



# Land administration and land rights for peace and development in Libya

## Analysis and Recommendations

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## Acknowledgements

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## Methodology

Desk study review, analysis of official documents, questionnaire, interviews with key informants, roundtable (Tunis, June 2021)

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## Objectives of the report



- A **step towards the improvement** of the land management and land administration in Libya.
- An effort to bring **all the aspects of the land sector together** and highlight their **relevance** for Libya's socio-economic development, peace and stability.
- A list of preliminary **recommendations** to trigger further discussions and interest in the topic by a wide audience of national and international actors.

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## Objectives of this event



- Present the final draft of the report
- Share the final draft for a round of comments, inputs, corrections
- Discuss key aspects of land administration and how to advance the improvements recommended
- Connect key stakeholders

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## Content of the report



1. Introduction
2. Legal & Institutional Framework and Data Infrastructure
3. Land Administration Functions: land tenure, land value, land use, land development, land disputes' resolution
4. Recommendations
5. References

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## 1. Introduction – Why it is important



- A good management of land and land-based resources is **essential for Libya's social and economic development and environmental sustainability**.
- **In urban areas**, a well-functioning land administration will prevent the sprawl of informal settlements, support the provision of adequate housing, and make land more affordable for investments, services, and infrastructure.
- **In rural areas**, good land management will ensure a more productive use of pastures and agricultural land, enable more sustainable food systems, and prevent and reverse land degradation.
- The **clarification and protection** of the housing, land and property rights and the resolution of new and old disputes over ownership and use rights will significantly contribute to peace and stabilisation. It will enable the enjoyment of a broad range of **connected rights**: adequate standard of living, protection from violence and health hazards, and food security.

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## 1. Introduction – Why it is important



- Libya has solid legal, institutional and administrative foundations for land management and land administration, and rich spatial planning and land registration traditions.
- **Key challenges:** widespread land tenure insecurity, a dysfunctional land registration and land administration system where most transactions are informal, encroachment and illegal appropriation of private and public properties and unaffordable land and housing prices.
- **Key message:** To ensure peace, stability and socio-economic development, Libya's institutions, non-governmental partners and the international community must come together to address these challenges and establish a functioning land management and land administration system.

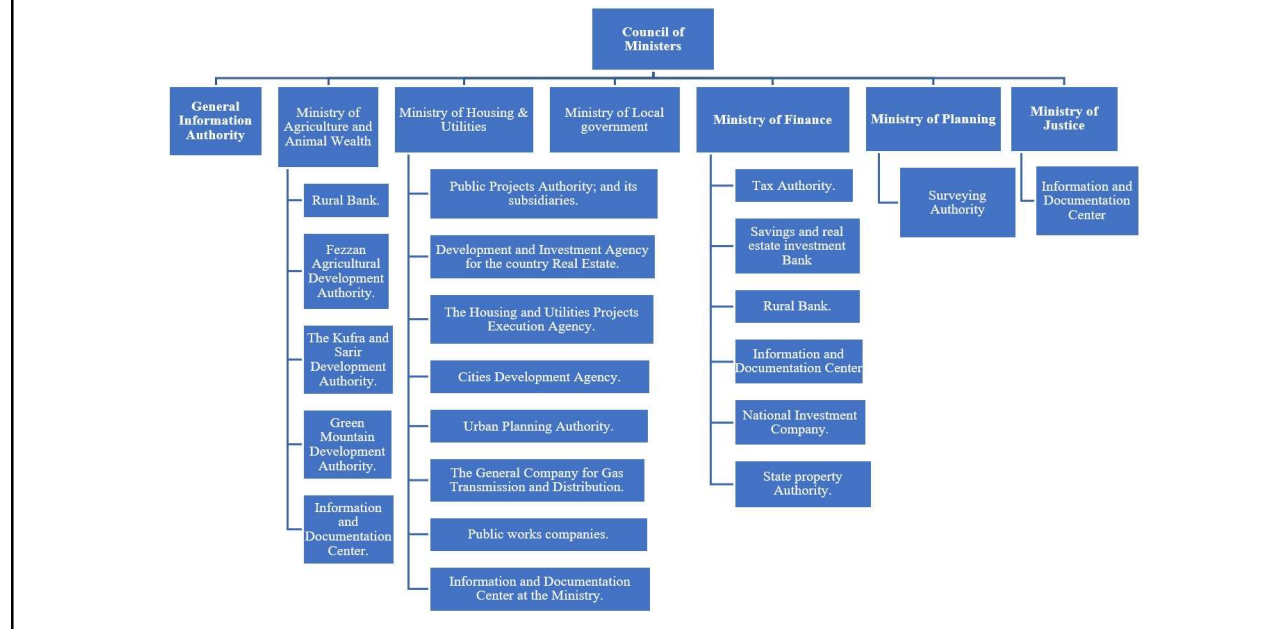
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## 2. Legal instruments

