



LAND PROBLEMS AND DISPUTES IN YEMEN

CAUSES, CHALLENGES AND RECOMMENDATIONS

RESEARCH PROJECT ON LAND GOVERNANCE IN THE ARAB REGION

Wael Alaghbari

LAND PROBLEMS AND DISPUTES IN YEMEN: CAUSES, CHALLENGES AND RECOMMENDATIONS

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GLTN and the Arab Land Initiative - GLTN is a multi-sectoral alliance of international partners committed to increasing access to land and tenure security for all, with a focus on the poor, women and youth. The Network's partners include international rural and urban civil society organizations, research and training institutions, bilateral and multilateral organizations, and international professional bodies. In 2016, GLTN Partners, led by UN-Habitat and the World Bank, launched the Arab Land Initiative to promote equal access to land, peace, stability and economic growth in the Arab region through good land governance and transparent, efficient and affordable land administration systems. The Initiative aims at empowering land champions from the region by developing capacities, increasing collaboration and promote innovation, learning and sharing of best practices. It also supports the implementation of land gender-responsive and fit-for-purpose land tools and approaches at national and local level. The Research Innovation Fund is one of the streams of work of the Arab Land Initiative.

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EXECUTIVE SUMMARY

Access to land is a starting point for many land problems hence land conflicts which greatly affect land development, and cause people to lose their land rights. Land and property rights problems will remain unchanged if a policy and update of property systems and land registration are not prepared. Only a small percentage (an estimated 10 to 20 per cent) of Yemen's land is registered. Eighty to ninety per cent of land transactions occur through *basira* or informal documentation. In order to solve land problems, the government must prepare a land policy and establish a national real estate registry, taking into account current and future changes and challenges. Over the years, secure land tenure and property rights have taken on greater historical and cultural significance for Yemenis. Despite this importance, it is estimated that nearly 85 per cent of court disputes in the Republic of Yemen today are land-related and up to 90 per cent of land ownership remains informal.

The government reports estimated that most of the blood feuds classified as 'social violence' relate to land and water disputes and result in the deaths of some 4,000 people each year. Land disputes are widely held to be the most common cause of armed violence in Yemen. Land conflicts usually happen when multiple individuals or groups make claims to a piece of land, whether through purchase, inheritance, or some other claim to ownership (NDI, 2007).

Whilst customary structures previously oversaw land ownership and transfers, their authority has weakened because local Sheikhs are often no longer perceived as unbiased decision makers, as in many cases they benefit from land concentration. Furthermore, the State may step in at any time and reverse or nullify customary judgements (World Bank, 2006). The land registry is generally unable to identify competing claims to pieces of land or expose fraud, risking the negative consequence of formalizing rather than averting conflicting claims. As a result of these weaknesses, claimants extensively use the courts to formalize land ownership and address competing claims, with one estimate suggesting that 50 per cent of the caseload in primary courts is over land and property rights. This result in 'overburdened' courts and it is not unusual for cases to drag on for ten years or more (World Bank, 2006 and 2009). Both the formal State and informal customary mechanisms are unable to provide a timely and legitimate means of establishing tenure, and in the meantime, claimants often resort to violent conflict.

Most of the major traditional Islamic legal materials and Yemeni laws support women's right to own, possess, use, manage and dispose of property. However, in reality, women have limited access to land ownership. Additionally, in Yemeni customary law, women are not entitled to inherit land, which cause inheritance issues.

State lands are subject to misappropriation, illegal sales, being given to private owners (as in the case of the military) or even used by State employees for private commercial enterprises (ARD, 2006). In the aftermath of the 1994 civil war, northern elites allegedly appropriated, or were preferentially given large areas of formerly nationalized southern land, particularly around Aden and Lahj by the northern government.

This research aims to identify the most important land problems in Yemen, as well as provide recommendations for policy-makers that will contribute to solving these problems in the future.

The Yemeni Law of Land and Real Estate ownership divides land types into three categories: public, private and communal. However, according to principles of Islamic law (*sharia law*), land ownership is in the following main categories:

1. State-owned or Government land (*aradi al-dawla*)
2. Private-owned land (*milk khas or milk hoor*)
3. Communal land
4. Endowments/*awqaf* (plural: *awqaf*) Lands
5. Agricultural land
6. Other types of land (barren lands, desert lands, white land or public utility)

The methodology employed to prepare this research is quantitative and qualitative. Data on land problems were collected from two sources: (1) the previous literatures which included research, government and non-government reports; and, (2) interviews and questionnaire. Face-to-face interviews and a questionnaire were used as data collection tools and the data collected analysed. The questionnaire was distributed to specialists (architects, engineers and other professionals) who work in the land sector and/ or have good information about land conflicts. Some of the respondents have personal experiences with land conflicts.

The interviews revealed that the main problems causing land conflicts are:

- Problems related to registration and the lack of a national real estate registry such as; selling land to more than one person, and illegally occupying and using land.
- Problems due to the distribution of inheritance, especially the failure of women to obtain their rights or their derogation from these rights.
- Planning problems such as random expansion, lack of advance planning or regular division according to the legal dimensions of the lands, as well as lack of building permits.
- Distribution of State lands to individuals with influence and figures in authority, especially in southern Yemen after the nationalization law was abolished after 1990.

Accordingly, the main causes of land disputes in Yemen are due to:

- Absence of the national real estate registry
- Absence of inventory of state and endowments lands
- Deficiency in the enforcement of some laws, and long periods of litigation in the courts.

Some challenges in solving land disputes and problems in Yemen include administrative, legal and political,

economic and social, security condition and the impact of war.

The research presents some recommendations which will contribute to solving and reducing land problems in Yemen:

1. Seek to activate and remove restrictions on the process of land registration as the most important step to reduce disputes over land in the courts.
2. Encourage and support initiatives that contribute to achieving transitional justice and strengthening the building of State institutions, and ensuring the rule of law in upcoming peace agreements between the parties to the war.
3. Engage with and invest in local land, housing and natural resource governance institutions.
4. Recommendations for solving the land problem in the southern governorates and its political, economic and demographic dimensions,
5. Address social, economic and environmental root causes of the many conflicts.
6. Ensure that peace negotiations between the conflicting parties primarily address the management of land and natural resources.
7. Support initiatives that specifically address the obstacles facing women and marginalized communities (*muhamasheen*) in obtaining their rights to land and resources.

Access to land is a starting point for many land problems hence land conflicts, which greatly affect land development and cause people to lose their land rights. Land and property rights problems will remain unchanged if a policy and update of property systems and land registration are not prepared. Only a small percentage (an estimated 10 to 20 per cent) of Yemen's land is registered. Eighty to ninety per cent of land transactions occur through *basira* or informal documentation. In order to solve land problems, the government must prepare a land policy and establish a national real estate registry, taking into account current and future changes and challenges (USAID, 2010).

Over the years, secure land tenure and property rights have taken on greater historical and cultural significance for the Yemenis. Despite this importance, it is estimated that nearly 85 per cent of court disputes in the Republic of Yemen today are land-related and up to 90 per cent of land ownership remains informal (Dabbas and Burns, 2011).

According to Yemen Armed Violence Assessment Issue Brief 2 (YAVA-2, 2010), most of the blood feuds classified as 'social violence' relate to land and water resources. The government reports estimate violence accompanying land and water disputes to results in the deaths of some 4,000 people each year, which is "probably more than the deaths caused by violence of the armed rebellion movements combined."

During the past two decades, the major cities of Yemen have expanded spatially outwards. In practice, all land available for urban expansion in major highlands cities (such as Sana'a, Taiz, and Ibb) is private property, and there are very lively and mostly informal land markets in every city. In Al Hudaydah and other coastal towns, lands are mainly in the hands of the State. The problem in these cities is more serious: State lands have been wastefully distributed in the past (UN-Habitat III, 2016).

According to Republic of Yemen National Report (UN-Habitat III, 2016), most of the major traditional Islamic legal materials and Yemeni laws support women's rights to own, possess, use, manage and dispose of property. However, in reality women have limited access to land ownership. Even in inheritance under Islamic law, women have fewer rights under the rules of compulsory Islamic succession than men. In Yemeni customary law, women are not even entitled to inherit land (Al-Zwaini, 2012).

