Land and conflict: taking steps towards peace

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Thousands of displaced Yazidis in Iraq have been assisted in making a safe, sustainable return through a project that addressed the complexity of issues around land tenure.

Competition over land is a common cause of conflict, one that becomes explosive when it overlaps with other causes of conflict. Some of the key contributory elements that exist in contexts where land issues cause violent conflicts (and displacement) are: weak land governance, government inability to manage land-related conflicts, corruption, power asymmetry (where a few wealthy people own most of the land), land appropriation by investors, mismanagement and illegal use of natural resources and public land, and competition based on ethnicity and identity.[1] And competition over land is likely to intensify with the growing pressures of climate change, population growth, increased food insecurity, migration and urbanisation.[2]

The example of an approach taken in Yazidi villages in Iraq illustrates how addressing issues around land insecurity can be instrumental in peace building and recovery, in facilitating sustainable return, and in building trust and political will with governments.

Yazidis in northern Iraq
Many Yazidis, a minority ethnic group, experienced two recent waves of evictions. In the 1970s a large population of Yazidis living in the Iraqi governorate of Nineveh

Data collection relating to Yazidis' property claims, Sinjar, Iraq.

were forced by the regime to relocate from their ancestral land to collective townships. They did not receive compensation for the land they were forced to leave, nor were they given certificates of ownership in the new collective townships. In June 2014, ISIS fighters took over Mosul, the capital of Nineveh, and in August they attacked Sinjar district, where many Yazidis had been relocated to. Some 3,300,000 people were forced to flee, including an estimated 250,000 Yazidis. Unoccupied Yazidi settlements were systematically demolished or seized by ISIS, 6,000 homes were burned down or destroyed, and a large proportion of the public infrastructure was damaged or looted.[3]

Since the withdrawal of ISIS from Mosul in 2017, the situation in Sinjar remains complex. Many people are still displaced, and in the absence of a land administration system and official property documents there is continuing insecurity of tenure, risk of secondary occupation, and conflict over property.

UN-Habitat supported a project in Sinjar to address these challenges, working in 17 villages to benefit 1,312 households.[4] The project was based on the theory that if Yazidis' homes were rehabilitated, their property claims identified and verified, and their land rights protected, this would encourage their voluntary return to their area of origin and their return would be more sustainable; conflicts over land rights would be prevented and the risk of future displacement reduced. Due to the difficulty of obtaining formal land ownership documents in Iraq, the project's approach was an incremental one, using a continuum of land rights approach.[5] The initial objective was therefore not to establish full property titles – a step planned for a later phase of the project – but instead to respond to immediate needs and first secure occupancy rights with land documents. In order to facilitate the sustainable return of displaced people, the immediate priority was to rehabilitate houses, map property claims and deliver initial land documents, while preparing in the longer term to strengthen the capacity of municipalities in regard to land administration.

Tools and methods

The project used two main tools: a GIS[6] database and a housing, land and property survey. The database is based on a geo-information technology called the social

tenure domain model (STDM)[7] to map the land rights and claims of the Yazidis in an area lacking an operating land administration system and where land tenure is informal. The information was collected through a housing, land and property (HLP) survey undertaken with the help of community members and local authorities. Community mobilisation activities were carried out in villages and IDP camps in order to inform local people about the project, identify households whose houses had been damaged, and assess people's vulnerability. Discussions were also conducted with local authorities to help identify claimants and damaged houses, and to facilitate the follow up activities.

The project emphasised gender and the impact of inequitable access to property rights. Yazidi women have limited access to inheritance, as traditionally property is divided among the male survivors, and few female household heads gave their names as the owner of the house. Female-headed households, including those led by widows and by young pregnant women, were given priority. Further, the occupancy certificates issued included all the names of the members of the households, both male and female, including children. However, broader action is required to address women's land rights against the background of Iraq's challenging laws and cultural practices relating to inheritance and access to land and property.

The STDM was used to ascertain occupancy rights and ensure that houses planned for rehabilitation were owned by the claimants and that there were no contested land tenure claims requiring adjudication. Potential beneficiaries and community members were interviewed and asked to provide informal or alternative documents (for example, utility bills) as evidence of their previous occupancy of the land and/or buildings. Community meetings were held to verbally confirm the validity of the claims. In addition, confirmation by local authorities of the household's occupation on the plot for several years was also used as evidence. Through this process it was possible to prepare 'pre-certificates of occupancy', which were signed by the authorities.

