Land Forum II
Middle East/ North Africa

“HUMAN RIGHTS, PEOPLE AND THE LAND”

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Land Forum II: Human Rights, People and the Land

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Introduction

The "Regional Land Forum II" is the second round of an ongoing program of Habitat International Coalition’s Housing and Land Rights Network in the Middle East and North Africa. In line with HIC-HLRN’s mission goals and Member services, the Land Forum’s primary purpose is to develop the knowledge and capacity of Member organizations and civil society, in general, to address the pressing issues related to land and land administration in the region within the framework of human rights treaty obligations. That greater knowledge and capacity is intended to aid Member organizations and civil society generally to achieve their own local objectives through their programmed activities, ranging from monitoring and research to negotiating policy with national authorities. The Land Forum is designed to provide an opportunity, therefore, for participants to:

- Address the issues of land and land administration within the human rights framework and methodology,
- Develop a regional sense of mutuality and reciprocity to face shared challenges,
- Exchange expertise within a method of comparative analysis,
- Deepen needed specialization in the field of land and housing rights,
- Generate alternative solutions to problems related to land administration,
- Explore the opportunities available to develop the human rights dimensions of land and natural resource tenure norms at the local and international levels,
- Encourage civil cooperation and coordination across organizations and borders through joint and collective actions.

Therefore, the ultimate goal in convening each round of the Land Forum is to refine and develop these aspects and to produce a common set of priorities for action: e.g., monitoring, research, advocacy, development interventions, etc. The indicator of that convergence will be a common calendar of events, opportunities, activities and campaigns for the coming two years, which subsequent Land Forums will adjust, refine and develop further. In the interim periods, HIC-HLRN provides its services toward these ends with methods and tools such as the HLRN Violation Database, the Landpedia, MENA website News and documentation, Urgent Actions system and support for participation in related public forums.

The subject of land as it relates to human rights in the MENA region is vast and multifaceted, and HLRN seeks to involve a diversity of specialists and specializations to cover the gamut. However, the themes of each round of the Land Forum arise from the presentations proposed by the participants; and, this year, they will be clustered into four:

1. Land in Conflict, Occupation and War Situations;
2. Land Reform and Land Tenure in Reform Processes (land administration as it relates to broader reform processes);
3. Land and Natural Resources: The Human Right to Water
4. Civil Society and International Land-related Norms and Policy Processes (civil involvement in the monitoring and development of international land-related norms and policies; e.g., cooperation with FAO, UN HABITAT, UN Human Rights System).

While this Land Forum is regional in nature, it also considers the parallel tracks of local (national) policy processes in the participants’ respective countries, as well as the related human rights monitoring and policy formulation at the international level. A constant
consideration and an underlying subject under each theme also are the bundle of human rights issues and criteria related women and workers and land.

HLRN’s Regional Land Forum pursues its objectives within these themes first in a general and theoretical segment (presentations of cases studies from the region, organized by themes, with ensuing discussion), followed by a specific action-oriented and practical segment (small-group planning sessions to develop collective principles, priorities and a strategic plan along each of the four emerging themes).

This year also, four special and timely opportunities present themselves: (1) cooperation with two other tracks in a broader and complementary forum on health and environment; (2) preparations for the upcoming World Social Forum, in particular its working theme No. 3 on “the rights to land, food sovereignty, health, education, decent work, cultural and political expression; (3) coincidence with the civil society input to the process of drafting the new FAO Voluntary Guidelines on Good Governance in Land and Natural Resource Tenure; and (4) the recent launch of a new Right to Food Watch consortium with a special focus on global land grabbing.

The Land Forum is taking place as an integral part of the “Health, Environment and Land Forum,” co-organized in the same venue with AHED, DSC, PHRM and Joussour. The three-day HE&L Forum will involve a morning plenary for participants in all three specialized tracks to address common themes and objectives shared among them and the three often inter-related fields of human rights and the environment, the right to health and public health (the social determiners of health) and human rights to housing and land. The third day of the Forum is dedicated to bringing the planning results and commitments of each specialized track (health, environment and land) into a broader vision, two year plan and mutually supportive actions, including campaigns. The result is intended, therefore, to create a value greater than the sum of its three parts.

Why the Land Forum?

In the Middle East, the land, with its associated culture, history or people’s public or collective conscience, is a source of one of the oldest subjects of human production and social values: Land relates to agriculture, religion, dignity, social solidarity, cultural identity, the arts, etc. Meanwhile, land has been a subject of conflicts and wars, especially recently for its exchange value and its resources, such as oil, as well as land as an asset for agricultural land and a subject of geopolitical advantage. There is no doubt that certain developments and policies reduce livelihoods and means of subsistence for people relying on land, not least of which have been structural adjustment and privatization programs that have resulted in expelling many farmers from lands and limiting land tenure to few tenants. The pretext of maximizing production through such schemes has been proved false, whereas our countries have relied on increased imports to substitute the lack in commodities, cereals and agricultural crops.
Communities in our region have undergone fundamental changes in their relationship with the land, which also has affected peoples’ identities, moral systems and economies. For instance, neoliberal development policies, evictions and displacements, industrialization, mechanized farming, increasing privatization of public goods and services have put peoples’ futures at stake. The severe competition among local and international powers over lands is dramatically reflected in ethnic conflicts and wars.

Despite the social need and social function of land, the “right to land” is still new to human rights literature,\(^1\) where discussion remains mostly limited to indigenous peoples and in the demands of social movements of farmers, or perhaps reduced to a single legal dimension: the right of tenure.

The region needs a more responsible discourse at the local and international levels on land and water dimensions of conflicts. We commonly fail to address physical dimensions and consequences is common, as well as excluding cumulative cases of revenge which characterizes the minority-majority (predominant-subject) dynamics; thus, leading to severe conflicts. This cumulating ruinous process is seen in Darfur (Sudan), Ahvaz (Iran), Iraq, and elsewhere. The failure sufficiently to address these symptoms of such enduring conflicts inevitably leads to analyses that underestimate their potency as causes and prospective solutions. Properly and accurately assessing the land and natural resource factors in current conflicts may help us develop better preventive and remedial measures.

Land rights, especially in the developing Middle East and North Africa (MENA) countries, are certainly related to the rights to food, decent work and other legally recognized human rights. In many cases, the right to land is related to a society’s identity, as well as its source of livelihood\(^2\); hence, it becomes a major reason for sustaining such a society.

**Why Now?**

A system of privatization is spreading worldwide, depriving rural communities of natural resources, especially land and water. The Middle East is no exception; rather, it was further blighted with imperialism, occupation, dependence, discrimination and concepts antithetical to citizenship and good governance. However, the region has its cultural specificity that may align with human rights standards and corresponding state treaty obligations, which, if developed, may lead to more humanistic and productive options. In the meantime political leaders, whether ruling or opposition, as well as media outlets (press, radio and television), and even much of civil society have not shown enough diligence in our region in addressing the issue despite the needs of the region’s societies for initiatives helping them overcome their deteriorating living conditions.

**General Objectives:**

Consistent with the HLRN program, the Forum seeks to:

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1. Meet the increasing need to address privatization and the related problem of states withdrawal from their moral and legal responsibilities, especially administer public goods and services effectively,
2. Introduce and apply human rights instruments as a countermeasure to greedy global policies that augur a future of restricted access to land and water as ecosystems and climatic systems deteriorate,
3. Shed light on the state’s and civil society’s respective roles in introducing alternatives to the deterioration of agricultural land, especially that resulting from water privatization and absence of legal security of tenure,
4. Promote serious activities and efforts to improve policies affecting land tenure as eradicate poverty,
5. Provide opportunities for civil society to work within the international human rights system, including the political and implementation bodies, to call upon the international community to be more aligned to state obligations to respect, protect and fulfill peoples’ rights to self-determination, especially through access to public resources and their social function,
6. Promote legal and human rights-based efforts to develop norms on the right to land (human-rights-based dimensions of land) and mechanisms of application,
7. Contribute to the development and application of land and water rights monitoring methodologies, including the development of socioeconomic environmental indicators consistent with the Millennium Development Goals (MDGs) for a quantifying the poverty-deepening consequences arising from the violation of land and water rights,
8. Support organizations concerned with enforcing human rights conventions by monitoring the corresponding obligations of states’, especially those whose turn has come to submit reports on their implementation of International Covenant on Economic, Social and Cultural Rights.