1.1. Land Conflict in Yemen

According to (NDI, 2007), many land disputes are believed to be the most common cause of armed violence in Yemen. Land disputes typically happen when more than one person or groups claim ownership of land, whether through purchase, inheritance, or other ownership claims. Certainly, disputed lands are usually private, but may also include state property, and sometimes Waqf lands (YAVA-2, 2010). Land disputes may grow rapidly, due to the economic importance of the land, the lack of transparent and speedy court procedures, the faltering land registration system, and the wide spread of weapons in Yemeni society (Al-Zwaini, 2012).

According to (World Bank, 2006), on the government side, excessive bureaucracy, mismanagement of state offices, lack of a clear and accurate archive, and widespread corruption exacerbate land disputes rather than resolve them. At the same time, customary systems for managing and transferring land ownership are weakening because local sheikhs are often no longer seen as neutral in their decisions, and because in many cases they benefit from the concentration of land with people who share common interests with these sheikhs. Moreover, the weakness of the customary systems due to the possibility that the state would intervene at any time and revoke or abolish the customary judgements.

The formal land transfer system itself is very problematic. According to the World Bank (2005), although all sales and transfers of private land, usually through a licensed intermediary (Al-Amin/ Notary), are supposed to be formally entered into the National Land Registry, most of these transactions are not formally registered. At the same time, the transfer of ownership on a large scale is subject to corruption and fraud, including forgery of documents (for example, a false claim to a piece of land with forged documents) or the sale of the same land to multiple buyers. The cadastre generally cannot identify competing claims to parcels of land or detect fraud. As a result, plaintiffs' resort to the courts extensively to formalize land ownership and address competing claims, with estimates showing that more than 50 percent of cases in primary courts were related to land and property rights (YAVA-2, 2010).

According to a World Bank report (2006), this results in courts that are "overburdened and crowded with cases", and it has become normal for cases to drag on

for a period of more than ten years, which compounds concerns about corruption and further undermines/weakens the judicial system (Carter, 2009; YAVA-2, 2010). When both state (formal) systems and customary (informal) mechanisms are unable to provide a timely and legitimate way of regulate tenure, this often causes claimants to resort to armed conflict. Inheritance issues can also complicate matters, especially in highland areas where inheritance is one of the main mechanisms through which land is acquired by dividing the estate according to Islamic law among the heirs. The increasing population growth and limited resources in productive lands leads to a decrease in the average individual and family land tenure, and the desire of families to keep their agricultural lands and to add lands as new assets increases (YAVA-2,2010).

According to the report of the World Bank (2005), the disputed lands may in some cases include state lands, which shows an important political dimension to the issues of land disputes in Yemen, which in turn leads to provoking and increasing political discontent, especially in the southern regions of Yemen. Whereas in the former North Yemen (Yemen Arab Republic), most state-owned land was formerly owned by the imam (the king and religious leader before the 1962 revolution); While the situation in the former South Yemen (People's Democratic Republic of Yemen) was quite different, the socialist government nationalized the lands in 1970, knowing that these lands were previously mostly owned by the sultans.

Other state lands include those specifically acquired by the state, as well as beaches, coasts, uninhabited islands, forests and desert areas "unless these lands are privately owned", in addition to (marahek), which are the lands of mountain slopes that direct rain water to agricultural lands. adjacent and downhill (World Bank, 2005; Jennings, 2009).

State lands in various regions are poorly documented and their borders demarcated, creating additional and increasing challenges in addition to issues related to transfer, inheritance, and ownership disputes with tribal or individual claimants. In and around major cities such as Sana'a, Aden, Taiz and Mukalla, citizens and investors who buy land from the state may have to pay for it again or perhaps more to settle with tribal/private claimants (World Bank, 2005). State land is subject to illegal appropriation either by sale or occupation by force, given to private owners, or even for use by state officials (for example, army officers) in their own commercial enterprises (ARD, 2006). In particular, after the 1994 civil war, it is reported that

northern elites took over, or the government (the government of the north) granted large areas of the formerly nationalized lands of the south preferentially to officials and elites from the north, particularly around major cities such as Aden, Lahj, and others. At the national level, this issue remains intertwined and this continues to be a major complaint of southerners against the political elite that was dominated by the north, which fuelled calls for the secession of the southern provinces (Dahlgren, 2008; HRW, 2009).

1.2. Impacts of Land Conflict

According to YAVA-2 (2010), land conflict is a chronic and stressful reality for many Yemenis. While death and accident data is limited, a Home Office report showed that there are around 4,000 violent deaths annually due to land conflicts, and these deaths are nearly 1,000 more reported criminal homicides. Violent armed conflicts over land are frequent in areas such as the new parts of Sana'a city where new construction is widespread and land values are rising rapidly due to increased demand. In all cases, the majority of the victims are men, with devastating effects on family income as a result of their death or injury due to lack of productivity and possibly job loss.

1.3. Social Conflict Dynamics

Land disputes are a complex and overlapping phenomenon and are affected by long-standing customs and traditions, especially tribal customs, which are affected by wide-ranging social, economic and political changes (YAVA-2, 2010).

Customary versus State Authority

For a clear understanding of the conflict over land in Yemen, knowledge of the relationship between traditional customary rules and state authority is crucial in terms of conflict and resource management (Al-Zwaini, 2006; Al-Dawsari, 2008). In the rural areas located in the northern highlands, customary tribal customs and mechanisms prevail in managing the land, while in the southern regions such as Aden and Hadramout, the state and its institutions play a more essential role, which reflects the extent to which the state and its institutions are present or absent as well as the different cultural and political history (YAVA-2, 2010; NDI, 2007; Ward, 2005). In urban areas such as Sana'a and some major cities the prevailing power is more flexible and often depends on the particular type of incident or issue and the tribal (or others) status of the parties involved. Broadly, both customary and

governmental mechanisms may converge or cooperate to achieve satisfactory results for all parties in resolving the land dispute (Al-Zwaini, 2006). The modernization and urbanization processes, as well as the emergence of a market economy and the Yemeni political system based on patronage and common interests, all have important effects on customary customs and practices.

The legitimacy of the main actors, especially the sheikhs, has diminished, and many traditional norms are not respected as before. The traditional resistance to the authority of the central government and the limited presence of state institutions, especially in many rural areas, are the most important factors that limit the capacity and legitimacy of the state authority and this happens in favour of autonomy (YAVA-2, 2010). Corrupt, partisan, or counterproductive decision-making is also an important factor (Land Times, 2016).

Historically, customary (non-legal) rules regulated the previous traditions and customs of ownership and also using weapons. As in many cases, tribal violence was dealt with through dialogue, mediation, and arbitration by tribal sheikhs (tribal leaders) or other elites or important personalities who had a good reputation among the people, such as Al-Sayyid, sheikhs of tribal and religion, or judges (Al-Zwaini, 2006; GTZ, 2006).

Vested Interests and Corruption

Many of the major landowners in Yemen are senior sheikhs, politicians, and other elite classes, who have used their position and power to takeover lands and other resources (Ward, 2005; Land Times, 2012). Most importantly, these sheikhs, elites, and political figures are in a position to block reforms that may limit the profitability of their investments. Chief among these reforms are efforts to better register and administer state-owned lands, and to improve the legitimacy and transparency of justice processes. They are also often arbitrators or mediators to solve problems and disputes according to customary traditions, and historically, priority and preference were given to sheikhs and elites, especially when they were the opponents. It is also significant that in Yemen, tribal mediators and arbitrators are often paid for their services and so they stir up or prolong disputes.

Linkages to Political Conflict

Land disputes often give rise to wider conflicts, particularly political ones. An example of this is what happened as a result of the disposal of state lands in the southern and eastern governorates, and what this caused to increase political tensions in the

governorates of southern Yemen, especially after the civil war in 1994. Likewise, what happened in the governorate of Sa'ada in northern Yemen, where the sources indicated that the disposal of Waqf lands as well as competition over resources contributed to increased tensions, which led to the outbreak of civil war in Sa'ada governorate in 2004 (Hamidi, 2009).

