

10th Meeting of States Parties to the
Anti-Personnel Mine Ban Convention

**GICHD Side Event:
Landmines and Land Rights in Conflict-Affected Contexts**

**Monday, 29 November 2010
Palais des Nations, Geneva**

Summary Report

Land rights in conflict and post-conflict contexts are an increasing area of concern within humanitarian and development communities. Conflict can often result in dramatic changes to a country's land tenure regime and administration. Even when conflicts end, land rights may be threatened, especially for women, Internally Displaced People (IDPs), returning refugees, migrants and farm labourers. Secure land rights are, therefore, a critical issue for humanitarian response, sustainable peace-building and longer-term economic recovery, particularly in countries where a significant proportion of the population relies on agriculture as their main source of livelihood. Despite the importance of land, mine action organisations tend to sidestep the issue. **What can mine action organisations do to better address land issues as part of their response to humanitarian emergencies and post-conflict recovery?**

The objectives of the side event were to:

- Strengthen awareness of the need to consider land rights issues in mine affected countries
- Share findings from the GICHD commissioned country case studies

The meeting was chaired by Ambassador Stephan Husy, GICHD director.

Introduction to Land Rights in Conflict, Peter Van der Auweraert, International Organisation for Migration (IOM)

Mr Van der Auweraert gave a general introduction based on concrete examples on the issue of land rights in conflict affected contexts. Every time a humanitarian organisation works in a conflict affected country its work is likely to have an impact on land rights. Mine action organisations are no exception to this. Conflict affected countries typically have weak or non-existent land institutions in place to deal with land conflicts, which can lead to instability and land grabbing. Humanitarian and development organisations cannot use neutrality as a pretext for not dealing with land issues. There is a difference between the perception of being neutral and the impression given to the local population. When conducting surveys, clearing or releasing land, if they are not aware of land issues, mine action organisations may end up creating or reinforcing land conflicts. Not addressing land rights issues can lead to latent land rights conflicts that might erupt at any time and reverse all of the humanitarian and development work done by organisations.

http://www.gichd.org/fileadmin/pdf/ma_development/LMAD-SideEvent-10MSP-LandRights-Introduction.pdf

Landmines and land rights in Afghanistan, Mohammad Sediq Rashid, Mine Action Coordination Centre of Afghanistan (MACCA)

As an introduction to his presentation, Mr Rashid explained that when MACCA was asked by the GICHD to conduct research on land rights, they thought the research subject was not particularly relevant for Afghanistan. But soon after starting the research, they realised that not only do mine action organisations encounter land rights issues, they may also create and exacerbate land rights conflicts. Mine action has an impact on land issues. For example, mechanical demining can confuse the boundaries between houses, especially when property owners are refugees and therefore not present during clearance. Currently, when MACCA demining teams encounter land issues in their activities, they stop working, withdraw from the task and only come back when the issue is solved. However it is sometimes difficult as demining teams have received death threats for refusing to clear land when there was a land right issue. As a result of the research conducted, MACCA has decided to systematically integrate land issues in its activities. They plan to link with land rights authorities and organisations, integrate land issues in the National Standards and ask the demining organisations to revise their SOPs accordingly. The community liaison teams will also address land rights issues when meeting with communities.

http://www.gichd.org/fileadmin/pdf/ma_development/LMAD-SideEvent-10MSP-LandRights-Afghanistan.pdf

The land rights of women in South Sudan, Asa Massleberg, SCBL Gender and Mine Action Programme (GMAP)

In South Sudan, there is no strong national policy on land rights. The 2005 Interim Constitution of Southern Sudan and the Land Act of 2009 gave equal access to land for women and men. However, the land law can be contradicted by customary law and all the different ethnic groups have different ways of solving land issues. Secure land rights for women means that they increase their possibilities to access and use micro-credit to invest in their land. This can create income and savings, which in turn make women and their families more resistant to shocks like natural disasters, illness, landmine accidents and deaths. 80 to 90% of livelihoods work in the region is done by women but they usually do not own land which is a barrier to access micro credit. Data shows that women are disproportionately affected by forced evictions and land grabbing, and are therefore more at risk of becoming landless and homeless. Polygamy and inheritance practices are key ways in which women's land rights are negatively affected.

Mine action organisations have a role to play in this context. They can for example:

- Employ and deploy gender balanced MA teams where appropriate
- Promote active inclusion and participation of women in planning, prioritisation, implementation, handover procedures and post-clearance monitoring and evaluation
- Develop sex and age disaggregated data
- Link up with land rights NGOs

http://www.gichd.org/fileadmin/pdf/ma_development/LMAD-SideEvent-10MSP-LandRights-Women.pdf