1858	1913, 1921	1956	1986	1988	1989	2008	2012
Ottoman Registration Legislation, Articles 132	Italian Legislations, Articles 123	Libyan Kingdom Legislation, Articles 110	Abolishing Land Ownership No. 7, Articles 5	Law No. 11 Establishing Socialist Land Registry, Articles 11	Law No. 12 The Real Estate and Ownership, Articles 51	Executive Regulation of Law No. 17	Division of Real Estate and Public Assets Decree

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## 2. Institutional framework



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## 2. Spatial data infrastructure



Surveying Authority, established in 1979

Key elements of the spatial data infrastructure:

- **cadastral maps**, base of the technical description of all registered properties
- **aerial and satellite imagery**, many initiatives and products
- **topographic maps**, several initiatives since the 1970s, large coverage

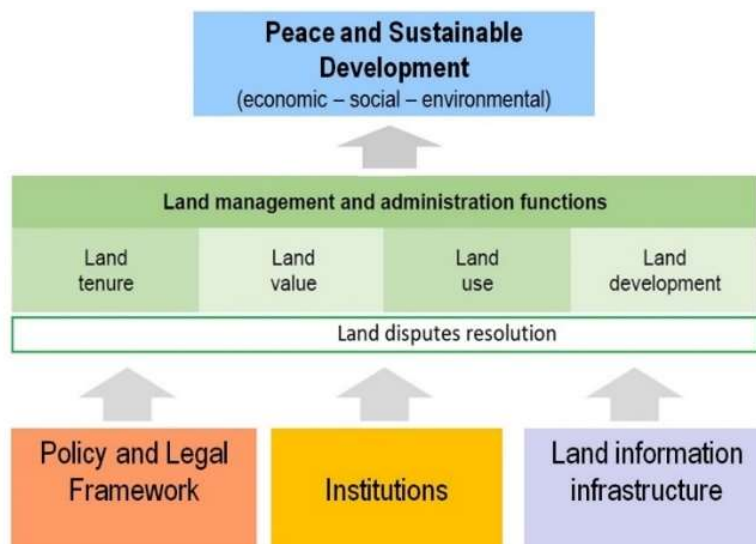
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## 2. Women's lands' rights

- Area of attention
- Statutory law is gender blind
- Discriminatory practices occur, particularly with regard to inheritance
- Not sufficient sex-disaggregated data on urban and rural land ownership and land use rights
- Not sufficient information on access to justice and credit
- An initiative on women's land rights led by UN-Habitat & GLTN

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## 3. Land administration functions



Adapted from Williamson et al. (2010)

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### 3. Land administration functions: land tenure

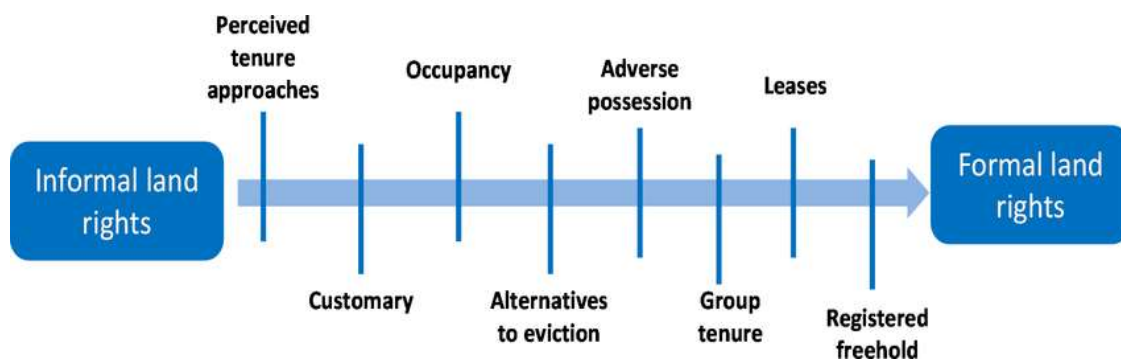
#### Land tenure

Who has the right to do what, where, for how long, and under which circumstances and conditions.