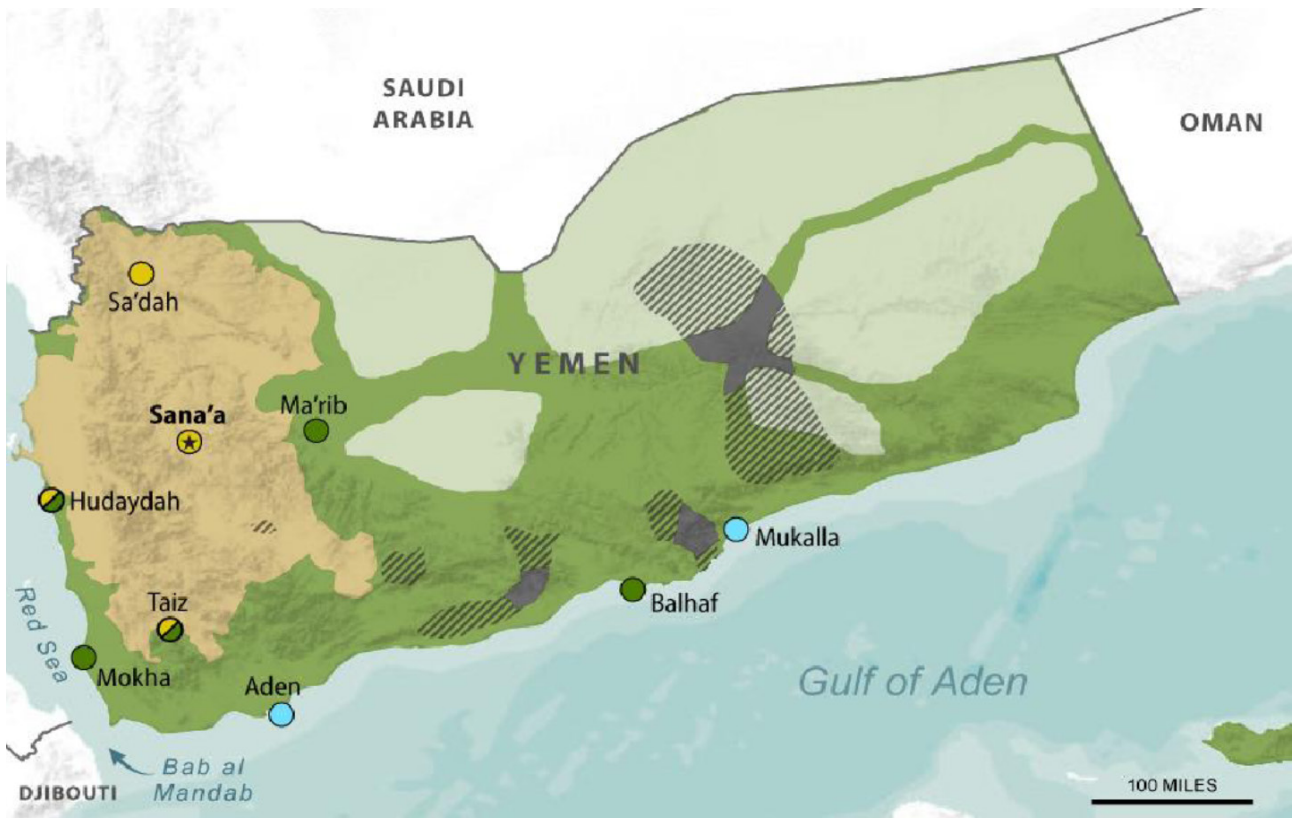
Currently, there are many informal settlements built on State or endowment lands. In addition, many of the warlords, influential leaders and sheikhs of the areas have taken control of some of the State's lands and endowment lands due to the weak control of the government and its institutions (see Figure I).

1.4. Land Rights in Southern Yemen

In northern Yemen, land and property have been confiscated and reallocated as a tool either to punish some opposing groups and individuals or to reward other supporters. This has been used as a method of government support for three decades and more (Hals, 2010). In the south, the first territorial disputes arose in 1967 when the then socialist regime of South Yemen abolished the sultanates and expelled the sultans and sheikhs out of Yemen. Later, the authorities nationalized private property, including lands that were owned by sultans, merchants, and peasants, and transferred ownership of their land to the state (Day, 2012; World Bank, 2009). Later, after the unification between the two parts of Yemen in 1990, this prompted some people from different governorates to rent nationalized lands from the state (Jerret, 2014; Day, 2012).

During the British colonial period, all lands in the city of Aden belonged to the State, and lands were leased on a lease contract by the colonial authorities. As for the sultanates outside the territories of the colonial authority, land ownership was done by issuing an ownership document (deed which was called *hojjah*) by the Sultanate's authority (Unruh, 2016).

Before the return of the previous sultans and landlords, and just before the unification, the authorities in the south conferred lands and properties on beneficiaries (tenants) and many of the tenants found themselves in a position to sell the lands they had occupied or owned by government orders. Powerful political and military interests also seized the lands of the former sultanates (Brehony, 2011; Jerret, 2014). Upon the return of the former sultans and landowners to Yemen after 1990, they demanded the return of



As of October 26, 2020, based on map from Risk Intelligence. Areas are approximate and subject to change.

	Areas of influence	City Control
Republic of Yemen Government (ROYG)	<i>Sparsely populated</i>	= Contested
Houthi Forces		
UAE-backed Southern Transition Council (STC)		
Al Qaeda in the Arabian Peninsula (AQAP)		

Figure I: The Areas of Control in Yemen (October 2020)

Source: Graphic created by CRS using data from Risk Intelligence (2020); Esri (2017 & 2018); NOAA (2018); USGS (2018); Department of State (2015). (<https://crsreports.congress.gov/product/pdf/R/R43960>)

their lands that the socialist government had previously nationalized from those who sold them to them as well as those who seized them, and many of these cases ended up in court, and many cases are still not resolved until now. In addition, powerful political and military interests used their power to occupy and own State lands with official documents issued by the local authorities and under the directives of higher authorities in the State. After the fall of the previous regime (the Saleh regime), the previously appointed sheikhs continued to allocate land. Also, these allocations are not coordinated or registered with local land offices and governorates. This causes constant confusion

about what the land is, who owns it, and who uses it. All this contributes to inflaming the situation and increasing the possibility of conflicts.

These changing scenarios create conflicting concepts about what happened on the lands of the Sultanate and what these lands became or did not become (private property, Sultanate land, government land, etc.), in addition to creating competing narratives and different scenarios about land rights and regarding what happened for the land, for whom and when it is available (Day, 2012).

1.5. Problem Statement

According to Dabbas and Burns (2011), land and property in Yemen, as it is in many parts of the developing world, is a popular way to store wealth. It is estimated that approximately 85 per cent of judicial disputes in the Republic of Yemen today are related to land and up to 90 per cent of land ownership remains informal. In addition, according to the Government of Yemen estimates, violence accompanying land and water disputes results in the deaths of some 4,000 people each year (YAVA-2, 2010). Access to land is a starting point for many land issues hence land conflicts, causing people to lose their rights. In short, the lack of adequate dispute settlement arrangements clearly contributes to insecurity of tenure in Yemen,

but other factors render the situation more difficult to resolve, mainly: the absence of a cadastre and exact land surveys, as well as lack of recording of rights in land and consequent difficulties in proof of rights. The recording of deeds with the notary is the most widespread form of right registration in Yemen.

This research aims to identify major land problems in Yemen, as well as provide recommendations for policy-makers that will contribute to solving these problems in the future. It also looks at the legal and institutional changes recommended to achieve efficient procedures for the issuance of land titles and registration of property transactions, and transparent processes for the management and disposal of public land.

2.1. Land Ownership and Tenure in Yemen

According to World Bank (2009), Yemeni law, both statutory and *shari'a*, recognizes certain fundamental land tenures. The land tenure system is composed of these particular tenures, each of which has its own legal definition and distinctive rules.

These are State land, private ownership, religious endowments, communal ownership and tenancy.

