



# Land in The Habitat III Regional Reporting for Arab Region

Habitat International Coalition

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Housing and Land Rights  
Network



# HIC-HLRN observations on land issues in Habitat III regional report :

- **Meeting reports' objectives**
- **Habitat II commitments on land issues**
  - Structural Issues;**
  - **Process Issues;**
  - **Outcome issues.**

# The Habitat Concept

The report attempts to be exclusively urban, which is inoperable in practice. It is supposed to reflect understanding of the concept of habitat, as established in the two bi-decennial global policies:

“regional and cross-sectoral approach to human settlements planning, which places emphasis on rural/urban linkages and treats villages and cities as two ends [points] of a human settlements continuum in a common ecosystem” (H2, para. 104).

# Unmet Objectives

- "to review and evaluate implementation of the Habitat Agenda since Habitat II"
- To apply the "rights-based perspective"

(The Annotated Outline of the HIII Regional Report for the Arab Region, 3. "Preparation of the Habitat III Regional Report for the Arab region" and "Objectives of the Report," pp. 2 and 3).

# Habitat II Achievements of States:

- (1) affirmation of the centrality of human rights, in particular “the progressive realization of the human right to adequate housing as provided in international instruments,” in human settlements and
- (2) recognition of the principles of good governance in balanced rural and urban development.

# Istanbul Declaration

**Para 8.** “ensure legal security of tenure, protection from discrimination”.

**Para 12.** “Appropriate efforts and technologies for rural development...to reduce, inter alia,...poverty, isolation...and insecure land tenure”.

# Habitat Agenda II

Governments, including local authorities, committed in **30 actions**, ensuring:

- Legal security of tenure.
- Legal traditional rights of indigenous people to land and other resources.
- Optimal use of productive land in urban and rural areas.
- Effective protection from forced evictions that are contrary to the law.
- Integrated land and shelter policies with policies for reducing poverty and creating jobs.
- The exchange of land and housing without undue restriction.
- Appropriate fiscal measures, including taxation, adequate supply of housing and land.
- Equitable access to land and ensure that equal rights of women and men related to land and property.
- To recognize and legitimize the diversity of land delivery mechanisms.

- Decentralization of land management responsibilities.
- Comprehensive inventories of publicly held land and making them available for shelter and human settlements development.
- The development and implementation of land information systems and good-governance practices for managing land.
- Innovative instruments that capture gains in land value.
- Innovative instruments for the efficient and sustainable assembly and development of land.
- Developed land codes and legal frameworks that define the nature of land.
- Mobilizing local and regional expertise to support land administration systems.
- Promote comprehensive rural development through equal access to land, land improvement.
- Support for the development of land markets.
- Institutional support, accountability and transparency of land management.
- Measures to ensure that women have equal access to land.
- Encouragement of the participation of community and non governmental organizations to assist members of vulnerable groups to obtain secure tenure.



# Structural Issues

Report mentioned “The Arab region shares a common history of tenure systems, property transactions, registration and titling laws.”

However, the legacy is more diverse than this implies, Some of the shared characteristics include:

- Registration of property transactions in the region are the second most cumbersome and expensive in the world after sub-Saharan Africa taking on average 36 days at a cost estimated at 5.7% of the property value (World Bank 2009 and 2010).
- Formal land and housing markets have been encumbered by obsolete subdivision regulations, rent regulations, and tenant protection laws, as well as lengthy and unnecessarily complicated and costly registration and title issuing procedures.
- Recent and ongoing conflicts have severe implications on formal registration of land and property.

# HIC Observations

- No state maintains a national adequate-housing standard.
- Gender discrimination issues to be covered:
  - ✓ Its link to rigid belief systems (e.g., Islamic law, customary practices, socio-cultural assumptions that land is not necessarily an issue for women)
  - ✓ Lack of gender-disaggregated data and documentation, not only of women's property and access to resources, but also the need for change in their status
  - ✓ Lack of institutional support for gender/land research and policy analysis.

# Process Issues

“Rapid appreciation of land values has sustained widespread speculation in both the formal and informal markets.”

Citing the example of post-revolution Tunisia on corrective measures for past abuses by acquisitive elites that prevent the expropriation of land for a public purpose.

The report asserts that “This process hinders urban development and will need to be amended.”

# HIC Observations

- The amendments may be needed in the improved efficiency of the corrective measures, but not removing the safeguards themselves.
- Ensure proper reparations for various tenure holders affected by past practices, including the region's notorious cases of land grabbing and corruption (Bahrain, Yemen Morocco, Egypt, Sudan, Libya, Iraq and elsewhere).
- Urgent reform of land administration needed, not only to clarify formal land holdings.
- The formal completion of land reforms is still needed, such as the land reform begun in Egypt in 1950, but which failed to register and legally recognize the adverse possession of tenure holders in both rural and urban areas.
- Forced evictions in urban and periurban locations, although unequivocally prohibited under international law, are carried out.
- The scope and concept of “habitat” and the Habitat Agenda is incomplete without an integrated review of rural land administration.
- The dispossession of small farmers by various means continues in the region, despite the 2014 Regional Initiative set by states in cooperation with FAO to protect sustainable small-scale agriculture (consequences of Egypt's Law No. 96 of 1992, as example) .

- The Arab region report should include a section on *awqaf* lands for two important reasons:
  - ✓ **To demonstrate regional specificity in the application of cultural norms in ways that implement the Habitat II commitments and**
  - ✓ **To clarify the criteria for, and application of the social function of property** (see constitutions of Morocco, Art. 35; Bahrain, Art. 9; Kuwait, Art. 16)

# Positive actions

Countries of the Arab region are developing national policies toward:

- **Ensuring socially just land-tenure systems and designing realistic enforcement;**
- **Recent development of land-use plans;**
- **Enhancing sustainable land-management practices and protecting land from degradation;**
- **Promoting scientific research in natural resources protection in order to achieve Sustainable development;**
- **Enhancing the role of the private sector and civil societies in implementing sustainable development programs and applying integrated policies to eradicate poverty;**
- **Good legal practice of the Mauritanian Code Pastoral should be considered** (as locally relevant, culturally imbedded and consistent with three UN Conventions: on Biological Diversity, on Climate Change and on Combatting Desertification).

# Outcome issues

Continuing and future challenges to be addressed:

- **Climate change;**
- **Rapid urbanization;**
- **Prevalence of the state as the ultimate owner of the land (popular confusion about the definition of the state v. government);**
- **Laws reform related to natural resources;**
- **Growing demands for land (and water) for food production;**
- **Long-term impact of conflicts in the MENA region, ranging from displacement to residual land mines;**
- **Lack of political will to reform the land sector;**
- **Absence of land policy orientation;**
- **Weak capacity and lack of service orientation of public administrations ,**
- **Lack of trust between government and civil society;**
- **Corruption** (e.g., see Transparency International, *Global Corruption Barometer*, 2009);
- **Denial of information and**
- **Paucity of accessible empirical land data.**

**Thank you**