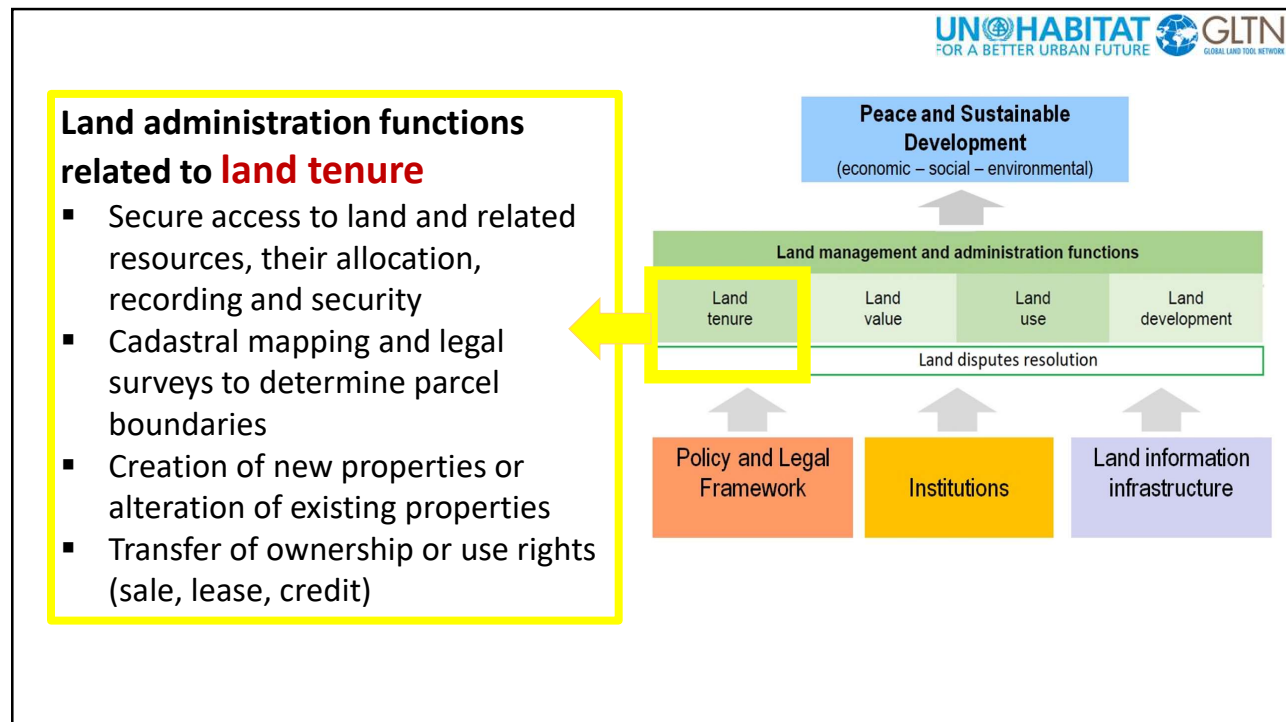
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### 3. Land administration functions: land tenure