Another land classification, according to the Public Land Management Policy Paper, Land Equity International (2010) is as follows:

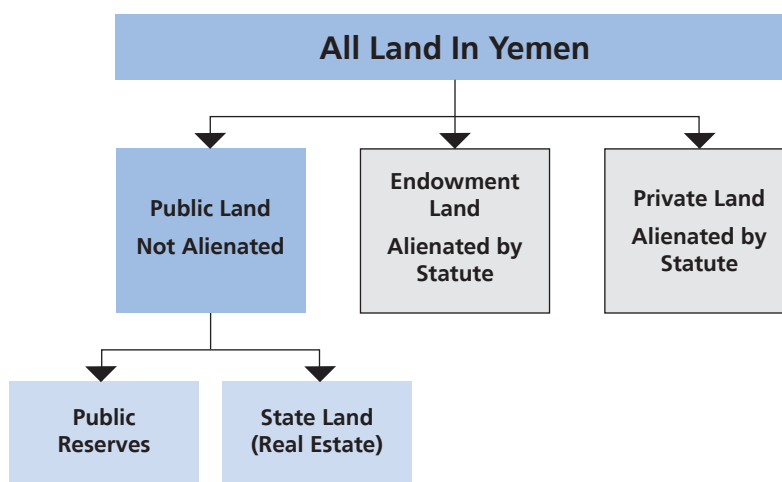


Figure II: Classification of land ownerships in Yemen
 Source: Land Equity International (2010). Public Land Management Policy Paper, World Bank Taiz Municipal Development and Flood Protection Project.

According to Land Equity International (2010), land administration in Yemen is extremely complex. The Law of Land and Real Estate divides land types into three categories: public, private and communal. However, according to principles of Islamic law (*sharia* law), land ownership is in the following main categories:

State-owned or Government Land (*aradi al-dawla*)

Public land or government land is called *aradi al-dawla* or *amlak al-dawla* or *hokoomi*. In the north of Yemen it is the former property of the royal family taken over by the Yemen Arab Republic in 1962. In the south of Yemen public land includes former sultanate lands from pre-republican times.

Public property was defined under Articles 18 and 19 of the Yemeni Constitution and Articles 118, 119 and 120 of the Civil Law. While the legal definition of public land (referred to as State Lands and Real Estate)

requires clarification, it is evident that the law (Decree Number 21 of 1995) intends that there are two types of public land namely:

- a) The public domain land, which is designated for public use or benefit and which cannot be disposed of unless the public need ceases.
- b) Other public land, which is able to be sold or leased.

State land classifications, on the other hand, are used for land management purposes. Classifications reflect the type of real estate, for example:

- Improved real estate (buildings and structures).
- Prepared urban development land.
- Potential urban development land.
- Agricultural land.
- Neglected land (*Salb*).
- Desert land.
- Reclamation land

Private-owned Land (*milk khas* or *milk hoor*)

Private land is subject to *sharia law* which ensures that the direct descendants of the owner inherit the land. It is administered under customary law and is documented by a written deed or contract, usually signed by a religious authority or sheikh who is also charged with updating records (e.g., changes in inheritance). The effectiveness of locally-based traditional systems for managing land-related conflicts is weakened because the central government which is a higher authority may intervene.

Communal Land

According to Article 41 of the Republican Decree concerning Law No. 21 of 1995 concerning State land and property, "Common-Use Land is considered to be fully and completely owned by the State". Communal land is considered an annex to cultivated land if it is adjacent to it and if this land is a slope or similar. The slope must be measured from the demarcation line between the Common-Use Land and the adjoining cultivated land such as mountains, mounds, and slopes that constitute rainwater catchment areas and the 'great rainwater run-off route'.

According to customary law, the sheikhs administer the communal lands, especially those located within the borders of their areas of influence and authority. These lands are primarily used for grazing and gathering firewood. In recent years, with the increase in demand for land led to an increase in speculation on land (especially in areas close to cities), the lack of clarity about these lands has become a problem in some cases with regard to communal lands and what are private lands, so the tendency to seize them increases, especially from elites and influential personalities.

Endowments/Waqf Land

Waqf endowment means "arrest (freezing) of assets and the disbursement of benefits (profits, rents etc.) in seeking God's favour". *Waqf* is of two types; family *waqf* and charitable *waqf*.

Agricultural Land

These are cultivated lands or lands that are prepared for cultivation.

Other Types of Land

- 1. Barren lands: Open left lands or lands that are deserted.
- 2. Desert lands (sandy lands).
- 3. White lands: lands situated outside the boundaries of the detailed plans (lands that are situated within the structural plans of cities).
- 4. Public utility: This consists of mountains, hillocks and inclinations that receive and dispose rainwater. Large valleys are considered part of public utility.

2.2. Typology of Land Conflicts in Yemen

While some types of disputes can be found in all governorates, others are limited to specific geographical areas.

Overlapping Claims

According to the NRC report (2019), successive governments have undertaken efforts to control land and distribute resources to continue implementing their political agendas, which has led to a massive accumulation of overlapping and disputed land claims. According to USAID (2010), most land transactions in Yemen It takes place outside legal structures and at a high rate ranging between 80 and 90 percent, and it often uses ownership documents called (*Basira / Al-Basira*), which are issued by elders or local sheikhs or legal trustees (called *Al-Ameen/ Al-Amin*), and in some cases they are used Unofficial documents prepared by the two parties.

Some opportunistic parties across the country exploited institutional weaknesses to sell land to which they had no legal or customary rights to dispose of this land, in addition to these parties selling the same land several times to different people. The continuous collapse of governance during the war led to the increase of this opportunism and the seizure of lands and property of the state and people (colloquially called *Al-fid* or *Alfayeed / or Al-Bast* which means the seizure of land), where weapons were used Powerful and wealthy parties' militias to seize land.

Some of these land grabs using force may have been attempts to settle pre-war grievances, but in many cases, it is a matter of powerful parties viewing land as war booty, and seizing land they deem valuable.

According to the NRC report (2019), some illegal armed militias extort land owners for money they claim is for "protection", rather than seizing the land. Some reports and studies have shown that there are

cases in all governorates of the north and south, and most of the local authorities (customary and governmental) have expressed their inability to deal with many of these types of conflicts.

In cases where (armed) militias are not involved, recourse to sheikhs and courts is used to resolve disputes, although unequal access to official documents and the presence of many forged documents can be an obstacle.

Overlapping claims also appear for urban internally displaced persons (IDPs) who have returned to their rural villages to try to claim land from their families, or to find plots of land they thought were theirs that they found occupied by neighbors, militias, sold to new owners, or it was excessively divided by inheritance claims leaving an insufficient amount of land.

Boundary Disputes

According to the NRC report (2019), another important type of land dispute is due to disputed boundaries between neighbors. As with overlapping claims, and because of the lack and limited use of formal cadastres, other forms of evidence are used to define land boundaries, in order to resolve these disputes, for example; physical signs (such as trees, streams, and rocks), as well as oral history transmitted between people, especially through elders, who play an important role in resolving these conflicts. These controversies arise not only because of opportunism but also because of changes in the physical environment over time, as the borders of the land are regularly eroded or shifted by rainfall especially in rural and mountainous areas. There are cases where people left/ abandoned land for a long time if it was not agriculturally productive, so boundary markers can disappear, change or be forgotten over time. In rural areas, local elders are often called upon to resolve these disputes, who have accumulated historical knowledge of the land, its transactions, and previous conflicts over it. In the event of their absence due to death or displacement, an important source of information is lost, which may become one of the challenges in resolving these conflicts.

Inheritance Disputes and Divorces

There are no types of disputes that are more local and Conflict between family members and relatives over the inheritance of land and other property or the division of these assets in the event of divorce is considered one of the most common types of domestic and personal disputes. Customary, religious and legislative legal systems often

provide frameworks for the distribution of assets among heirs and for the peaceful resolution of such disputes by the families themselves. The parties may request the intervention of a third party to resolve the dispute, although this is considered an interference in the privacy of the family unit, and there are reservations and the prohibition of revealing some family matters to the public.

Although the customary legal and legislative systems in Yemen are largely based on Islamic law, which recognizes women's rights to land and inheritance. However, there are cases where the principles of Islamic law and customary rules are not always respected to guarantee women's rights.