**MENA-specific Objectives:**

Consistent with HLRN’s MENA Program, focusing on regional specificities, the Forum is organized to pose possible solutions to current and potential problems of access to land and water, such as:

1. Building dialogue on the state’s and civil society’s role, in specific national contexts, by introducing alternatives for agricultural land deterioration, especially under water privatization and absence of secure land tenure.
2. Contributing to the diagnosis of the causes of conflicts rooted in land and natural resources in certain countries such as Darfur, Kurdistan, and Turkmenistan, along with addressing conflict parties’ policies from a human rights perspective.
3. Promoting activities and efforts at policy reform to improve land tenure security as an anti-poverty measure, specifically as that relates to actual and potential efforts in MENA countries.
4. Helping to develop and apply land and water rights-monitoring approaches in conformity with MDGs, and further actual progress from a human rights perspective, including developing socioeconomic environmental indicators for quantitative assessments of poverty-aggravating violations of the human rights to water land and (human rights dimensions of) land in the region.
5. Promoting legal and other human-rights-based efforts at developing norms for a right to land (or human-rights-based dimensions of land) by focusing on regional cases of
social deprivation, particularly those in Palestine, Iraq, Western Sahara, Ahvaz and Darfur.

6. Exploring and developing constructive Islamic concepts and tools to ensure equitable access to land and water.

7. Engaging HIC Members and other concerned organizations in MENA in the deliberative process with the Food and Agriculture Organization (FAO) toward adopting Guidelines for Responsible Management of Land and Natural Resource Tenure.

8. To evaluate, adapt and, if necessary, revise the MENA regional program of HLRN as a global specialized network, especially activities related to following up parallel reports on economic, social and cultural rights (ESCR) and enforcing the Concluding Observations of treaty bodies concerning Morocco, Israel and other MENA countries.
Proceedings of the MENA Land Forum, Round II

Land Forum proceedings were organized at two main levels: First, in the form of contributions in panel sessions on the human rights dimensions of land within the Health, Environment and Land Forum, and secondly, in the form of specialized workshops on land issues where participants presented papers the four Forum themes mentioned above (in Arabic with English interpretation for non-Arabic speakers). Thus, the organizers maintained the program design proceeding from general and theoretical to specific and practical. In addition to presentations with a regional scope, panel presentations focused on the following countries: Sudan, Morocco, Palestine, Algeria, Egypt, and Mauritania. Papers presented on land issues from these countries were included in the topics suggested collectively and in consultation with members over the years. Those have resulted in a framework of priorities for taking action on land-related issues in the region, most significantly:

- Displacement and Eviction: all papers included cases of displacement and eviction one way or another;
- Demographic Manipulation, Control and Discrimination: included in papers on Nuba Mountains (South Kordofan, Sudan) and the occupied Palestinian Territory (oPt);
- Land and the “Right to the City”: discussions among some members of the Right to the City Movement in Jerusalem;
- Conflict, Occupation, and/or Wars: papers on Darfur and Palestine;
- Privatization/collectivization of land and public services: a paper from Morocco;
- Agrarian reform and its consequences: a paper from Egypt.

Towards a HLRN Framework for Research and Actions:

HLRN sought interventions in the Land Forum such that contributions on a country represented in the Forum presented data, processes, results and potential solutions that participants found relevant to prevailing situation. These criteria were central to selecting proposed research papers, in the presentation of papers and in the ensuing discussions. Among the prospective subjects for discussion were:

- State obligations under ratified human rights treaties;
- Constitutional and legal frameworks;
- Impoverishment and dispossession/displacement;
- Means and consequences of water privatization in the rural context;
- Land rights as a factor of conflict and its resolution;
- Traditional tenure systems;
- Forms of discrimination;
- Positive aspects of cultural specificity in the region, _inter alia_ Islamic concepts of land and water social management, collectivization, etc.;
- Gender equality in land tenure and inheritance, and access to and management of land, water and public services.

It was important for each paper to include a strategic component based on practice, which a researcher must seek after paper publication, by focusing on dividing current campaigns and initiatives at different levels so as to include:

- The multilateral level:
  - Secure tenure campaigns for housing, land and good urban governance
The Land Forum proceedings will be published including the latest version of each of the papers presented in the Forum, along with annexes on the most important discussion points on each of the papers.

Day 1: 23 October 2010:

The Land Forum's opening conference in MENA was initiated by the opening remarks given by Mr. Rabie Wahba (Egypt), HIC-MENA program officer, who welcomed the participants and indicated the importance of the joint cooperation within the proceedings of the broader event of “Health, Environment and Land Forum” (HE&L Forum) coorganized with Peoples Health Movement (PHM), the Association for Health and Environmental Development (AHED), Joussour and Development Support Center (DSC).

During the opening speech, the HIC representative focused on issues for action such as:

- Monitoring the current situation from the perspective of human rights in their integrity;
- Focusing on the elements of change, especially in relation to obtaining and producing accurate data through monitoring and documentation of the most significant human rights violations, whether by commission or omission;
- Seeking change by connecting problems of the region's peoples to those of people living elsewhere, since the world's nations are affected by the same international policies through which the governments establish development agendas that result in more impoverishment and marginalization of wide sectors of the world's societies; and
- The necessity of mass movements adopting a perspective that treats human rights as an integral whole and coordinating among different forums concerned with human rights. This is very well illustrated by this collective forum, comprising three main forums on health, land and environment, through which organizers attempted
to connect issues related to land, health and environment in order to come up with an plan of action on the three levels—civil, national and international—in the region.

Following the speech, two main lecturers, each representing a sub-forum within the three thematic forums, made presentations where Joseph Schechla, HLRN coordinator, represented the Land Forum and introduced several points, proceeding from the Land Forum's background to follow-up:

- HIC’s establishment and history upholding the right to adequate housing and land, the main HIC networks as well as the extent to which they reflect the HIC development internationally through the members forming the Coalition’s backbone and human rights direction.
- Implications of a housing and land rights approach to regional reform priorities, including decolonization, legal defense, Islamic values and development participation.

Discussions followed the introductory presentations, and land issues had the largest share of the commentary. A peasant group representative spoke of their experience at occupying reclaimed lands in Sinai, and participants from other governorates shared their experience of land reclamation over three decades of state confiscations (i.e., by the Ministry of Agriculture and Land Reclamation and Ministry of Interior). Further discussion of details was postponed until the Land Reform workshop within the Land Forum. More details are to be presented later.

Land Forum witnessed large attendance of over 50 participants. Participation took place, according to the schedule (attached in Annex 1) as follows:

**Proceedings of the Land Forum Workshops:**

After the general and opening sessions, the three HE&L forums broke out in separate venues, regrouping in the following morning sessions and in the combined closing. The Land Forum managed the workshops according to the programmed schedule. Many contributions were made to HLRN by members from the countries represented, as follows:

**Land and Natural Resources: The Human Right to Water**

1. **Aziz Latrash**, researcher (Morocco), opened the session on land and water with his presentation of a paper entitled "The Privatization of Springs in Morocco." He presented the water dilemmas in the Arab world with a regional survey with data and analysis that he believed to be essential knowledge for dealing with water as a collective Arab issue prior to discussing the water dilemmas on the region in details specific to respective countries. Thus, Aziz characterized the region’s water issues and challenges in the context of climate change, misuse of scarce water resources and the geopolitical conflicts in the region.
2. Gamal al-Beltagy and Muhammad al-Turagy, researchers (Egypt) delivered a presentation on the various human rights issues in Damietta, in the Nile Delta, arising from the impact of corruption and nepotism, as well as local and foreign corporate activities at the expense of citizens in Damietta and Red Sea Governorates. Presenters related the history of the popular movement that has formed in response to the establishment of Canadian Agrium ammonia and urea plant, which was had negative impacts on the environment, in particular the water resources. They reported that relocating the polluting plant to another location in the Damietta Governorate was the only measure that the state undertook to address this environmental crisis.

3. Mr Jawwād al-Mustaqbal, ATTAC (Morocco), Member of the Global Network for Committee for the Abolition of Third World Debt (CADTM), Facing Liberal Globalization, started his presentation with an introduction to the ecological crisis as one of the most prominent features of the current capitalized civilization. This crisis, as reiterated by most of the world environmentalists, is linked with human activities, production and consumption patterns, and capital distribution imposed nowadays on the world’s peoples. Among the primary vehicles of this human activity are the multinational corporations with growing control over every aspect of life (water, air, plants, media, health, education, etc.). The environmentalists report also that the gravity of the current situation, especially with the lack of any prompt action to remedy the situation and remain below the affirmed two centigrade increase in the planet’s temperature, is taking us all to a dead end.

Jawwād reported that world leaders gathered at Copenhagen Summit (November 2009), were not sufficiently compelled by all these warnings to reach a new protocol as a replacement of Kyoto Protocol, which expires in 2012. Instead, they settled for a mere call for limiting greenhouse gas emission, avoided any numbered or clear obligations, and committed a grave breach of their responsibilities toward their peoples and future generations.