#### *The continuum of land rights*





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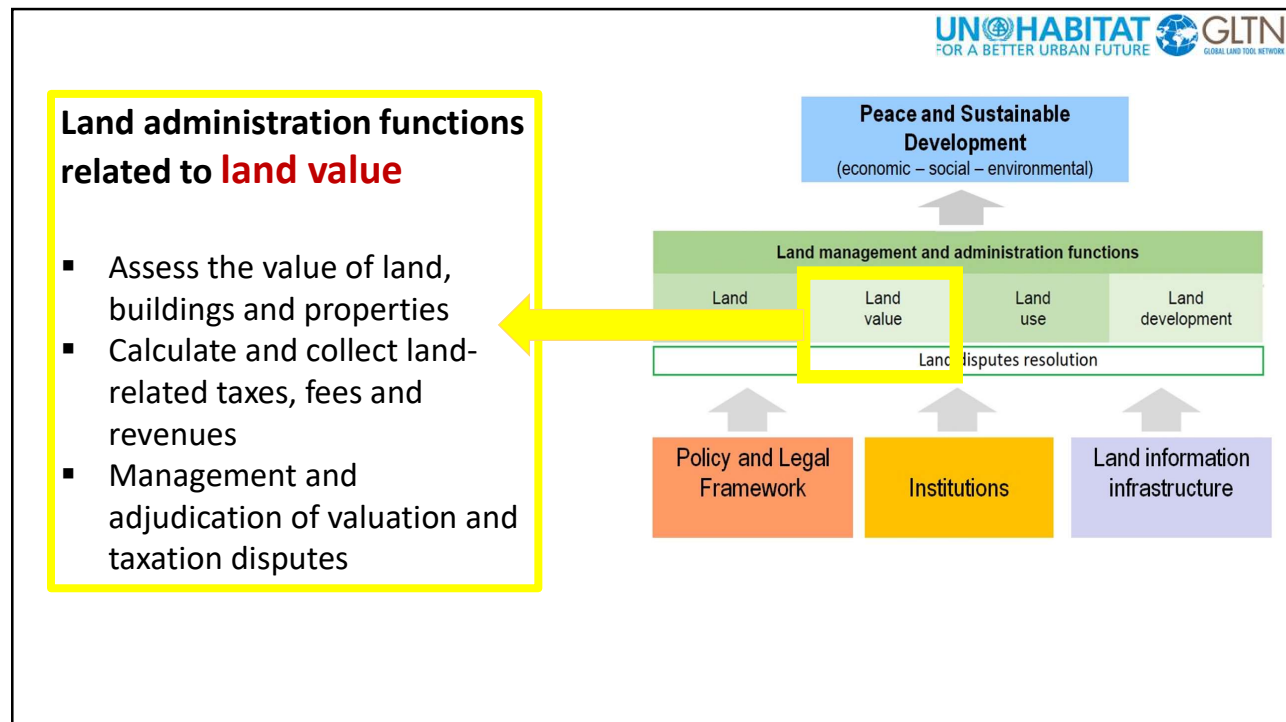
### 3. Land administration functions: land tenure

- Nationalisation of lands and properties
- Confiscation and redistribution of housing and lands
- Abolishment of customary land rights
- Abolishment of private property
- Politically motivated allocation of housing, land and properties
- Burning of Real Estate Registration Authority (1986)
- Prohibition of renting housing
- 2010, law for the reform of the Real Estate Property Registry
- 2011, suspension of the Real Estate Property Registry
- 1.5 million ‘people on the move’, falling outside the legislation