In general, disputed inheritance was and still is an important source of conflict until now, and often the mechanisms for resolving these disputes for men or women are not satisfactory for several reasons. The war led to more challenges at different levels. Currently, the war has caused the displacement of families from the cities to the rural areas (their original villages), reopening the old inheritance claims in a more severe manner. The increase in violence, poverty and disease over the course of the war causes an increase in deaths, and thus the number of inheritance disputes will increase. What will complicate these cases is the damage or loss of land documents and wills.

Informal Occupation

There is no official standard definition of informal settlements in Yemen. Informal areas are usually labelled as "Ashwa'i or Ashwa'y", i.e., "informal" areas with a connotation of chaotic and unlawful development. However, the General Authority for Land, Surveying and Urban Planning (GALSUP), which is responsible for detailed planning of new residential neighbourhoods inside cities, uses a very broad definition of informal areas. It considers all areas in which residential development takes place without an official land use and services plan and where construction is done without building licenses as "Ashwa'i" (UN-Habitat III, 2016). The use of land as urban settlements is very limited even before the start of the war in 2015, resulting in the informal occupation of land (usually public lands) and its use for the purpose of housing, with approximately 65 percent of the urban population living in these informal settlements. These areas have not been formally organized or re-planned. As the conflict erupted, communities displaced by violence often had few settlement options due to a combination of

factors, and as such, established 'spontaneous settlements' — on whatever lands were vacant at the time. Spontaneous and informal settlements on private land often led to conflicts with landowners who try to evict these occupiers (illegal occupiers of the land), often violently (USAID, 2010).

Endowments/Waqf Lands Problems

Al-Zabeeb (2020) explained that the problems of awqaf/endowment lands are:

- Due to the Ministry of awqaf's toughening of procedures for transferring lease contracts for endowment lands and real estate and doubling the rents, the prices of endowment lands collapsed dramatically, which in the past period were comparable to the prices of free lands.
- Attacking the endowment lands that were designated as cemeteries or mosques and using them for other purposes.
- There are many endowment lands that are suspended due to the slow litigation processes in the courts, which continue for many years, and which were supposed to be resolved through simple procedures and administrative decisions that are fair and just for all, not by judicial rulings.
- Yemeni law grants great concessions to endowments, but these concessions violate the general rules of law and are used arbitrarily and not to achieve justice and fairness. The following is an explanation of the most important of them:
 - a) No statute of limitations: The Yemeni law excluded endowment cases and lawsuits from the statute of limitations. Those in charge of the endowments use this rule as justification for slowing down and postponing the procedures to preserve the endowment lands under the justification that lawsuits can be brought at any time because they are not forfeited.
 - b) Ownership by goodwill: The legal rule states that proof of ownership of anything real estate or movable is according to evidence explained by the Yemeni Law of Evidence, and that the evidence is on the plaintiff. However, in endowment cases, the law granted an exception to prove the ownership of endowments on the justification of goodwill, meaning the spread of information that this land or real estate is owned by the endowments. This exception violates the legal

rules and is used arbitrarily against citizens, assaulting their properties with justification that the properties are endowments and lawsuits are filed without the presence of any evidence that proves ownership or lands.

2.3. Assessment of the Institutional and Legal Framework

The law and regulations in Yemen classified lands according to ownership as; (1) public or State lands, (2) private lands, (3) Awqaf lands (4) community lands. There are many legislations and laws related to lands and urban planning issued in Yemen. Also, there are many authorities in relation to all activities of lands and urban planning. The table at pag 17 shows these laws and legislations.

There are many and different parts of the existing legislation that contradict each other in outlining the roles and responsibilities of the different ministerial bodies, whether in relation to planning procedures or land administration. These laws and regulations are:

- Urban Planning Law No. 20 of 1995, and the Executive Regulations for Urban Planning Ministerial Resolution No. 260 of 1997, the Local Authority Law No. 4 of 2000,
- Real Estate Registration Law 1991,
- States' Lands and Real Estates Law of the Year 1995,
- The Right to Own Property Act of 1995,
- Investment Law (2002), and
- The Local Authorities Law of 2000 and the executive regulations No. 269 of 2000.

The General Authority for Lands, Survey and Urban Planning

This authority was established in 2005 by bundling the existing authorities for Land and Survey with the Urban Planning Department that formerly had been a department within the Ministry of Construction, Housing and Urban Planning (the Ministry that in 2005 became the Ministry of Public Works and Highways- MoPWH). The authority works under the auspices and supervision of the prime minister and some of its responsibilities are:

- Land registration.
- Identify, evaluate, value, distribute and conserve State lands.
- Land designation (classification between awqaf, and public and private lands).
- Approving plans prepared by the local GALSUP offices .

- Urban planning activities as far as the local GALSUP branch offices are not there or able to do it
- Management for all public land, allocating it for public purposes, public reserves and public housing.
- Survey activities to support planning and land registry activities.
- Setting up and reinforcing local GALSUP branch offices, and supporting the decentralization of activities.

Legal Aspects Concerning Land Markets

The static situation in the land market seems to be caused by the economic context rather than problems in the legal system. Still, especially when the current problems around land acquisition are considered, improvements can be made. Below is a summary of the main legal aspects.

a) Land transactions

Private land can be inherited, rented, leased and sold. However, selling and buying of land is happening in a frantic manner. Inconveniences are overcome through semi-improvised practical procedures which facilitate a smoothing of disputes. For instance:

1. The payment for a land will be made to the Al-Amin of the area and it stays with him for one month or more before it is transferred to the seller.
2. The buyer starts digging the plot, to show presence and to let potential contestants come up.
3. If within this month contestants come up, the sum will be divided among the original seller and them, through common peaceful arrangement, or through a court decision.
4. If problems appear to become too large, the buyer can still back out, taking back the money. Through such procedure, even if land acquisition stays a cumbersome business, the largest risks are relatively taken away from the buyer.
5. Still, even after a plot is 'safely' bought, contestants may appear and claim ownership. In many cases, buyers feel pressed to pay off these contestants.

b) Common land transaction procedure

Most land transactions are conducted by simply drafting a "*basira*" (plural *basa'ir*), which is a written document signed by two witnesses that attests the sale, rent or inheritance of land. The *basira* is usually drafted by the "*Amin al-mantiqa*" (also called *Al-Amin*), a government-appointed area chief who is entitled to draft and certify official documents related to property transaction, rent of property and personal status issues. The *basira* contains a description of the location of the plot of land, and information on the buyer and the seller as well as a description of the transaction history of the plot. *Basa'ir* can be registered in the court and the public notary. Registration only attests that the signatures on the document are actually those of the persons indicated. It involves neither a verification of the property rights of the seller nor those of the original owner and is thus not tantamount to a property title. This means the registration of *basa'ir* in the court is to certify the procedures and not for the purpose of proving ownership, which must be completed at the Real Estate Registration Office.

c) Regulations to promote land registration

To promote the registration of land deeds (*basa'ir*) in the national cadastre, the registration of land deeds with the Real Estate Registration Office in the GALSUP has been made an obligatory step in the process to obtain a building permit. Even though the proportion of registered land properties is still very low and it will take a while before the Land Registration Department has one clear database that could give undoubted clarity in case of disputes, this is a start. The major setback however, is that the majority of constructions are built without a building permit, and that the 'tool' that is used to promote land registration, is not the strongest one.

d) Land and property transaction taxes

Land and real estate transactions are taxed at 3.0 per cent of the sales value, due when the property is registered in the new owner's name. Zakat contribution of 2.5 per cent of the profit through added value is further expected from the seller.