On the other hand, the liberals continued their speculations in the new climate markets—created by the Kyoto Protocol—trying to reach a magic solution to save the planet through trade in the carbon market. Clean Development Mechanisms such as the new “Mechanism for Avoiding Deforestation” should have been agreed upon in Copenhagen. As a result, multinational corporations have taken over thousands of hectares of forests for the purpose of speculations in the new market, indifferent to the destiny of the local inhabitants of those forests.

In Morocco, the decision makers—copying western mentors—try to find new wealth and profit-making opportunities, this time on the pretext of environment protection and achieving sustainable development. Jawwād questioned the meaning of such so-called sustainable development. Questions remain as to what green projects are required to be carried out, who is going to pay, and who is the beneficiary?

The researcher concluded his paper with a series of recommendations:
• A critical reading of proposed sustainable development and liberal “reform” projects, in order to survive the ecological crisis.
• Crystallization of possible alternatives under the umbrella of the Global Network for Climate Justice, with particular attention to the special characteristics of the MENA region, rather than importing proven failed half solutions from developed countries.
• A joint work program for fighting climate change, including to pressure MENA governments to adopt more-explicit pro-environment attitudes in the coming talks, and adopting realistic alternatives such as People’s Protocol on Climate Change, rather than upholding the vassalage of our rulers to the major Western countries’ interests.

Abdelmawla Isma’īl, researcher in human rights to land, water, and housing (Egypt), presented a paper entitled “The Nile Basin Crisis and Its Impacts on People’s Right to Water.” It addressed water crisis management in Egypt. He reviewed a table of water needs, and water resources that can be managed till 2017, and then addressed the role of social movements and protests on potable water in Egypt. He also explained the initiative of World Bank/Nile Basin States on water pricing. Finally, he referred to developments within the United Nations General Assembly, and the positions of some states about adoption of water as a human right. The researcher concluded his presentation by introducing necessary steps to solve the water crisis, including:
• To considering water as a “human survival right.” Considering water as a commodity undermines that right. We believe that a more-humane and moral approach has to dominate the water policy for all Nile Basin countries, not only Egypt. Water must be emphasized as a human right and a public good, apart from commoditizing policies. Hence, it is a basic human right to access potable and food-producing water. It is also necessary to pressure the Egyptian government to abandon current commoditizing policies in cooperation with international agencies such as USAID and others.
• Reconsideration of the Nile Basin Initiative (NBI) and its directives.
• Nile Basin Countries, especially Egypt, must adopt an approach of disclosure and transparency in all the projects within the BI framework.
• A public-diplomacy approach by CSOs to NBI (distinguishing from GONGO’s and RONGO’s). Also, cooperation must be established with the CSOs in states that promote the NBI, such as USA, Canada, Netherlands and France. Civil organizations must be encouraged to exert pressure on their respective governments to enforce people’s right to access potable and food-producing water apart from commoditization policies.

3. Munir Mājid Ibrahīm, researcher, Yemen Youth Forum (Yemen) began discussing his paper by presenting the history of political conflict in Yemen and implantation of land mines, which remain throughout the country and impede Yemenis exercising their rights to land, water and housing. This legacy of land mines dates back to the last four decades of the past century. Most of them were implanted during three main periods illustrated as follows:
• First period: (1962–76) concentrated in the northern and northwestern governorates (Ma’rib, al-Jawf, Sana`a, Hajjah, Maran, Sa`ada);
• Second period: (1979–83) planted in the middle and southwestern governorates (`Ibb, al-Dali, al-Baidha, Dhamar, Ta`izz, al-Hudayda); and
• Third period: (Civil War, 1994) mines were laid in the southern and southeast governorates (Aden, Lahij, Abyan, al-Dali', Hadhramawt, Shabwa, al-Mahra)

The first survey of the problem, conducted in 2000, identified an area of 923 km² with unexploded mines and found the following complicating features:

- Implanting a part of landmines in some governorates;
- Unavailability of maps indicating landmine locations in many areas;
- Rough topography in the affected mountainous areas;
- Some of the mined areas' mountains contain magnetic materials and minerals; and
- Landmines detected at great depths in the desert, due to the movement of sand and the dunes formed over landmine fields.

So far, around 778 km² have been cleared of mines. A total of 230000 landmines and missiles have been detected and destroyed. However, the number of victims approached 5,400, most of whom have been women and children. The 2000 survey, reported that around 5,200 victims have been recorded, of whom 2,559 were killed, and more than 2,600 were injured. From 2000 through 2007, the number of victims has reached 158, of whom 106 were injured and 52 were killed.

The population affected by unexploded ordnance (UXO), is around 820,000 people residing in some 592 villages. Around 900 km² of grazing and agricultural lands—some 1,000 fields—cannot be used due to UXOs. Consequently, too, UXOs have affected the water sources and springs in those areas.

### UXO Impact in Figures

<table>
<thead>
<tr>
<th>Affected governorates</th>
<th>20</th>
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<tr>
<td>Affected villages</td>
<td>592</td>
</tr>
<tr>
<td>Affected people</td>
<td>827,794</td>
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<tr>
<td>Landmine victims</td>
<td>5,470</td>
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<tr>
<td>Mined fields and locations</td>
<td>1,078</td>
</tr>
</tbody>
</table>

Agricultural Reform amid Reform Processes:

1. Raja’ al-Kassāb, representing the Right to Water Forum in the Arab Region (Morocco), opened with a presentation on “Communal Lands in Morocco.” Raja explaining that the origin of the land administration in Morocco varies among Islamic Sharia, positive laws, and traditional systems. Political, economic and social changes have given rise to customary and/or religious legal institutions (Islamic endowments or communal lands). Therefore, Morocco maintains individually owned lands, communal lands (communal lands and army lands), Islamic communal endowments and state lands.

Ms. al-Kassāb defined communal lands as those owned by ancestral groups—tribes or clans—that have family, ethnic, social, and/or religious ties. The basic characteristic of such lands is the inalienable right of ownership. The landed property is managed either by the community, tribal or clan chiefs, or ad hoc community delegates. Usufruct can be distributed among them. Communal land is distinct from joint ownership, as the latter is private ownership (freehold tenure), though jointly held among individuals and, therefore, is divisible and subject to a pre-emption right.³ Communal land does not entitle its owners to such rights.

³ For definition and application of preemption rights see: [http://en.wikipedia.org/wiki/Pre-emption_right](http://en.wikipedia.org/wiki/Pre-emption_right).
Communal lands enjoy a special position among rural landed property in Morocco. Those lands are regarded as national agricultural resource of approximately 12 million hectares, from which approximately 9 million rural people benefit.\(^4\)

This resource is subdivided into: (1) *naṭba* (نائبة) lands located on the coast and on the plains; (2) original communal lands, located at mountains and uphill; and (3) army lands, located close to some cities (old capitals), which parts are either specified for dry agriculture or irrigated agriculture. In spite of their vastness, these lands have played a limited role in the economy (e.g., textile industry) due to many different reasons related to methods of use, distribution among right holders, or facilities and custody arrangements.

Raja' explained that, due to the complicated status of the communal lands, they are fertile ground for plunder and other violations, manipulations, and disputes. Communal lands are also subject to the greed of real-estate interests. Vast expanses of these lands have been seized, and their original owners evicted, all with the connivance of officials, including municipal councils, urban agencies, and construction companies. Even forests and natural reservoirs are not exempt (e.g., the Spanish group *Fadesa Inmobiliaria S.A.* tourist project and the al-Doha Group Real Estate project at the zoo in the town of Tamara).

The methods for plundering these lands have varied, ranging from falsification of documents to fraud, bribery, and even physical violence. The authorities even have used the confiscation procedures to plunder vast communal—and even private—lands, and transfer them to the real estate interests. The scandals of plundering communal lands are found almost in every corner of Morocco. The volume of disputes referred to The National Commission for the Protection of Public Property and Public Goods are an indicator of the size of such scandals.