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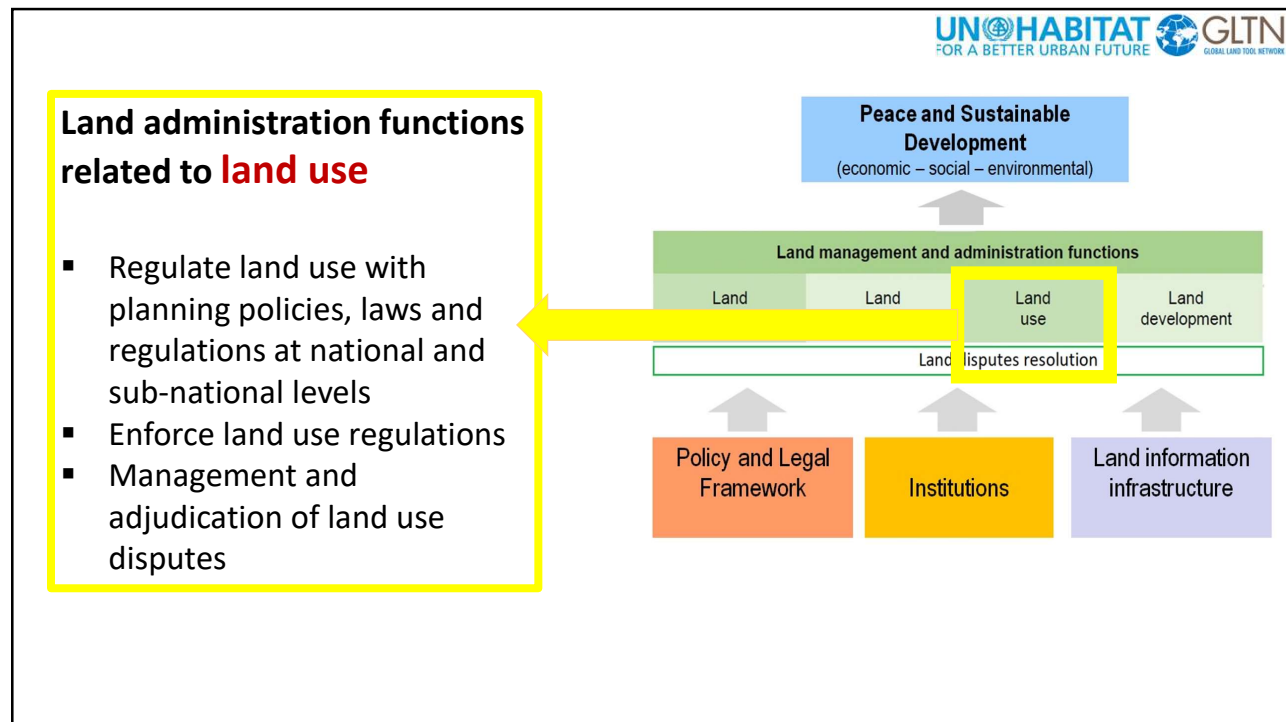
### 3. Land administration functions: land value

UN HABITAT FOR A BETTER URBAN FUTURE GLTN GLOBAL LAND TOOL NETWORK

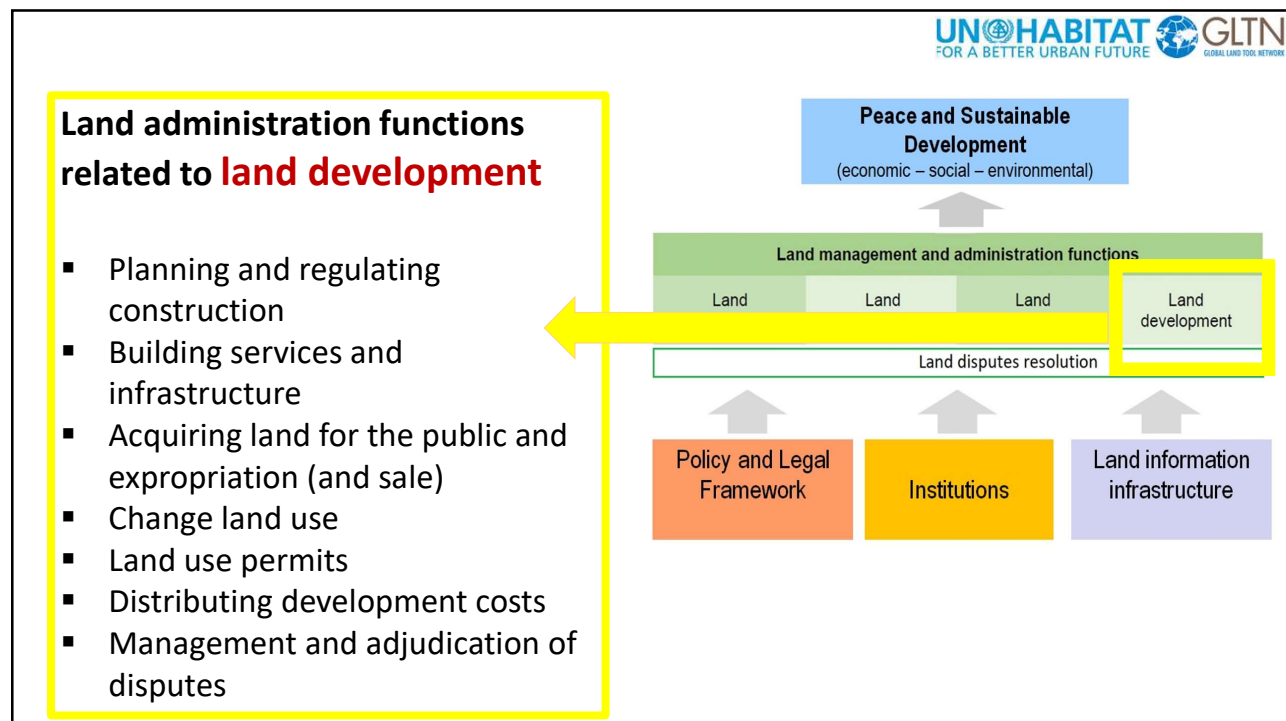
- System for valuing public properties, but not public properties
- Land market not monitored and regulated
- Land and property taxation is very limited: low amounts charged, many exemptions, unknown coverage, not sufficiently understood and used.
- This leads to speculation (e.g. vacant land) and results in disproportionate increase of land prices