Subject	Related Law
Public Ownership	Yemeni Constitution, Article 18 and 19 Civil Law, Articles 118, 119 and 120
Private Property	Yemeni Constitution, Article 7 and 20 Civil Law, Articles 1154 and 1159
Common Use of Land	Law no. (21) of (1995) concerning land and real estate The Republican Decree No. 170 of 1996
Waqf/ Endowment Land	Waqf Law no. 23 of 1992 The Republican Decree (99) of (1996)
Agriculture Land	Yemeni Constitution, Article 7, (c) Civil Law, Articles 761, 765, 770 and 1159
Neighborhood Rights	Civil Law, Articles 1161, 1163 and 1164
Squatters	Law No. 21 of 1995 concerning land and real estate, Articles 58 and 59
Land Tenure issues for the public interest	Law No. 1 of 1995 Articles 1 and 2 defining projects for public interest Article 4 on the administrative procedures for land tenure Article 6 on the mutually agreed procedures for land tenure Article 7 on the judicial procedures for land tenure Articles 12 to 16 on temporary tenure Articles (21 and 27) provide general provision on tenure

Table I: Laws and Legislations related to land and urban planning issued in Yemen

The methodology employed to prepare this research is quantitative and qualitative. The qualitative research data is collected to obtain a deep and thorough understanding of land issues in Yemen. This procedure involved collection of data from different sources, including available researches and reports from government and non-government organizations, published information, and figures and statistics related to the land sector in Yemen.

This research seeks to highlight and investigate land problems and their causes in Yemen. It draws information from diverse sources including:

- Analysis of current approaches of government actors related to regularization of land and the land administration systems.
- Main types of tenure arrangements (e.g., customary or formal land management), and

associated challenges.

- Cases of informally using public and private lands.
- Documentations and locations of disputes between landowners and occupiers of lands
- Current efficiency of the legal recourses and dispute resolution mechanisms in place to settle disputes.

Figure III shows the research framework which was followed. Data on land problems were collected from two sources; (1) the previous literatures which included research, reports from government and non-government organisations, and (2) interviews and questionnaire. Then the main problems were identified and their causes were clarified. Recommendations will be presented to policy and decision makers, taking into account the limitations, challenges, threats and difficulties that may hinder finding solutions to land conflicts in the short and long terms.

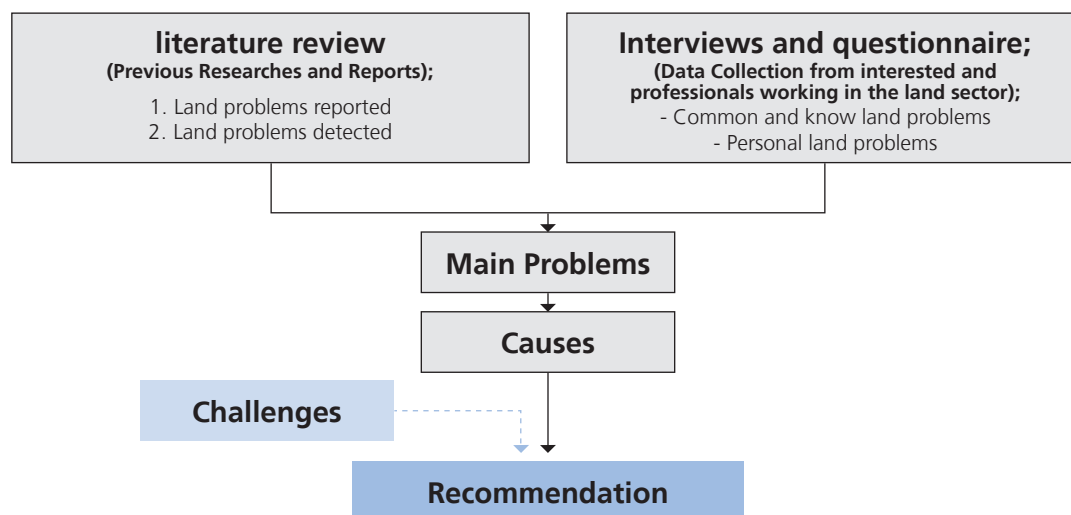


Figure III: Research framework

3.1. Data Collection

Face-to-face interviews and the questionnaire were used as data collection tools and data collected analysed. The interviews were with some of the staff working in the local authorities in the land sector. The questionnaire was distributed to specialists (architects, engineers and other professionals) who are working in land sector and/or have good information about land conflicts. Forty questionnaires were distributed 36 of which were collected and used in data analysis.

The data collected through the questionnaire were divided in two parts:

1. Participants were asked to mention the types of land problems that they know because they are interested or are professionals working in the land sector.
2. Participants were required to mention the land problems that they personally encountered and/or land problems experienced by any of their relatives or a member of their families.

The results of the data and information collected through the questionnaire and direct interviews showed that some of the participants have personal experience with land conflicts. Twelve respondents of the questionnaire stated that they had personal experience related to women being denied their rights to inherit (the control of brothers or male relatives). Some of the participants were deprived of their rights because they are women while others mentioned that their mothers were deprived of their rights.

4.1. Land Problems

From three interviews, land problems causing conflicts are:

- Problems of land occupation (extension) of State lands or private lands and random construction on them.
- Selling land to more than one person, especially the lands that are not registered.
- Problems due to the distribution of inheritance, especially the failure of women to obtain their rights or their derogation from these rights, and inheritance not having been distributed for more than one generation.
- Problems of overlapping properties as there are no clear divisions, especially between private and public lands and endowments, as well as the emergence of irregular plots of lands in forms not constructable.
- Problems resulting from the lack of a national real estate registry.
- Problems resulting from the lack of a clear inventory or inventory of endowment lands or State lands.
- Problems arising from the difficult procedures for land registration and assignment.
- Special legal problems (investment law, for example).
- Planning problems such as random expansion, lack of advance planning or regular division according to the legal dimensions of the lands and lack of building permits.
- Problems arising from the illegal use of lands.
- Selling lands with illegal documents or a person without legal status selling land (such as an illegal trustee).
- Distribution of State lands to individuals with influence and figures in authority
- The absence of the authority and influence of the State in many regions now, and resorting to force or tribal customs to prove right of ownership, which has made many of the weak landowners victims and are unable to prove their right.
- Problems resulting from the lack of clarity regarding the ownership of the lands, which are called Al-marahek or maraheq (sloping lands that were meadows of agricultural lands) and permanent conflict which occurs due to the absence of limits and clarity in their distribution.
- Transfer of land ownership from State ownership to owners other than the original owners in the regions of southern Yemen after the nationalization law was abolished following the Yemeni unity in 1990.
- The control of influential people and figures in power over many State-owned lands in southern Yemen after the nationalization law was abolished after 1990.

Some problems and personal experiences of the respondents:

- A respondent, her mother and her aunt are unable to inherit land because male members of the family control the property; although the number of females is higher than that of the males in the family.
- A respondent said that a land owned by his family was occupied by an influential person.
- A respondent mentioned that armed groups attacked land adjacent to his residential area that was intended for the construction of public facilities or services.
- One respondent mentioned that one of his neighbours attacked a part of the street on which his land lay.
- A respondent said that he participated in resolving a dispute. The owners of the land did not understand the laws relating to land transaction. As a result, the land was sold to multiple people leading to a dispute. Also, some of the heirs did not participate in the sales and thus were not suspended (Title documents) of their rightful ownership of the land.

- A respondent mentioned that a sheikh occupied their family's land and showed forged documents stating his ownership of the land.
- A respondent who lives in Sana'a, which is under the authority of Sana'a Government, stated that their lands and real estate in areas under the authority of the internationally recognized government have been occupied by armed groups, and that they are unable to file a case against them in those areas.
- A respondent has relatives who have a case in court against a person who has occupied their land, and due to the long period of conflict in the courts and its expenditures, they cannot continue to pursue the case even though the right is with them.
- Some respondents expressed that they have a problem with the State, as the State used their lands and despite the approval of the concerned authorities for compensation, and although the compensation value is not satisfactory, it has not yet been paid.
- A respondent stated that they were unable to build on their land located next to a military facility and that when the land was offered for sale it did not attract a suitable sale price.

4.2. Causes of Land Problems and Conflicts

Accordingly, the main causes of land problems and disputes in Yemen are the following:

- Absence of the national real estate registry, the weakness in the land registry and/or non-registration of lands
- Absence of inventory of State and endowment lands
- Legal reasons; problems and disputes arising from the deficiency in enforcement of some laws, as well as the long periods of litigation in the courts,
- Planning reasons; problems and disputes arising from the absence of planning or non-implementation of plans, and
- Absence of State authority and its effect in some areas, the use of force by some and the influence of those with power.