Plot boundaries were marked and then validated by the claimants, neighbours, local authorities and UN-Habitat. The final, validated map was included on the final certificate of occupancy, which was signed by the claimants, local authorities, the municipality, two witnesses and UN-Habitat. The local authorities' signature supports and protects the claims. The information on the certificate includes a map of the plot, a photo of the family, the names of the claimants, text explaining what type of rights the occupants have, and signatures. Copies of the certificates were given to the municipality and occupants; a copy was kept by UN-Habitat.

Technical rehabilitation of houses only started once the claimants had been validated by local authorities and community members as the legal occupants. The use of over 40 private construction companies combined with the employment of returnees during the rehabilitation process supported the recovery of the local economy, created employment opportunities, and offered on-the-job skills trainings for returnees, creating greater economic security and thereby helping to prevent future displacement.

Throughout all this, local leaders were trained in land rights, including the management of property-related grievances and development of common criteria on which to base the issuing of certificates.

Engaging and building political will

Due to the complex security, political and humanitarian situation in Sinjar it was essential to coordinate closely with government counterparts (in governorates, sub-districts and local authorities). This was the first time Yazidis had been given officially recognised certificates to support their land claims, and the local government's involvement in this demonstrated political will that was important to the success of the project.

The provision of certificates, mapping and technical rehabilitation were a significant first step toward the recognition of full land titles registering legal ownership. The work undertaken strengthened local

capacity in relation to land administration, and a preliminary agreement was secured with the Ministry of Justice to eventually transform the certificates into full titles.

After the central government of Iraq took direct control of the area in October 2017 it was unclear whether they would accept the land certificates that had been issued to the Yazidis under this project. However, from 2018 onwards it became clear that the central government accepted these certificates as evidence of the Yazidis' land rights and wanted UN-Habitat to extend the certificates to the wider governorate. Negotiations are currently underway about exactly how to upgrade these certificates into the broader land registration system. UN-Habitat has funded another project to facilitate work on upgrading the certificates to full titles.

Preventing future conflict

The project had a number of results. It contributed to the prevention of land-related conflict by ensuring that returnees were acknowledged as the real owners of their houses and that their claims were officially recognised by local authorities. It enhanced the land rights of Yazidis through issuing land certificates. It supported the right to adequate housing by rehabilitating damaged houses. In essence, it fostered the voluntary, safe and dignified return to areas of origin, and prevented future evictions, secondary occupation and conflict over land.

"This was our land. We had built our house on it. UN-Habitat provided us with occupancy certificates confirming we are the residents and living here." Qunaf Qasim, returning resident.

The relationship between local leaders and the local authorities was strengthened on land tenure issues in a way that helped them to reject unsubstantiated claims and to arbitrate on overlapping claims. It helped them to advocate for the use of the STDM tool and Yazidis' land rights data with regional and national authorities.

The intervention increased community members' and local authorities' understanding of social tenure and land rights, prevention of conflict over land, and

technical standards for house rehabilitation. It supported the area's economic recovery and the economic security of the returnees.

This case study shows how political will was forged to give the Yazidis security of tenure for the first time in decades. It shows how practical land tools that support locally led and community-level activities can encourage and support voluntary returns, conflict prevention, peacebuilding and economic recovery, and build community resilience. And it demonstrates the roles of different levels of government and of multi-stakeholder partnerships in addressing a critical root cause of displacement – competition over land.

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1. UN-Habitat/GLTN (2017) *How to do a Root Cause Analysis of Land and Conflict for Peace Building* bit.ly/root-cause-analysis-land

2. UN (2019) Guidance Note of the Secretary-General, The United Nations and Land and Conflict.

3. Frioud I (2018) 'Iraq: Social Tenure and House Rehabilitation to Support the Return of Yazidis in Sinjar', in UN-Habitat/GLTN/ IIRR (2018) *Land and Conflict: Lessons from the Field on Conflict Prevention and Peacebuilding* bit.ly/GLTN-Land-and-Conflict-2018

4. Funded by the Government of Germany through the UNDP and UN-Habitat/GLTN. The US has given further support since 2018 to upgrade the land certificates into the Mosul land registry.

5. This inclusive, pro-poor, gender-responsive approach incorporates tenure rights that are both documented and undocumented, formal and informal, for individuals and groups, including pastoralists and residents of slums and other settlements, which may be legal or not legal. The continuum approach works with what is already in place and the GIS incorporates these into a land information management system that caters for the whole spectrum of formal, informal and customary land rights in the country.

6. Geographic Information System, using information drawn from satellite technology.

7. Developed by UN-Habitat and the Global Land Tool Network www.gltn.net