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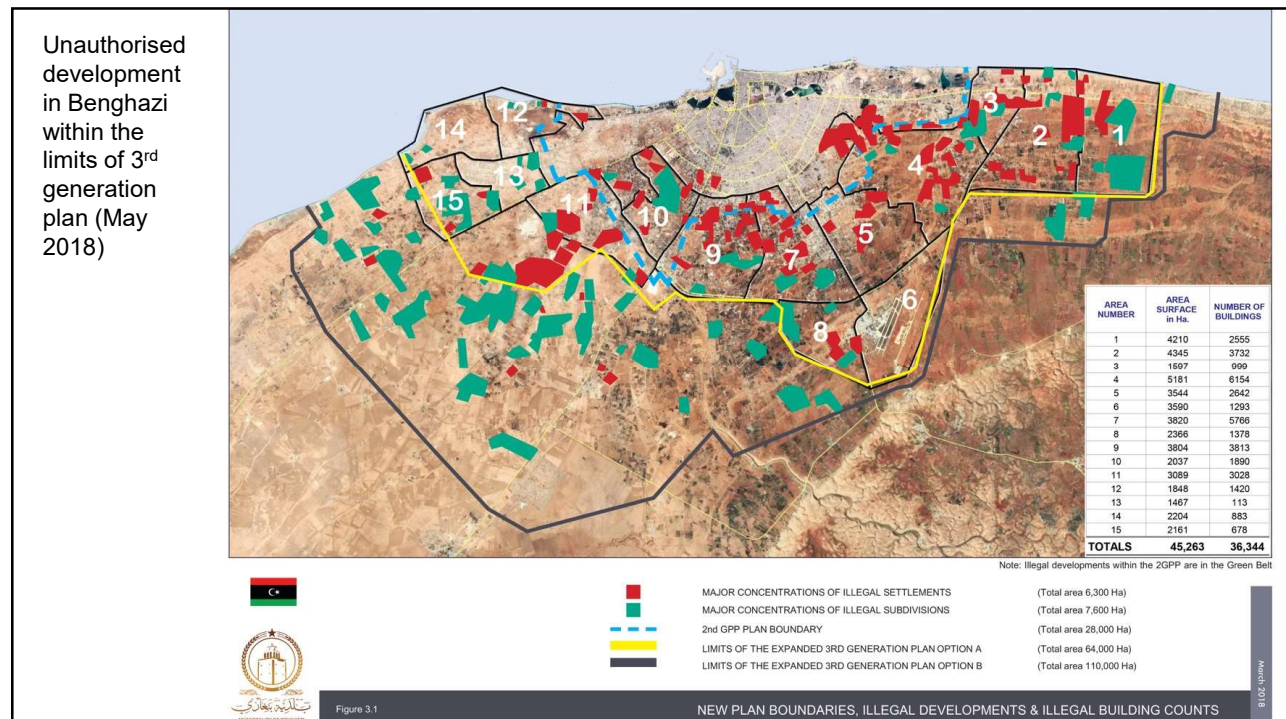


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### 3. Land administration functions: land use & development

- Significant progress on land use planning, across 3 generations plans: 1966-1980; 1980-2000; 2000-2025.
- National, regional, sub-regional scales
- Important legislation on planning, protection of coastal areas, agricultural lands, forests and environment, provision of infrastructure...
- Challenges: digitalization, connecting different levels, updating plans, enforcement, expansion of informal settlements.