Some challenges in solving land disputes and problems in Yemen are:

5.1. Challenges of Administration

Although the Republican Resolution on the Land Register requires land to be registered, in practice “only urban land appears to be registered pursuant to the formal law”. Consequently, in rural areas, the majority of land registration and administration is carried out by tribal leaders under the principles of Islamic customary law (Equal Rights Trust, 2018). Many sales of land are concluded without registration in the land registry. This is mainly due to the high risks and transaction costs resulting from unclear and inapplicable property rights in private lands. Moreover, existing land tenure security management systems (i.e., registration and land dispute resolution) and State-owned land management are subject to many problems.

In addition, inconsistencies and ambiguous management interests in public land have led to inefficient land use, tenure disputes, and unaccountable and non-transparent practices. Responsibilities are inadequately defined between levels of government and types of public land use. The land information system is inadequate in terms of not all public land being identified and inadequate details of public land that is recorded.

According to Dabbas and Burns (2011), the insecurity in land rights is exacerbated by a lack of land policy and a lack of capacity in GALSUP to conduct essential land administration and management services. Government policies and priorities should extend to the land administration system in order to ensure mobilization of land and property, both private and public, to support economic and social development in the society. Maintaining the formal registration system is further compromised by a shortage of funds, inadequate resources and very poorly equipped offices, a lack of training programmes, inefficient practices and procedures, and an inadequate institutional structure.

5.2. Challenge of Security Condition and the Impact of War

The complicated political situation and the continuation of the war present a challenge due to the presence of two governments, as well as the lack of

clarity in the mechanism of implementing laws through the official authorities. This situation makes the work in all government offices complicated, including the offices of the GALSUP, as the main office in Sana’a continues its work almost naturally, unlike the rest of the branches of the GALSUP. Failure to provide an operating budget for the bodies to spend for preparing studies and plans, as well as not paying salaries to the employees of these bodies and all employees of the areas controlled by Houthi movement (officially called Ansar Allah and colloquially simply Houthis), represents a challenge in continuing the work in these agencies and ministries naturally and satisfactorily.

The conflict in Yemen has forced millions to flee from their homes to seek refuge in different areas of the country. Recent reports show that close to one million displaced and vulnerable populations live in some 1,700 IDP sites across Yemen (UNHCR, 2020). As displacement often puts people in a vulnerable situation and unsecure, these people and political opponents cannot protect their property located in the other side’s areas from the conflict. This will cause challenges in the future after the political settlements between the parties to the conflict, as the lands will be used and built on before the war come to an end and/or may be sold several times to different buyers, which will cause difficulty in making any satisfactory settlements or solutions in the future.

5.3. Legal and Political Challenges

Inconsistencies and ambiguous management interests in public land have led to inefficient land use, tenure disputes, and unaccountable and non-transparent practices. Responsibilities are inadequately defined between levels of government and types of public land use. The land information system is inadequate in terms of not all public land being identified and inadequate details of public land that is recorded, as well as information about public land not being easy to obtain.

According to Dabbas and Burns (2011), understanding current land issues and potential development trends requires a thorough knowledge of the political, legal and historical dimensions. After reviewing the current land regulations, it was found that they are in dire need of updating to meet the needs of Yemeni citizens. Land represents economic and social value and assets, as Yemenis believe.

The delay in adopting the new registration law in Parliament represented another legal limitation, and led to the freezing and stopping of applications for the initial registration of lands.

5.4. Economic and Social Challenges

As mentioned earlier, land is considered an asset of economic value and therefore it is one of the most important ways to create the main wealth, and it is considered a resource that is used to improve the quality of life of citizens and increase their income in both urban and rural areas; “economic condition and exchange rate of USD” is one of the most significant factors affecting the life’s cost. The land price has been very high especially urban lands in the main cities. Most of the lands are private which some people have used for investment. This has increased the land demand for land hence land prices. In addition, the land limited supply of land is fundamental to many of the urban development challenges.

Youth unemployment remains a critical development challenge facing Yemen. In fact, the unemployment rate is 35 per cent, especially in the informal sector. Main cities suffer from extreme urban poverty, reflected by high urban poverty gap index levels.

Another social challenge is getting women their rights for land ownership. In some parts of the country, women are not allowed to represent themselves in negotiations (they must have male interlocutors). If they do not have a network of reliable male relatives who are willing and able to represent them, women representing themselves may be accused of violating local norms. Women who are accused of violating these norms are at greater risk of being ostracized and/or denied access to community systems of support.



RECOMMENDATIONS

The research presented some recommendations in details which will contribute to solving and reducing land problems in Yemen. These recommendations are:

Seeking to activate the process of land registration and remove restrictions on it as the most important step to reduce disputes over land in the courts

Activating the land registration process requires addressing the main barriers to registration, improving the quality of service and removing restrictions imposed on the application for land registration, through the following:

- The need to stop “alternative methods of land registration” that undermine the use of the registry and the perceived added value, which is court approval of transfer documents. It is proposed to merge the authentication and registration procedures with the land registry (until then or alternatively, it is proposed to add a disclaimer to the court baptism stamp stating, “The certificate does not confer ownership”).
- Reducing the costs associated with registration in order to stimulate the use of the registry, in particular the abolition of the requirement that those seeking to register pay all taxes accrued on previous unregistered transfers.
- Amending the Land Registry Law to introduce the decisive legal effect of the registration process. This, along with the designation of persons of legal/judicial expertise who are responsible for the registration process (i.e., registrants), would restore the importance of registration law to the courts and the public.
- To reduce the risks, steps and time required for registration and take advantage of the mediator role played by sharia secretaries and lawyers — as market representatives with appropriate motives — to work on completing the transfer and registration procedures on behalf of the transacting parties in exchange for a fee.
- The need for regulations to regulate the process of transfer, registration, and authentication of property documents, and to improve the monitoring and regulation of the work of Al-Amīns, that is, limiting their activities to their geographical areas and dealing only in registered lands and properties.
- On the supply side, there is a need to improve registration mechanisms and maintain the

registration process by legally entering ID numbers for plots, better indexing and verification of registry information (property rights, reservations, methods of recording, etc.) and the development of regulations supporting deeds registration process.

It is expected that a more efficient registration process has several advantages, the most important of which is a decrease in the volume of land disputes in the courts. With reduced backlog and adequate support and capacity-building for judges, the average time spent adjudicating land disputes is expected to decrease.

Encourage and support initiatives that contribute to achieving transitional justice and strengthening the building of State institutions, and ensuring the rule of law in upcoming Peace Agreements between the Parties to the War.

The endeavour to provide transitional justice among citizens as well as government employees is essential in any participation in peace agreements between the parties to the war in Yemen while ensuring that the law

prevails over all equally. This requires improving justice outcomes for people, and building and strengthening the role of formal rule of law institutions in Yemen. In order for satisfactory results to be achieved for all, the participation of both formal and informal stakeholders, actors and influencers must be guaranteed to reach a settlement that guarantees transitional justice, but it is a long-term process.

In order to reach the rule of law, the following recommendations must be acted upon:

- Supporting further documentation and understanding of dispute resolution mechanisms, particularly the impact of the changing political and security dynamics on these practices.
- Encouraging dialogue between conflict resolution actors, the formal sector and civil society as a first stage. Over time, this may contribute to enhancing coordination and protecting rights on the basis of mutual social reinforcement.
- In the short term, work with rights education and awareness programmes and conflict resolution actors or traditional leaders as one component (and an important target group) in a broader legal awareness strategy, rather than as a means of reforming the outcome of dispute resolution decisions.

RECOMMENDATIONS

- In the long term, seek to stop the practices used as an alternative to the formal system, such as resorting to non-governmental actors and dispute settlement mechanisms as a tool to achieve stability.
- Integration of alternative dispute solutions into the justice sector assessments. The settlement of disputes through actors should not be dealt with as a separate group. Rather, programmes to reform amend and adjust the relationship between the official system and the actors should be supported in

a way that helps reduce conflicts.

Figure IV shows the land policy framework and legislative and institutional framework and capacity-building suggested by Dabbas and Burns (2011).