Al-Kassāb then addressed the violation of women’s rights related to communal lands, and their alienation from their usufruct. She reported that usufruct continues to be a right reserved to the tribal or clan chief or head of family. The regulations of 27 April 1919 governing ancestral lands makes no mention of the gender of the head of the family. However, the prevailing interpretation in ministerial order no. 2799 (13 November 1957) states that head of families are “men married for no less than six months, or widowed women with male child.” Such a narrow interpretation has deprived thousands of women, regardless of their social status, of adequate source of livelihood. Moreover, such interpretation violates the Constitution and all international conventions on human and women rights ratified by Morocco. This interpretation is merely derived from the obsolete tribal traditions that used to prevail in some Berber tribes where, in case of death of the paterfamilia, the male descendants share the usufruct and management of the properties. By excluding women, this practice avoids property loss in the event that a women’s possible marriage to men from other families may result in bequeathing the property to that family. Such norms are applicable until today, supported by the Ministry

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\(^4\) Statistics stated by Minister of Interior in his intervention to the national debate on communal lands, 5–6 December 1995. According to Mohammad Ben ‘Arafa, a Maliki imam, preemption is “The right of a partner to buy the share of his partner, in return for its fair price.” It is more of a restriction on disposal of a property, due to the possible harm that may result from joint ownership, and protection of the partners from aliens’ insertion into the joint property. The preemption also aims at prevention of the division of the property into small parcels.
of Interior, the custodian of the tribal groups, despite the fact that no explicit law or regulation deprives the Moroccan woman from her right to land ownership equal to men.

With all this injustice against women and their children, especially the daughters, civil society’s role has been restricted to monitoring and making some modest recommendations from time to time. However, a group of feminists recently have broken the wall of silence and struggled to eliminate this injustice. This was especially important after authorities deliberately turned over thousands of hectares to large real estate developers at cheap prices, greatly reducing the area of communal lands benefiting many low-income families and leaving them no alternative but to join the slums.

Raja’ argued that, even if such acquisitions may contribute to providing socioeconomic housing to some limited-income groups, real estate developers usually allocate such lands instead to projects meeting the needs of high-income customers, for tourism and luxury housing projects that have nothing to do with the housing crisis or eliminating inadequate housing, despite official claims. This contradiction has been uncovered recently by the severe conflict among large developers on communal lands in many areas.

The periodic subdivision of communal lands among right holders leads to their fragmentation into small plots that cannot be put to productive use with modern production methods. The authority’s domination over affairs related to these lands—especially since custody rulings cannot be appealed—has led to the despoliation of a wide range of these lands. Consequently, the surrounding environment has been damaged, on the one hand, and many poor citizens have been displaced, women in particular, on the other hand.

Raja’ called for the reform of laws and regulations related to communal lands so as to restore the rights of its owners and eliminate the injustice imposed on women. Moreover, she argued that land registration procedures must be simplified, and the custody council reformed, at least so that its decisions be justified and subject to appeal before administrative courts. She added that officials must start an open investigation into the violations, conduct a comprehensive census of rightful owners and compensate those harmed by granting ownership rights to their descendants (if any). Moreover, delegates of tribal groups must be re-elected, she argued, without intervention of the local authorities.

2. **Yahya al-Khawāldah**, Dhāna and Qadīsīyya Association (Jordan), presented a case of local communities restoring their rights to traditional-use lands.

Yahya referred to the problems that arose for citizens of Dhana and Qadisiyya, in southern Jordan, in accessing the lands that they traditionally possess and use. Families of Dhana and Qadisiyya faced the loss of their basic source of income by the transfer of
their lands to The Royal Society for the Conservation of Nature for purposes of ecotourism.

The project of the Sons of Dhana and al-Qadisiyya Cooperative Association arose from a local initiative to organize the community and unite its efforts in order to defend its rights, cultural and natural heritage, and develop the region in a sustainable way that preserves the community's distinctive qualities, curbs unequal competition with external parties that seek profits without regard to the social requisites of economic development.

In 1989, the Royal Association for the Protection of Nature took the very first steps toward the foundation of a Dhana Protectorate, despite the local inhabitants’ apprehensions. All association members and employees were from the capital, Amman, about 200 kms north of the village. The establishment of Dhana Nature Preserve and the accompanying media storm and tourism publicity urged some well-off public figures, investors and the Royal Association for the Protection of Nature itself to buy village lands at very low prices, taking advantage of the crushing poverty of the people there. This, in turn, incited the local community to join forces in the face of such lopsided competition and seize the initiative to solve the problem and protect their rights.

In 1993, the establishment of the protectorate was officially declared. This, in turn, led to the centralized control of the region surrounding the village and, thus, curtailed the social and economic activities of the people, who relied mainly on livestock breeding, agriculture and firewood gathering to meet their primary needs.

As Yahya explained, the project now seeks to rely upon its organizational nucleus to maintain economic sustainability for the community and encourage education and training of the youth, so as to relate to the local and international communities, pursue job opportunities to check poverty and pave the way for self-determination toward the fulfillment of needs. This experience also has opened the way to new mechanisms for solving local concerns and problems and to finding a place for the community in the framework of the studies and designs that external bodies carry out to ascertain Dhana and al-Qadisiyya’s present and future.

3. ‘Abd ul-Hafidh ‘Ubaid (Sudan) addressed the issues of “Land and Peace in Sudan.” Dr. Abd ul-Hafidh reviewed the current and upcoming perils in the region, especially in Sudan, with the prospective division of Sudan into two separate states and the impacts of such division on the right of Sudanese people in the natural resources. He indicated the disputes currently taking place in Sudan, including Darfur, which is considered to be one of the most fragile regions due to climate changes, as it suffers serious shortage of rainfall and the consequently depleting vegetation. He clarified that the reason is the location of Darfur in the tropical zone, where rainfall has oscillated between years 2000 and 2010, and now has become limited to four months only every year.

Another problem lies in environmental deterioration in the intensification of subsequent conflicts over declining natural resources. The deterioration of natural land and its productivity result in deterioration in crop yields.

4. Nasser Abu Nasser, Ansār al-‘Adāla (Justice Advocates) Society (Egypt), referred to the violations against the peasants in rural areas, and reviewed, in that context, a special
case study on eviction of the peasants from their farmlands in eastern Qantara, North Sinai Governorate.

He reported that, back in 2008, the General Authority for Reconstruction and Projects of Agricultural Development (GARPAD) petitioned for legal confirmation of peasants’ possession of their farmlands, particularly as they have been reclaiming and cultivating those lands since 1983.

In the same presentation, a farmer from Northern Sinai addressed the issue of the farmers’ eviction. He noted that the farmers are still keeping the “salt packs,” exchanged when the farmers bought the barren land from Bedouins back in 1983. He testified:

While others bought their lands from the General Authority. We have exerted strenuous efforts in reclaiming our lands. We have lived under open skies since 1983. By 2008, and after the land became fertile, it has been, unexpectedly and forcibly, taken away and given to the elites. They weren’t satisfied with taking the land away with its yields, such as sugarcane, sesame, tomato and corn; they even have demolished our houses. Now, we live under open skies, and our livestock is perishing.

Day 2: 24 October 2010

The day started with a plenary session that gathered the participants of the three Health, Environment, and Land Forums under the theme “Capacity Building through Knowledge and Strategy Exchange.” The participants separated afterwards into their respective health, environmental or land forums.

Agricultural Reform amid Reform Processes (cont’d.)

1. Mohamed Amroun, legal researcher (Algeria) focused on agricultural land tenure in Algeria and the development from leased lands to land ownership. He touched upon the concept of peasant tenure, and explained that tenure is related to net income rather than land space. He referred to historic hierarchy, as follows:

- In 1990s, most of the lands were tenured by a high-class or wealthy minority, as a result of the failure of agricultural reform and land distribution policies.
- In mid-1980s, social movements emerged and the tenure concept developed along with increasing attention to the peasants, rights of land use, durable usufruct, and tenure transfer to inheritors.
- Early 1990s, free system. Consideration of changing the conditions.
- Laying down principle of peasants’ right to ownership of the lands that they do utilize.
- The beginning of the millennium witnessed the abandonment of durable usufruct. Major landowners began to switch their lands into building and real estate lands, which is an alienation of its real function.
- 25-year usufruct has been applied, along with “Tenure by Performance,” according to which the land must provide certain level of productivity, otherwise it shall be expropriated. The bill is still being discussed in the Algerian Parliament. The main reason behind the delay of the bill is the influence and activity of the social movements.
Finally, Mr. Amroun concluded that acquired land rights of tenure and usufruct in Algeria are in a state of retrogression through new legislations, such as the new real estate law. This law shall change the original function of agricultural land, such as in the case of the Algerian Dunya Park project. At the same time Algeria is undergoing other serious challenges affecting land use, such as climate change and desertification of lands in the south of the country.


The presentation included three cases from different governorates, with testimonies of wronged peasants. Mr. Bashir stressed how neoliberal policies in many poor countries have to put an end to production patterns of small peasants, which represents the biggest share of agricultural production patterns in those countries (75% of agricultural lands in Egypt). At the same time, those policies pose the main obstacle to states’ control over two local markets in rural areas: agricultural inputs (seeds, fertilizers, pesticides, fodder, agricultural machinery, pollens and serums) and produce. Controlling the former paves the way for controlling the later. Moreover, such policies open the doors to consolidating small farms into large intensive (mechanized) agriculture holdings, which has forced a great number of peasants into ranks of the unemployed.

