (different levels/ different focus) • Support to grassroots organizations to address land-related conflicts • Land and gender • Mapping HLP legal /institutional frameworks • Document, advocate and address the massive land grabbing (oil, agriculture, ecotourism, … by international companies) • Training on natural resource management, conflict prevention and land **Land Policy:** • Voluntary Guidelines on the Responsible Governance of Tenure • TA to Regional / National Land Policy Initiatives (ex. Africa) • Women´s access to justice and access to land • Historical injustices/ grievances • Tenure solutions for IDPs • Tenure solutions for refugees • Continuum of land rights	• Global Land Tool Network • RoLCRG • UNDG-CEB-HLCP • Global Focal Points • UN Working Group on Transition, incl. Task Team on Conflict Prevention • UN Country Teams / UNDAF • EU UN Partnership on Land, Natural Resources and Conflict Prevention • Peace and Development Advisors • DRSRG/HC/RCs • Secretariat to Donor Land Coordination • Integrated Strategic Framework (ISF)	• Baseline for engagement on land • Overall framework and specific attention to specific issues • Lack of systemic approach • Knowledge and capacity on applying non-conventional approaches • No handover to /from agencies involved in the humanitarian/ peace and security sectors • Linking short-term to long-term approaches • Advocacy for a "land and conflict" approach • Political will/ support by Member States • Insufficient identification of land as a root cause from peace negotiations all through the conflict cycle • Insufficient links between land as conflict driver and questions of nationality, documentation, reconciliation, even security sector reform (where abuse of power includes land occupation)

UN PILLARS+	AREAS OF UN ENGAGEMENT RELEVANT TO LAND/ CONFLICT	LAND FUNCTIONS (per 5 work streams)	KEY LINKAGES & PLATFORMS RELEVANT TO LAND/ CONFLICT	KEY GAPS RELEVANT TO LAND/CONFLICT
Development	**National:** • Conflict-related Development Analysis • Post Conflict Needs Assessment • Poverty reduction strategies • UNDAF • Durable Solutions Strategies IDPs, returning refugees • IDP resettlement/integration/ return projects • Local/Traditional Dispute Resolution (ex. Peace Committees) and national reconciliation processes • Other ADR (Alternative Dispute Resolution mechanisms) • Legal Clinics • Transitional Justice and restitution/ compensation issues • Personal documentation / civil registration • Women's participation in peace agreements, disarmament demobilization and re-integration programmes • National and Local Institution Building • Strengthening judicial and corrective system • Integrated Strategic Framework (ISF) • Natural resource management and conflict prevention programmes	**Dispute Resolution:** • Land dispute resolution mechanisms • Knowledge on national/ regional/ local tenure systems • Local/Traditional Dispute Resolution (ex. Peace Committees) and national reconciliation processes • Other ADR (Alternative Dispute Resolution mechanisms) • Legal clinics, legal aid and awareness on access to land and property and legal dispute resolution process **Land Reform** • TA to Land Commissions • Support to land law reform • Appraisals, surveys and collection of statistical data • Community mapping STDM • Identification of national, regional land-related solutions (ex. IDPs) Setting up HLP restitution Land redistribution / readjustment Developing land authorities Land tax: laws and regulations **Land Administration:** Conventional approaches (cadastral system) Non-conventional approaches (STDM) – Fit for Purpose Land Administration Land registration system and process		• Linkages/ cooperation with regional organizations, NGOs, World Bank • Links to resource management and to natural resources as conflict drivers • Links to trade in natural resources • Pool of land experts for country level work vs internal capacity • Involvement of private sector (mechanisms) • Funding cycles too short • Fit for Purpose Land Administration not yet applied at scale