Engage with and invest in local land, housing and natural resource governance institutions

Such investments can contribute to the stabilization of communities and building peace from the local

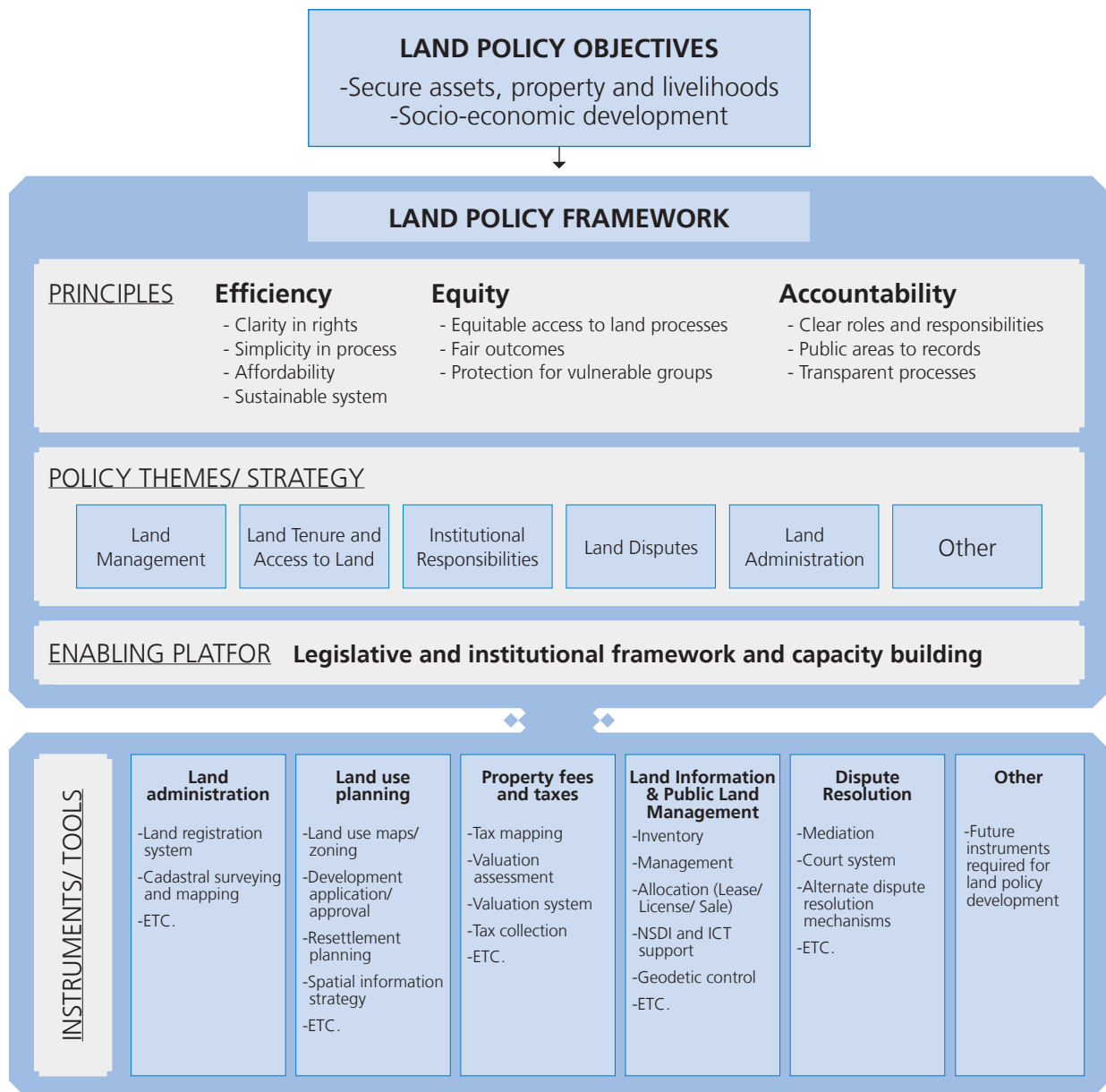


Figure IV: Land Policy Framework
Source: Dabbas and Burns (2011)

community-up, which should meet the specific needs and aspirations of communities. Moreover, engaging communities to determine their own criteria for ‘effective’ dispute resolution and governance can establish new foundations. If organizations decide to invest in ‘capacity-building’, these initiatives should be adapted to reflect the needs of the service providers and communities. Finally, investments in these initiatives must overcome the short-term limitations of humanitarian funding to ensure continuity and to develop a relationship of trust with local communities.

Recommendations for solving the land problems in the Southern Governorates and their political, economic and demographic dimensions

Many early studies on the land problems in Aden alerted the seriousness of these problems and recommended that the State reconsiders how to deal with land issues in the southern governorates as they threaten the security and stability of the society. It also recommended some proposals to solve these issues, but they were not taken seriously and the regime insisted on not recognizing these issues, which appeared as human rights issues. These proposals are:

1. Determining a single agency to supervise and distribute lands in an effective and fair administration that ensures optimal use of the land, and the utilization of these lands and their returns to serve development, real investment and access for generations to residential lands. It is imperative to adopt new and effective mechanisms that enable easy access to land according to the eligibility of the local population and the priority of effective and beneficial investment operations for society, leading to achieving balance and social justice, securing the ambition of obtaining suitable housing and achieving sustainable development in society. Accordingly, it is necessary to reconsider the land acquisition policies and to explicitly address the problems resulting from previous misdistribution and robbery that cause social rift, through the establishment of two bodies to deal with land issues, namely:
 - a) Establishing a social body consisting of persons of known integrity and experience, representatives of the owners, the local authority, and members of the Agricultural Committee which is responsible for dealing with land problems and setting clear foundations on which the treatments shall be based on the benefit of the experiences of the Agricultural Committee.

- b) Establishing a specialized court to handle the final settlement of land problems — especially agricultural lands — as the first legal and advisory body to receive grievances and consider them.

2. The GALSUP conducts a comprehensive survey of the remaining and returning State lands after conducting treatments and solutions and planning them in an urban manner that focuses on planning residential plots that are disbursed to low-income people and to young people who have not previously been disbursed to land, and it takes into account people previously registered to obtain residential plots.

Addressing social, economic and environmental root causes of many conflicts

The war exacerbates many of the social, economic and environmental challenges related to land degradation, inadequate and unsafe housing, water scarcity and deforestation that contributed to sparking conflict in the first place. Investments in restoring land, water and forests may be an essential tool to build peace and trust between communities and actors who must share in accessing and improving these resources and cannot wait for the end of the war. Land, water and forest degradation contribute to conflicts between IDPs and host areas across the country. Failure to address the root causes of these conflicts means that these problems will only increase the vulnerability of these societies and will be one of the most difficult post-war challenges. It may be one of the reasons for the continuation of the war and the continuation of the resulting displacement.

Ensure that peace negotiations between the parties of war primarily address the management of land and natural resources

Issues of land, natural resources and the environment play important roles in most conflicts in Yemen, from pushing local grievances against the government or other communities, to the appropriation of valuable resources by armed groups to fund their activities, or to settling accounts in pre-war conflicts. Previous agreements to end wars and internal conflicts in Yemen often fail to address some of the important “root causes” and / or major destructive effects of those wars. Given the importance of land and natural resources in the Yemeni conflict, any final peace agreement will need concrete and implementable provisions on these issues, and be backed by international

pressure and support to ensure its implementation, and It is necessary to avoid any future conflicts.

In the short term, political actors must secure commitments by the war parties to stop all confiscation of land and natural resources. They should also support all solutions projects related to land and natural resources management.

Support initiatives that specifically address the obstacles facing women and marginalized communities (*muhamasheen*) in obtaining their rights to land and resources

The participation of women and marginalized communities (*muhamasheen*) should be inclusive in all previous recommendations. Their participation is also

essential to the sustainable design of initiatives to restore degraded land and other natural resources - particularly water and firewood. So, when women participate and play an integral role in negotiating peace agreements, the chances of actually reaching an agreement increase dramatically.

However, in addition to all of these supported initiatives, initiatives specifically designed to address challenges that often keep women and marginalized communities out of participation must be developed and supported. Indeed, there are many organizations in Yemen working specifically to promote and defend the rights of women and the marginalized. These organizations, however, are often unable to provide women with the security necessary to ensure that they claim and obtain their rights.



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