The institutional mechanisms of such neoliberal policies are:

- International financial institutions: World Bank (WB), International Monetary Fund (IMF), World Trade Organization WTO and others;
- Trading and production companies in agricultural equipment and inputs.

The state champions these policies in cooperation with these institutions, on one hand, and the large-holding farmers, on the other.

Mr. al-Saqr characterized the means for implementing these policies as follows:

- **Violent means:** Forced eviction of peasants from agricultural reform lands, Islamic endowment lands, and lands of guardianship.⁵

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⁵ A status imposed on large landowners, whereby their heirs recovered 66% of 123,000 feddans in the late 1970s previously placed under "receivership," in accordance with agricultural reform laws of 1952, 1961 and 1969. This resulted in excluding a number of poor and small farmers from the tenure structure as tenants of these lands, as well as the increased concentration of land in the hands of agricultural capitalism. (1 feddan = 24 kirat = 4200 square meters (m²) = 1.038 acres.)
• **Nonviolent means**: raising agriculture costs through:
  - Raising the costs of agricultural inputs;
  - Raising costs of agricultural leases;
  - Raising interests on agricultural loans;
  - Maintaining monopolies of peasants’ produce to keep prices low, which decreases profits and compels the small landowners to sell off their lands and tenants to stop their agricultural activity.

The presenter pointed out that these means combine to the benefit of big farming interests and investors, and the state. The state further aids the deprivation of farmers with enabling means such as ridding agricultural associations (governmental cooperative associations) of the poor and small-holder peasants through:

- Registering land tenure in agriculture associations to the owners, in a violation of agriculture law, which deprives the tenants from accessing production equipments.
- Working to change the criteria of “peasants,” in a violation of the law, such that an owner of less than three acres is classified as an “agricultural worker,” and then excluding them from the agricultural associations.

Mr. Bashir presented from three papers of peasants’ rights violation, which all will be included in the published Land Forum II proceedings.

**3. Muhammad `Abd ul- Hakīm**, Egyptian Center for Development Rights (Cairo), presented a paper on land issues in the state’s urban-developmental policies. In his paper, “Slum Development or Investment?” he indicated that the number of inhabitants of poverty-stricken settlements has reached approximately 6.12 million, living in 165 slums in Greater Cairo. Those inhabitants suffer neglect by the state, and are excluded from its development agenda. The marginalization of the slum inhabitants takes the forms of lack or deterioration of the utilities and basic services needed in any human society. These include, foremost, clean and potable water through a distribution system (which is replaced by filling contaminated jerry cans priced, at some areas, at L.E 5 each), sanitation and sewage, electricity and roads networks. To these deficits are added deteriorating health, poor education, a lack of cultural, sports and recreation opportunities. Finally and cumulatively, the residents lack a healthy environment and safety conditions, particularly as some have been obliged to build their houses of poor quality in precarious zones below or above unstable ground susceptible to rockslides, or below high-tension wires, while others have had to live adjacent to factories that pollute the soil and water with toxic waste, and pollute the air with particulate and fumes, which leads to respiratory diseases and birth defects. Among these in Greater Cairo are areas such as `Arab Abu Sa`īd at Hilwān, Duwāiq, Istābil Antar, and `Izbat al-Hagāna.

These conditions have burgeoned with the increased migration of citizens from their poor villages in Upper Egypt and other rural areas, seeking job opportunities in the capital. By the mid-1970s and early 1980s, a dramatic change has occurred to the population structure of Egypt due to certain policies that have withdrawn the state from its role in regulating markets to ensure affordable construction and building materials, and with the emergence of private profit-seeking companies that neglected the public housing and, by the mid-1990s, produced the luxury and super-lux housing. Simultaneously, the unplanned urban pattern, which lacks the services and basic utilities, expanded on cultivable and noncultivable lands located uptown, and became the public option for the low-income and poor people who have been excluded from the housing market.
The citizens have tried to legalize their situation by extending services and utilities to their slums. However, the response of the government was surprising, with the announcement that the state is developing a scheme to transfer the poverty belts inhabitants from downtown to the periphery, and to make use of the lands currently inhabited by them for housing and commercial projects that will attract global investors. The government plans simply turned a deaf ear to the economic and social conditions of those citizens, and excluded them from the decision-making process, transforming them into injured parties, rather than being beneficiaries.

Those inhabitants naturally have resisted such plans and decisions, as their current location is essential and organically linked to their social and economic interests and livelihoods, especially after spending many decades living in those locations. That resistance, consequently, has pushed the executive bodies not to respond to the inhabitants needs, but to carry out their decisions coercively through forcible eviction. Unless such policies are reversed, executive action will lead to more clashes between police forces and the inhabitants. Such clashes are a real threat of social peace, and will sharpen the citizens’ sense of marginalization and exclusion as they will consider the state’s plans as a takeover of their properties rather than development of human societies.

The priorities of those inhabitants include consideration of their economic, cultural and social conditions without adding more financial burdens. This means extending potable water, electricity and sewage networks, allowing the repair of their houses, paving roads, or restoring a public hospital that has shut down for years. These priorities can be achieved through consultations with them to define their real needs and to develop their areas according to their own decisions, with granting them the right to choose their residences according to the nature of their jobs and social conditions. That’s how development processes will come back on track, so that, instead of being harmed, the inhabitants will become agents, willing partners and beneficiaries of development the decisions, and not mere receivers of executive orders.

This alternative also would be consistent with state obligations under the binding international conventions that Egypt has ratified, but planning and development authorities have ignored. For example, articles 2, 4, and 11 of the International Convent on Economic, Social and Cultural Rights provide policy direction. All international conventions, as well as the Declaration on the Right to Development, support the rights of those citizens to discuss any development project that touches their lives, and their right to participate in such projects in a manner that suits their needs and demands.
Muhammad stressed the importance of community participation as a pillar of civil initiative to resolve the “problem” of slums. The human rights methods to counter the slums are based on number of points:

- **Empowerment**: building the capacity of the inhabitants, in order to establish their own community-based associations to combat any attempt to take over their properties.
- **Legal Support**: providing legal support tools and services, and handling procedures of lawsuits.
- **Technical Support**: providing technical support through researchers and instructors to carry out qualitative studies (quick research in participation and needs), and provide alternatives suitable for the inhabitants.
- **Coordination** with all rights institutions to consolidate their efforts and provide alternatives; e.g., alternative development plans carried out through inhabitants’ participation.

4. **Mustafa al-Hasan**, Hisham Mubarak Law Center—HMLC (Egypt) delivered a presentation entitled “Slums and Land Allocation Policy.” He focused on state lands, or “state-owned lands” as they are treated as if lands “privately owned by the state.”

The actual development policy indicates that the state favors entrepreneurs and investors over the poor. He gave the example of the “Madinati” project. He also emphasized the discriminatory policies of the state privileging big investors over small-holding peasants, which is explicitly clear in Toshka project lands, as 100,000 acres have been conveyed to Saudi Prince Walid Bin Talal by way of executive order.

Finally, he indicated that the state does not take the side of the poor, as claimed in its propaganda. On the contrary, the state is constantly taking actions against the poor. The researcher submitted a statement issued by HMLC on the major violations committed by the Egyptian government against the people of Aswan. He reviewed the appeals made by the families of Bashayir al-Khair Village, Garf Yasin, Aswan, against a food-aid project that involved the forced eviction of numerous families by state security forces.

This presentation also features live testimonies of peasants from the Nile Delta: **Abd’ul-Raziq Shandy**, holder of agricultural reclamation lands reviewed the relevant policy trends affecting his community, reported that over 105 years of possession was legalized in era of Egyptian President Gamal ‘Abd ul-Nasir. In the subsequent administration of Anwar al-Sadat, the land was delivered to be managed by Endowment Authority, maintaining the state of occupancy.

In 2008, the state sold the lands to many parties such as State Security Housing Association, Association of Alexandria Security Directorate, and General Security Association.

Some peasants received their lands, others were arrested and did not receive their lands. In the last day of the ‘Id al-Fitr feast 2009, my brother received an anonymous call threatening to evict him from his
He refused to vacate the land. His dead body was found on the land the very next day.

Early in 2010, we have been called for negotiations. I refused. A police officer summoned me ten days ago, but I refused to respond. Pressures have been exercised through my in-laws, and I still refused. The police officer arrested a relative of mine to exert more pressures. I have filed a complaint to the Public Prosecutor, who searched the police station and released my relative. The land shall be delivered only over my dead body.