UN PILLARS+	AREAS OF UN ENGAGEMENT RELEVANT TO LAND/ CONFLICT	LAND FUNCTIONS (per 5 work streams)	KEY LINKAGES & PLATFORMS RELEVANT TO LAND/ CONFLICT	KEY GAPS RELEVANT TO LAND/CONFLICT
Human Rights	**Global (HQ):** • Research and monitoring • Policy development and guidance • International norms • Special Rapporteur right adequate housing, • Special Rapporteur on the right to food, • Special Rapporteur on Indigenous Peoples • Special Rapporteur on minority issues • Special Rapporteur on human rights of migrants • Special Rapporteur on the human rights of internally displaced people • UN-Indigenous Peoples Partnership • Multi-Partner Trust Fund • Pinheiro Principles, etc. **Regional:** • Displacement tracking that takes into account regional land use • Work with regional institutions on standards, dialogue, cross border best practice **National:** • Human Rights Monitoring / Reporting • Adapting national laws and policies IDPs	**Capacity Development:** • HLP Training of lawyers, judges and stakeholders serving at tribunals **Land Policy / Land Reform** **Land restitution** • Ethnic and religious discrimination • Arbitrary evictions • Land grabbing • Historical injustices • Customary/indigenous tenure **Dispute Resolution:** **Land Administration:**	• Rights Up Front • IASC / Protection Cluster / HLP AOR • UNCTs	• Streamlining the human rights approach across the conflict cycle and across the UN pillars • Approaches in conflict phase exacerbate existing tensions/ conflicts / discriminations • Link situation before conflict (discrimination, nationality, forced displacement, access to land, eviction – that might have triggered the conflict), under conflict (agricultural land, bombarding residential areas etc. land related) to situation in the PC interventions • HR analysis in activities and operations (RuP); HR often limited to chapeau
	Global (HQ): • AOR for thematic areas • Coordination • Development of standards/ guidelines • Policy setting • Tool development • Humanitarian Principles / IHL • Regulatory barriers to shelter response (Global Shelter Cluster)	**Capacity Development:** • HLP training tools • Link livelihoods and land, even in emergency situation –agriculture or cattle grazing support	• IASC / Global cluster system (shelter/ CCCM) • IASC / Protection Cluster / HLP AOR or sub-cluster • Opportunity/ linkage: HLP issues, part of RUP process and UNDAF revision and/or post-2015 • HC / HCT	• Handover to technical and political agencies involved in the recovery phase • Application of principles etc. at country level • Lack of survey mechanisms for land and plots leading to : • Lack of registration systems and land policies • Lack of evidences and material for formal justice to be involved in cases regarding unsurveyed lands and plots

UN PILLARS+	AREAS OF UN ENGAGEMENT RELEVANT TO LAND/ CONFLICT	LAND FUNCTIONS (per 5 work streams)	KEY LINKAGES & PLATFORMS RELEVANT TO LAND/ CONFLICT	KEY GAPS RELEVANT TO LAND/ CONFLICT
Humanitarian Affairs	**Regional:** • Regional support offices **National:** • AOR for thematic area at the national level • Multi-cluster comprehensive approaches • Project funding through CERF, CAPs and ERFs • Strategic Response Plans Protection monitoring/ R2P • IDP Strategies • Integrated Strategic Framework (ISF) • Establishment of camps + management • Local/Traditional Dispute Resolution (ex. Peace Committees) and national reconciliation processes • Other ADR (Alternative Dispute Resolution mechanisms) • Legal clinics and awareness on access to land and property for IDPs and legal dispute resolution process • Transitional Justice and restitution/ compensation issues	**Land Policy:** • Appraisals and surveys • Addressing temporary tenure solutions for IDPs / refugees **Dispute Resolution:** • Local/Traditional Dispute Resolution (ex. Peace Committees) and national reconciliation processes • Specific sub-programmes on handling HLP through Legal Clinics or ADR and awareness on access to land and property for IDPs and legal dispute resolution process • Transitional Justice and restitution/ compensation issues • Secondary occupation issues (document, advocate, settle, compensate) **Land Reform** • Link temporary tenure and durable tenure solutions • Address women´s rights and rights of vulnerable groups • Framework to facilitate temporary or permanent access to land for IDPs, refugees **Land Administration:** • Securing HLP documentation • Land allocation use for IDPs and refugee camps • Address HLP issues in the shelter component		• Corruption in the formal justice system as well as in the traditional mechanisms in place • Lack of coordination, lack of leadership • Lack of governmental willingness to legislate • Lack of documentation on land property violations and secondary occupation (lack of preparation for future transitional justice mechanisms) • Knowledge and interest of land/ tenure issues by humanitarian actors • Land not prioritized within emergency phase (land always seem to be considered as a development level issue) • HLP related activities not sufficiently funded, no historical major donor involved at emergency stage (ex. USAID, WB) • Insufficient HLP capacity • Lead and capacity on national level • Camps/protracted displacement/ access to land • Linking short-term to long-term approaches