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### 3. Land administration functions: land disputes' resolution

- Functioning, but slow and non-digitized formal court system, with enforcement as a major gap
- Alternative disputes resolution system by families, communities or tribes, faster and more effective, better enforced
- Interface and roles of the different systems not clarified
- Not sufficient information on women's access to justice

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### 4. Recommendations

**Key message:** To ensure peace, stability and socio-economic development, Libya's institutions, non-governmental partners and the international community must come together to address these challenges and establish a functioning land management and land administration system.

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## 4. Recommendations

- Establishment of a **nationally led multistakeholder process for the reform** of the land sector
- Prepare **national land administration strategy**, principles of fit-for-purpose land administration and successful national and international experiences

The strategy must: set out the main **objectives** of a reformed land administration system; identify the reforms needed in the **spatial, legal, and institutional frameworks**; define and guide implementation of **priority interventions** (e.g. the re-establishment of a functioning land and property registration system, the resolution of disputes over land ownership, etc); and define the **capacities and resources needed** to implement and sustain the reformed land administration system and the interventions



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## 4. Recommendations

### Legal framework:

- review, harmonization, and modernization of the legal provisions
- Restore the trust in the legal system and in the authorities: rule of law, fight corruption, protect land rights.

### Institutional arrangements:

- Minimize further changes in the short term, clarify mandates, improve workflows
- Based on the national strategy, **reform the institutional architecture** of the land sector; technically & politically assess different options: unify under one umbrella, or maintain with a change mindset, clarify roles, mandates, collaboration modality, workflows.



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## 4. Recommendations



### Re-establishment of the registration system - Lift the suspension of the land and property registration at the soonest and re-establish the registry.

- An adequate **preparatory process**: timeline and steps to review, clear and formalize the informal or incomplete land transactions occurred from 2011 to present. Define the role of institutions & stakeholders
- **Review of the registration process**, to simplify, digitize and align with fit-for-purpose land administration principles.
- **Incremental approach**: new records brought into the system can have a different status than those from before 2011 for a transitional period, to allow competing claims to be filed or objections to be raised. Different or lesser type of evidence and supporting documents could be allowed.
- Simplify the process of **updating existing records** (e.g. record transactions, inheritance, etc.).



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## 4. Recommendations



- **Options**: (1) unified, multipurpose cadastre hosting different type of private, public and communal properties, tax records, etc. ; or (2) link different sets of land-related registries, to be inter-operable.
- **Digitization**, to reduce costs, increase transparency, facilitate data analysis and decision making, easy safeguarding of records.
- **Decentralization**
- **Technical infrastructure**
- **Capacities** of the personnel



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## 4. Recommendations



### Spatial framework

- Introducing **national standards** for the data produced, confirming the **national geodetic reference frame** and the positioning systems to link existing spatial data
- Develop complete **digital cartography** using existing information and new technologies.
- Develop a full set of **digital cadastral maps**.
- Establish a system of **national and regional information centers**, with private-public partnerships
- **Digital transformation**, data interoperability and accessibility



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## 4. Recommendations



### Land disputes' resolution

- **Prioritise the resolution of old and new disputes** and conflicts over housing, land and properties
- Put in place a **transitional justice mechanism** to deal disputes in bulk, after their categorization in main typologies
- **Reform the judiciary** to digitalize it and better articulate the linkages between formal and alternative dispute resolution mechanisms (and transitional justice)



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## 4. Recommendations



- Sustain the supply of **skilled human resources**, working with universities, reforming education curricula.
- **Review the land tenure types** and related rights, to match the needs of modern-day Libya (and of the people on the move)
- **Monitor land market, strengthen valuation methodologies**
- Study and introduce a solid **land and property taxation** system
- Reactivate **land use planning, make it participatory, focus on enforcement and informal settlements**