Ahmed Saeed, Dakhaliyya, testified that, a year and a half ago, some brokers tried to buy my land. I own 23 carats. I refused their offer. The Governor then informed us that the land shall be allocated to agricultural research center, and many peasants sold their shares. At the time of the sale, the peasants were surprised that the buyer instead was the Salahiiyya Company. The buyer threatened that if anyone objected, the owner would be forced to sell. Those lands were resold for many times the purchase prices paid to the peasants.

The company tried to establish a hotel and commercial mall on the land. On 25 August 2010, company representatives tried to visit the land and I resisted them. They threatened me and pressed charges against me for stealing some of the company’s equipment. The situation wavers now with the company issuing temptations and threats.

Land in Situation of Conflict, Occupation and War

1. Murghānī Tayfūr, Nuba Mountains (Sudan), presented a paper entitled Mr Tayfur read the manifesto of the “The World Social Forum for the People of Nuba Mountains,” which emphasized the mechanisms that should be adopted by the international community in order to avoid the disasters that may befall the people of Nuba Mountains, including:
   - Ensuring that the National Conference Party adhere to the peace protocols of Nuba Mountains and Blue Nile regions. The protocols should be implemented on time and through national consultations.
   - Addressing The United Nations and international agricultural organizations about the rights of the indigenous peoples of Nuba Mountains, and exerting pressures on the National Conference Government to ratify international agreements and conventions on the rights of the indigenous peoples, with a view especially to the rights of Nuba Mountains people.
   - Raising an international appeal to protect the People of Nuba Mountains from genocide, and granting them their legal rights to land and use of their resources, and to uphold their cultural and social rights, and their right to determine their political and economic affairs independently.
   - Developing the Nuba Mountain Region, removing the footprints of the war, and providing reparations for the individuals and groups harmed.

2. Ahmad al-Atrash, Applied Research Institute Jerusalem—ARIJ (Palestine), submitted a paper entitled “The Right to the City: Case of Jerusalem.” Ahmad provided a human rights framework in his presentation, emphasizing the:
   - Right to participation
   - Right to secure tenure (production + utilization)
Right to allocation [equitable distribution]:

He referred to the evolution of changes to the borders of Jerusalem, culminating in:

- The Barrier Wall, encompassing new lands under Israeli control without including its inhabitants;
- Settler colonies, with the number growing in Jerusalem municipal area;
- The current settlement scheme in Jerusalem is 65% Israeli vs. 35% Palestinians.
- After building the Wall, the scheme will result in a demographic shift to 84% Israelis vs. 16% Palestinians.

Among the Israeli measures to confiscate properties and depopulate indigenous neighborhoods in East Jerusalem has been the enforcing the Law of Absentee Property (1950) at time of land registration, which has resulted in the State of Israel expropriating any Palestinian lands and properties of which any owner was outside of the property at any time during the 1948 War of Conquest.

Palestinian inhabitants of Jerusalem have no citizenship rights. They only have the right of permanent residence. Even if indigenous Jerusalemites were to opt for Israeli citizenship, they still would be subject to an inferior status in a state that upholds economic, social and cultural rights—in particular, housing and land rights—only for those in the country enjoying “Jewish nationality.”

The characteristics of Jerusalem have been changed, thanks to the modernization which links Jerusalem to Tel Aviv, rather than the city’s historic and organic function, linking to the north and south of the Jabal al-Khalil (south) and Jabal Nablus (north) of the West Bank.

Ahmad al-Atrash demonstrated through maps and charts how the occupation of Jerusalem is seeking to completely alienate the city from its indigenous cultural, historic, demographic and political features.

3. Abdū Hammād, Social Peace Initiative of Darfur (Sudan), made a presentation entitled “Land and Housing in Darfur, from People’s Norms to Authoritarian Violations, and Forced Eviction.” Mr. Hammād provided a historic background to the land and its uses in Darfur, then the system of land distribution within the tribal structure, the former sultan’s rights of the land according to the norms at the time, regulations of land uses, and the al-haqūra (pl. al-hawāqīr) concept in land rights. He then reviewed the population migration of Darfur between 1984 and 2006 and its impact on people and environment. He highlighted the authority and civil

6 In Sudan, the haqūra is land grant that the sultan awarded to an individual. The tribal dār (homeland) is that land that the colonial authorities awarded to a tribe for administrative purposes, usually based on historic residence claims of some form. Historically, hakūra and dār are overlapping concepts—but the reinvented haqūra is much closer to the colonial concept of dār than to the historic haqūra of the sultanate.
administration, and defined the most important results of the first migration as:

- Wasting natural resources and the livestock,
- Confiscation of the rights by the law and triggering tribal conflicts through disputes over land and natural resources,
- Lack of a secure environment for individuals and groups,
- Changes in the form of housing from permanent houses to displacement housing (tents, cartons, below the trees, etc.),
- Direct threats to tenure security,
- Scarcity of commodities and basic services,
- Change in life patterns.

Abdü then addressed the second (post-2006) migration and the role of the authorities:

- Political polarization on ethnic basis, which dismantled the society,
- Forced migration,
- Illiteracy and lack of awareness,
- Environmental degradation,
- Deterioration of economic situation, and the collapse of agricultural development projects,
- Spread of arms and the emergence of tribal militias,
- Implantation of new migrants and confiscation of lands from original owners,
- Phenomenon of trials outside context of law,
- Imposition of emergency laws,
- Lack of basic human rights; housing, access to justice, education, food, water, participation and self-expression, etc,
- Lack of cultural harmony between migrants and urban inhabitants,
- Brain drain.

The researcher then addressed migration as a necessity of war and the related violations of land and housing rights. Following a review of the violations, he posed a series of recommendations:

- Updating the laws on land tenure and ownership,
- Providing adequate guarantees to ownership of lands by the displaced after reaching peace,
- Practicing pressures on the government to void tenure documents obtained by the new comers,
- Authorities must acknowledge the existence of more than 30 thousand settlers in Darfur, and must return them to their original homes,
- Establishing a committee of NGOs to monitor and document land and housing violations,
- Mobilization of activists to intervene immediately and protect “environment, war children, social reconciliations, land and houses, and endangered peoples,”
- Establishing an alliance of rights organizations to help 18+ war children, and study the possibility of including them in technical and vocational education.
Group on Civil Society and International Land-related Norms and Policy Processes

1. Daniel Gómez, Food First Information and Action Network—FIAN (Germany/Netherlands/Argentina), discussed “Civil Cooperation with the FAO in Drafting Voluntary Guidelines on Good Governance in the Administration of Land and Natural Resource Tenure.”

Daniel presented the current process and the importance of civil society input to ensure the best possible outcome. (HLRN provided an Arabic version of the current draft submission by CSOs to FAO). While the details were deferred to the workshops to follow on the third day of the forums, participants agreed to submit any proposals on these guidelines by CSOs in MENA region.

The discussions of this session focused mainly on the international actions and civil society involvement in the process within FAO to develop guidelines for states on good governance in the administration of land and natural resources tenure. The presenter also stressed the usefulness of such guidelines in countries that have not formulated or applied adequate policies.

2. Joseph Schechla, HIC-HLRN (Egypt), presented “Opportunities for Civil Society Cooperation in the Development of Norms in UN Legal and Political Bodies.” In addition to the opportunity for MENA civil society to participate in the standard-setting process of the FAO guideline development, Schechla informed the participants of other opportunities to engage in the development of norms and standards, as well as to monitoring existing standards, on broad themes as well as their application in individual countries.

Schechla surveyed the international advocacy opportunities arising over the coming two years, including the reviews of Israel, Mauritania and Egypt by the UN Committee on Economic, Social and Cultural Rights (CESCR) in 2010–11, follow-up to the Goldstone report on the Gaza Conflict (2008–09) and the Special Rapporteur on adequate housing missions to Algeria and Israel in 2011.

In addition, he turned to civil society initiatives at standard setting and interpretation that concerns the region. He referred to the efforts of the Extraterritorial Obligations (ETO) Consortium to clarify the legal obligations of states and related jurisdictional questions in cases of international cooperation, including overseas development assistance, trade and investment that affect ESCR. HIC-HLRN involvement in the ETO Consortium has resulted in the elaboration of four cases related to the region: (1) ESCR consequences of the Mideast Quartet (EU, US, Russia, UN) ban on aid to the Gaza Strip since 2006; (2)
the French Veolia and Alstom companies infrastructure development for Israeli settler colonies in Jerusalem and the West Bank; (3) the EU-Morocco Fisheries Agreement extending alien fishing rights to territorial waters of Moroccan-occupied Western Sahara and (4) the conduct of Israel’s parastatal institutions (WZO/JA and JNF) asserting “Jewish nationality” rights and responsibilities upon citizens of other sovereign states and conducting population transfer, while registered in some 50 other states as tax-exempt “charitable” organizations. ETO cases compiled on several land and displacement cases in other countries (e.g., Ecuador, Ghana, Paraguay) are included in that body of work by other organizations. It is intended that this effort result in the adoption of clear legal definitions of ETO affecting a whole bundle of ESC rights.