Judicial	***Allocation of rights to land*** **(e.g. sovereign grants, sales, donations, inheritances, prescription, expropriation, reversion, servitudes, leases, mortgages)**
	Delimitation of the parcel **(e.g. definition of the parcel, demarcation of boundaries on the ground, delimitation of the parcel on a plan)**
	Adjudication **(e.g. resolving doubt and dispute regarding rights and boundaries)**
	Registration **(e.g. official recording of information of rights and parcels)**
Regulatory	**Land-use controls (e.g. zoning, environmental regulations, etc. that restrict rights)**
Fiscal	***Property assessment*** **(e.g. valuation of the parcel land and improvements)**
	Property taxation **(e.g. computation and collection of taxes)**
Information management	**e.g. collection, storage, retrieval, dissemination and use of land information**
Enforcement	**e.g. defence of a person's rights against invaders, enforcement of land-use controls**

Change Management Approach

- Build on what already exists.
- Identify champions/ levers for change across the system.
- Identify urgent areas of immediate intervention.
- Identify long-term priorities.
- Begin with conceptual study, followed by policy, priorities, messages linked to Fit for Purpose Land Administration.
- Document what guidelines, checklists already exist on land and conflict. Assess if they are harmonized, contradictory or disjointed. Align them.

Country/Field level

- Raise awareness of desk officers on land at all levels.
- Review funding mechanisms (short-, medium- and long-term) for engagement on land and conflict.
- Implement pilots on non-conventional approaches in post-conflict settings (create evidence).
- Develop a generic strategic framework for land and conflict linked to M&E processes.
- Develop a communication strategy for short-, medium- and long-term activities.

Capacity Development and Training

- Capacity development for all UN pillars, including on non-conventional approaches, political, technical and process skills (attention to socio-political, societal conflict, conflict analysis) etc.
- Identify and develop the political/ technical support needed to drive land issues, including roster of experts.
- Provide basic awareness, training of people in charge to understand land.
- Courses at UN Staff Training College and Folke Bernadotte Academy and more.
- Rollout of training for PR actioners at all levels.
- A Fit for Purpose Land Administration approach, which establishes an affordable, appropriate, scalable land administration system and the necessary capacity could supply a window of opportunity for an exit point out of the land and conflict cycle (see Diagram 1 below).