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## 4. Recommendations



### Adequate housing: a priority

- **Clarify, record and register land and housing rights of people living in informal areas** that can be regularized,
- Facilitate **private investments** in the housing market for all income groups,
- Resolving **outstanding disputes over housing land and properties** (including for those who saw their properties expropriated following Law 4/1978),
- **Reconstruct and repair** destroyed and damaged properties
- Assess, improve **rental market** and rental legislation (to include 'people on the move')



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# Thank you for your attention

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**Participants will be divided in 3 or 4 groups, answer the following questions:**

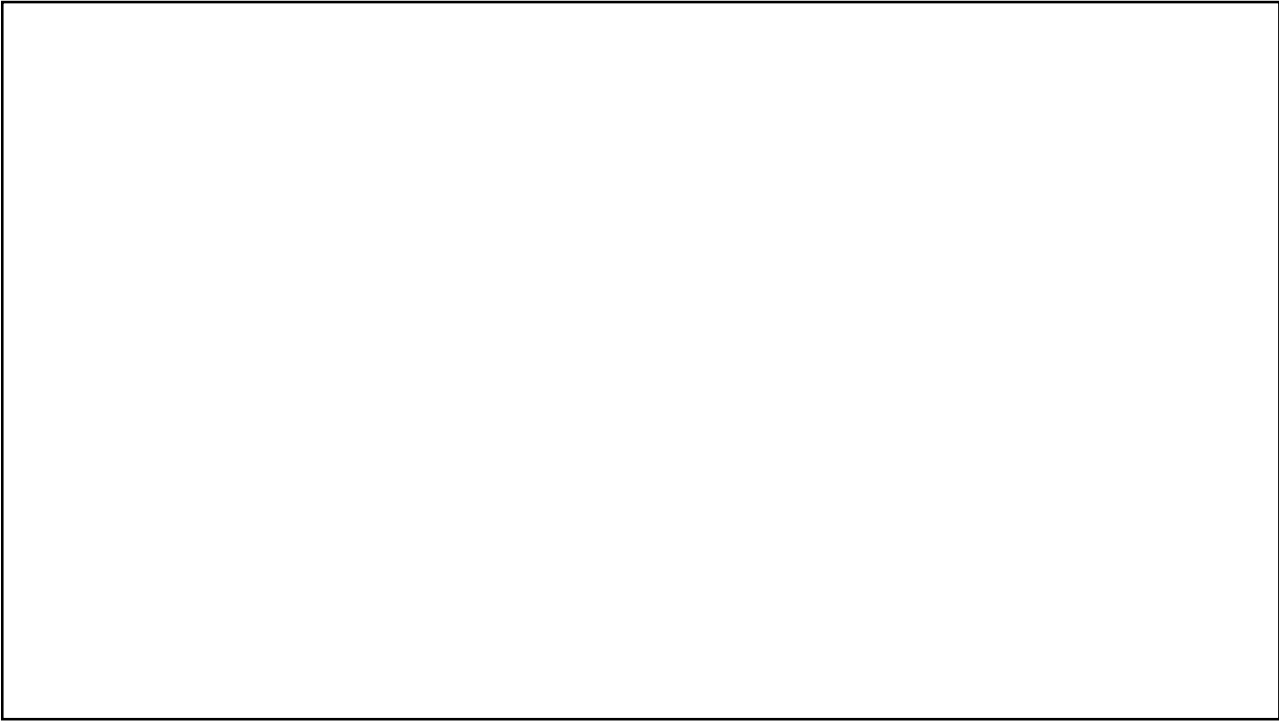
**Group 1: National land administration strategy** - One of the recommendations of the report is to prepare a national land administration strategy as a multistakeholder process. Which institutions should be leading or collaborating, and what could their role be? Which non government actors should participate in the process?

**Group 2: Spatial data framework** – On the basis of the recommendation presented, what would be the priority actions to be undertaken? Which institutions and other actors should lead and take part?

**Group 3: Capacities** – Maintaining a functioning land administration system will require a large number of people trained in various land-related disciplines. How could Libya train and engage the youth on land administration, in collaboration with universities and other institutions? What key actions would you propose?

**Group 4: Land and property taxation** – Please indicate which actions should be prioritized to improve the property taxation system? Which actors should take the lead?

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