Day 3: Interest Groups’ Planning and Reporting

On the third day, the Land Forum convened to apply the information and suggestions of the previous days into practical activities in an agreed plan. Participants broke out into three working groups, each addressing the four topics (1) diagnosing the region-wide problem, (2) current and available strategies, assets, attempts at remedy, (3) identifying what is needed to advance remedies further and (4) commitments to action over the next two years. The working groups delivered the following results:

1. Land and Right to Water Group

Attending:

1. Sidi Ethmān Ould Cheikh Melane (Mauritania)
2. Munīr Mājid Ibrahīm (Yemen)
3. `Abd ul-Hafīdh `Ubaid Muhammad (Sudan)
4. `Adil Anūb `Abd ul-Mālik (Egypt)
5. `Azīz Laarash (Morocco)
6. Rajā` al-Kassāb (Morocco)

- Diagnosing the region-wide problem:
  o Pollution;
  o Privatization,
  o Water scarcity;
  o Desertification;
  o Internal, regional, and international conflicts over water; and
  o Mishandling, misuse and waste of water in projects serving the wealthy;

- Current and available strategies, assets, attempts at remedy:
  o Mauritania's cooperative associations, extracting water from wells, with social solidarity for needy households without state supported or other means;
  o Common failure of the policy of great dams in the region and exhaustion of groundwater; and
  o Opposition to the failed model of Water User Associations (e.g., Egypt), which after state intervention, raising prices and further marginalize rural poor, especially women, in the management and distribution of water.
• **Needs:**
  o Raising awareness of principles clarifying that water is a basic human right and public property and how it is related to climate changes; and
  o Coordination and networking among organizations in the region, in framework of the Water Forum in the Arab region and the Housing and Land Rights Network.

• **Recommendations/commitments:**
  o Inclusion of the right to water in the region's constitutions;
  o Establishment of environmental and water observatory and presentation of reports on the water situation in each country and within the region;
  o Ending water privatization in the region;
  o Using treated sewage water in secondary usages such as irrigation;
  o Holding local and regional water forums setting guidelines on proper handling of water at national and regional levels;
  o Focusing on handling the local, regional, and international conflict over water;
  o Participating in the activities of the upcoming forums such as the World Social Forum in Dakar and the Climate Change Forum in Mexico; and
  o Issuing a statement, in solidarity with Beni Samim village inhabitants, comprising requests for immediate prevention of the exploitation of the water spring by Brasserie company/Morocco and suspension of the judicial follow-up against the inhabitants followed-up on.

Where two of them were selected for following up on the group activities and implementation of the reached decisions, namely, Rajā' al-Kassāb and `Abd ul-Hafīdh `Ubaid

2. **Agricultural Reform Group and Reform Policies**

**Attending:**
- Abdel Mawla Ismail, AHED (Egypt)
- Rabie Wahba, HIC-HLRN (Egypt)
- Rajā' al-Kassāb, Right to Water Forum in the Arab Region (Morocco)
- Yahya al-Khawāldah, Dhāna and Qadisiyya Community Association (Jordan)
- `Abd ul-Hafīdh `Ubaid, Sudaniyya Environmental Preservation Society (Sudan)

• **Diagnosing the region-wide problem:**
  o State providing land to nonpeasants and depriving original peasants and inhabitants of their right to land (e.g., Jordan case);
  o Abolishing the right of possession and utilization through new real estate law (e.g., Algeria case), where this legislation will allow the utilization of agricultural lands in purposes other than those originally assigned
  o Desertification of peasants' lands (e.g., southern Algeria);
  o Eviction of peasants from agricultural reform lands and *Waqf* (Islamic endowment) lands, as well as dispossession of peasants' lands (e.g., peasants of Qantara-east, Egypt case);
  o Destruction of agricultural areas through development and megaprojects;
  o New laws supporting evictions, raising lands' prices and the restructuring of lands;
Eviction of peasants from their cultivable lands to desert lands, increasing irrigation costs;
The increase in agricultural input costs with the decrease in market prices of agricultural crops;
Agricultural monopolies;
Termination of the Court of Values;
Unaffordable water pricing;
Water-related investment projects and social justice (e.g., model of the alternative development axes initiated in the Nile Delta, resulting in pollution of Delta water, reduction in Delta population's share of water, and destruction of some agricultural lands (Egypt and Algeria cases);
Exploitation of rural woman and child labor in agriculture;
Obstacles to peasants' right to establish independent unions; and
Genetic engineering and its relation to the right to food and food sovereignty.

Recommendations/commitments:

Halt the eviction of peasants from all types of agricultural lands, houses and occupied lands, especially in the areas close to deserts, whether by force or by legal or administrative means that are arbitrary, illogical and/or are inconsistent the international human rights norms;
Stop depriving farmers of the rights they gained in prior periods, and stop implementing the new laws that legalize the derogation of those rights;
Allow the evicted people to return to their lands and return and restitution of their earnings that were taken from them, as a rule, or compensate them fairly, as an exception;
Prevent the use of agricultural lands in purposes other than genuine public purpose projects that serve the public in general and, explicitly, peasants, in particular;
Curb the increase in prices of agricultural production supplies and inputs, agricultural leases and interest on agricultural loans, and start supporting fair prices of agricultural crops based on real agriculture cost and the living needs of poor peasants and micro-farmers;
Cease and desist the displacement of poor peasants and micro-farmers from agricultural associations to the Union of Agricultural Workers, including by suspending the procedural changes to their legal and professional status as peasants, and return the displaced peasants to their original places;
Change the legal and operational status of agricultural credit banks as cooperative banks, where interest rates do not exceed 5% annually, and return the agricultural associations' capital seized by banks and limit restrict bank interventions into agricultural activities;
Stop pursuing peasants defaulting on their agricultural bank debts in the court; immediately release those who were imprisoned for this reason; write off the debts of poor peasants and micro-farmers; collect the amount of outstanding debt from the sale of crops instead of by selling the land; limit the services of agricultural associations to actual peasants, listing their names as the owners; and ban the use of pesticides that pollute the environment and pose risk to the health of human populations and animals;
Set a maximum limit on agricultural land rents and a minimum rental period, taking into consideration the return on land cultivation and the living needs of poor peasants and micro-farmers;
o Suspend the procedure of selling irrigation water to poor peasants and micro-farmers;
o Support the rights of rural women working in agriculture, and emphasize the importance of giving those women their fair share of the inheritance in land;
o Reconsider the condition of agricultural labor, ensure that they are to be the first to benefit from reclaimed lands, together with peasants who were evicted from their lands, and provide the agricultural workers with an environment meeting humanitarian action standards and providing for a secure and sustainable living;
o Remove all restrictions preventing peasants from establishing leagues, unions, syndicates and political organizations protecting and unifying them pursuing their interests;
o Lift the restrictions imposed by multinational companies engaged in producing and marketing agricultural production supplies to peasants and support their attempts to continue to use local seeds, organic fertilizers, and limited-technology equipment that is appropriate for agricultural activities;
o Foster local, regional, and international solidarity, since it is one of the significant factors supporting the success of peasants' rights protection and granting them the ability to have influential professional, economical and political power in their society;
o Support al-Qadisiyyah and Dana Association in implementing projects for retrieving lands and calling for compulsory compensation;
o Emphasize the necessity of keeping the old law no. 19/1987 in force. (Algeria case)
o Foster a campaign defending peasants of Qantara-east, Tusun, and other reform lands.

3. Land in Conflict, Occupation and War Situation:

Attending:
Jamal Talab, Land Research Center (Palestine)
Applied Research Institute—Jerusalem (Palestine)
Abdu Hamad, SPID (Darfur, Sudan)
Muhammad `Abullah al`Abdali, Yemeni Land Mine Survivors Association

• Diagnosing the region-wide problem:
No single conflict situation affecting land in the region is unique, nor are any two identical. However, the principle feature of aggression on land at the expense of traditional and indigenous inhabitants and owners of the land repeated across the region. The region bears witness to several forms of occupation, ranging from foreign colonization (Palestine, Western Sahara) to analogous situations of land deprivation of subordinated communities interior to the state (Sudan, Egypt, Bahrain). Most affected communities lack contact with each other and awareness of the common features of their respective struggles to remain on their lands.