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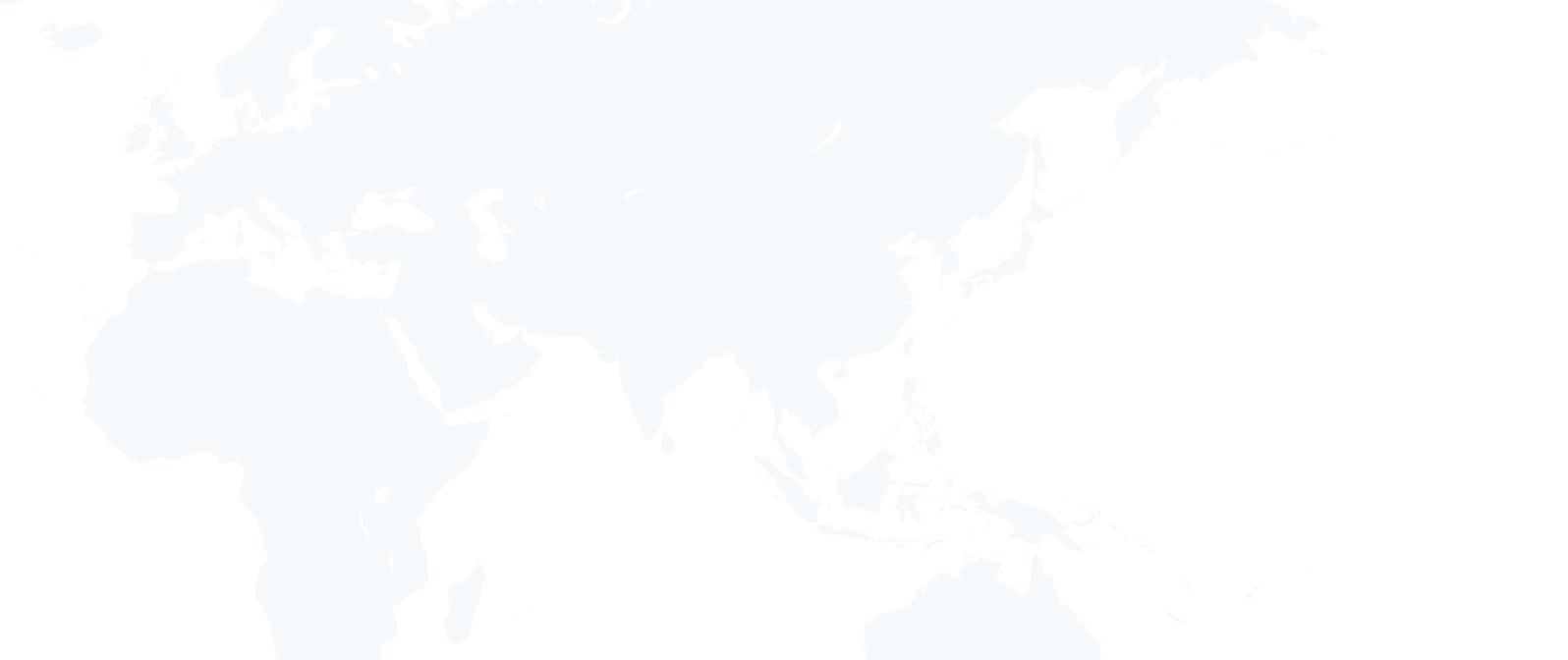
UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME (UN-HABITAT)

UN-Habitat helps the urban poor by transforming cities into safer, healthier, greener places with better opportunities and where everyone can live in dignity. UN-Habitat works with organizations at every level, including all spheres of government, civil society and the private sector, to help build, manage, plan and finance sustainable urban development. Our vision is cities without slums that are liveable places for all, which do not pollute the environment or deplete natural resources. More information at www.unhabitat.org.

THE GLOBAL LAND TOOL NETWORK (GLTN)

GLTN aims to contribute to poverty alleviation and the Sustainable Development Goals through land reform, improved land management and security of tenure. The network has developed a global land partnership. Its members include international civil society organizations, international finance institutions, international research and training institutions, donors and professional bodies. It aims to take a more holistic approach to land issues and improve global land coordination in various ways. For further information, visit the GLTN web site at www.gltn.net.

ABOUT THIS PUBLICATION

This publication presents a functional analysis of how the United Nations System deals with land and conflict across the UN pillars of peace, security, development and human rights. It reviews areas of engagement of eighteen UN Agencies across the full conflict cycle - from preparedness and prevention to humanitarian response, conflict mediation, peacemaking, peace consolidation and peace-building, recovery and development.

A coherent, comprehensive approach to land sector is proposed based on the findings of the study. This approach focuses on five work streams: land reform, land administration, land policy processes, capacity development and dispute resolution. The study also presents a change model to make the UN more fit for purpose in its response to conflict. It is based on an incremental approach that builds on advocacy, capacity development and the use of existing entry points and mechanisms for improved coherence, coordination and integration within the UN System.

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