• Current and available strategies, assets, attempts at remedy:
o Monitoring strategies,
o Reporting through media,
o Reporting to/advocacy before international (e.g., UN) forums,
Alliances with academic analysts and centers,
International law upholds the indigenous peoples’ rights in theory.

**Needs:**
- Political will on the part of governments to uphold human rights, instead of naked self-interest;
- More opportunities for affected communities to meet each other and exchange experiences and strategies;
- More comparative analysis of multiple cases to understand the motivating factors and potential threats common to conflict, occupation and war situations affecting land tenure and land-based production;
- Recognition on the part of political leadership of the indispensability of land and land-based communities to preserving the national existence;
- Application of concepts and standards of reparations in case of gross violations of housing and land rights as a remedy and transitional justice mechanism, as well as to deter further such violations.

**Recommendations/commitments:**
- Maintain contacts and facilitate exchanges among the various civil actors specialized in the land and natural resource aspects of conflict, occupation and war;
- Building citizenship and democratic institutions as a deterrent to violent conflict;
- Raise these issues at the multilateral level;
- Monitor and document gross violations of housing and land rights so as to meet the standards of evidence in the International Criminal Court and other tribunals with jurisdiction to prosecute such cases in pursuit of reparations.

4. Civil Society and International Land-related Norms and Policy Processes

**Attending:**
Daniel Gómez, FIAN (Netherlands);
Joseph Schechla, HIC-HLRN (Egypt);
Mandy Fahmi, interpreter (Egypt);
Mojo , Nuba Mountains Indigenous Peoples Forum (Sudan);
Ramiz Subhy, Center for Development Rights (Egypt).

The small group discussed three of the four principal areas of potential contribution from Habitat International Coalition (HIC) and from the region to the development of norms concerning land (conflict situations, international law, the urban constituency). The other field (land reform) met separately, but arranged to incorporate Bashir Saqr (Solidarity with Egyptian Peasants) into the follow up. The group concentrated on the process underway in cooperation with FAO to develop “Voluntary Guidelines on Responsible
Governance of Land and Natural Resource Tenure” (VG) through 2011

- **Diagnosing the region-wide problem:**
The region is characterized by land deprivation and eviction by various means. Those include specific cases that require urgent action and intervention, as well as longer-term processes and developments that require policy and law reform with all of their implications for sustained civil society engagement.

- **Current and available strategies, assets, attempts at remedy:**
Research is ongoing, linked also with training and capacity building to the extent that resources permit. Public mobilization at the popular level is increasing in parallel with civil society activities, with a new generation of volunteerism taking initiatives to resolve fatal problems.

The human rights framework provides an additional degree of authority and legitimacy to popular opposition to the ingoing forms of dispossession and eviction.

Existing networks (e.g., Housing and Land Rights Network-HIC) serve to combine forces and pool resources, and new networks (e.g., Right to Water Forum in the Arab Region “RWFAR”) promise to build on that cooperative model.

Parallel reporting, in response to periodic opportunities, is lively and capacity built over the past decade has shown positive results both in building capacity and local cooperation in the development of human rights methodology and culture, on the one hand, and developing jurisprudence, on the other hand.

- **What is needed?**
Ever greater coordination of efforts, especially across state borders and sectors (urban, rural, legal, technical, etc.), is needed, as well as more-direct involvement with movements and processes at the international level. More information on these processes is needed and current info is not well disseminated, and geopolitical, diplomatic, language barriers and meager resources impede physical travel (e.g., to Rome) necessary to coordinate and contribute to regional and international processes.

- **Recommendations and commitments:**
  - From now, participants will review the civil society draft submission to the VG process and contribute input from their local experience to improve and complement the contents within the current 25 November deadline for input.
  - Participants will meet each Thursday in Cairo at 14:00 (venue to be on a rotational basis), beginning with 28 October 2010 at the HIC-HLRN office.
  - HCI-HLRN officers (Joseph Schechla and Rabie Wahba) will initiate and guide the process, providing documents, conveying news from other partners and providing translations of essential documents.
  - HIC-HLRN will share the notes of such meetings and other relevant information with Land Forum participants and HIC-HLRN Members in the MENA region, inviting their input and possible skype conferencing.
  - The longer-term calendar will involve the unfolding events and processes that follow the consolidation of the inputs on the CS draft (26 November 2010 through
January 2011), the FAO submission of combined inputs to the FAO Committee on Food Security (CFS) responsible for the VG process, and advocacy opportunities through the October 2011 session of the CFS, where the fully contested version of the VG is expected to be adopted in Rome.

- Other processes and commitments of MENA civil society to engagements in the development of norms, jurisprudence and interstate policy related to land will be the subject of other processes beyond the scope of this small group meeting.

**Wrap-up Session**

Each of the three fields of the combined “Health, Environment and Land Forum” presented the outcomes of their deliberations. Ms. Zaina ʿAwad, of the Arab Resource Collective—ARC (Lebanon) chaired the session. Joseph Schechla, HIC-HLRN, presented the outcomes of the Land Forum. Speaking on behalf of the sessions dedicated to environment and climate change was Mr. ʿAbd ul-Mawla Ismaʿīl, representing AHED (Egypt); and Mr. Muhammad Hasan Khalīl, member of the Right to Health Committee (Egypt), presented the outcomes of the health/public health forum.

In addition to the Land Forum outcomes and the calendar of events and activities for 2011–12 in the present report, the outcomes of the health/public health and environmental forums can be found at: [http://www.phmovement.org/en/node/3173](http://www.phmovement.org/en/node/3173). The three tracks and four organizing bodies form a body of common cause that the organizers and participants pledged to maintain as much as possible in joint and collective activities throughout the coming year.

**Field Visit to Maspero Triangle, Cairo**

In coordination with the Egyptian Organization for Development Rights (EODR), the Land Forum organizers arranged a field visit to the Maspero Triangle, central Cairo, where Forum participants met inhabitants who are expected to be forcibly evicted in order to make way for investment projects as a function of the “Greater Cairo 2050 Plan.” The undisclosed Plan, as far as it is known, seeks to remove the poor from central Cairo and redistributed them to the periphery of the city. The plan is to be carried out in the interests of foreign, Arab and local companies and investors. Following to the field visit, EODR issued a press release summarizing this Land Forum activity, which is reproduced as an annex to this Land Forum report.

During the Land Forum, EODR organized and launched a signature campaign in solidarity with the inhabitants of the Maspero Triangle in Bulāq Abū al-ʿAʿila who are at risk of having their houses removed. A solidarity statement was signed by 9 international organizations as well as 18 Egyptian and regional associations. The signatories expressed their full support for the demands of inhabitants of the Maspero Triangle.
rejecting any form of forced eviction of the citizens there, and requesting the competent Egyptian authorities to commit to Article 2 of the International Declaration on the Right to Development and the participation of the area’s inhabitants in pursuing any development schemes affecting their rights.

They also called for ending all forms of threats by the media promoting the demolition of the area, ending all other forms of abuse against citizens of the Maspero Triangle, and maintaining the historical nature and demographic composition of the area.

In the same context, EODR organized, in participation with several international organizations, a field visit to the Maspero Triangle on Monday, 25 October 2010. The participants listened to the testimonials of citizens who contended that they refuse the demolition of the area announced by officials and investors wishing to demolish the area in order to carry out touristic and commercial projects after having the area's people evicted from, and disposed of their lands, where they used to live for over 70 years. They confirmed the investment companies' attempts (e.g., the Maspero Corporation for Real Estate Investment) to force them to leave their houses in exchange for money, whereupon they refused this offer and declared their willingness to keep their lands and houses, develop the area, and remain in their community.

Egyptian, Arab, as well as international human rights and civil organizations, invited by EODR, discussed the problem of the Maspero Triangle citizens who are at risk of being forcibly evicted from their houses and having the lands in their area sold to investment companies.

The organizations expressed their full support of the citizens' efforts to maintain their legitimate rights in their lands, consistent with all international human rights instruments and based on Article 2 of the International Declaration on the Right to Development. (See Annex II below.)

**Conclusion**

The field visit was the last activity carried out by participants in the second round of the Land Forum. Eventually, we emphasize the importance of remembering the conclusions of the Forum’s first round held in 2009, especially in relation to permanent and new participants invited to participate in the Forum, given the Forum’s focus on land-related rights and issues.

In this regard, the Forum seeks to invite representatives from social movements, NGOs, community-based organizations and international associations, since they are important sources for provision of the basis required for holding open and diversified discussions in MENA. The participation in these movements and organizations will contribute significantly to the continuity of the Forum activities.
Land Forum II
Middle East/ North Africa

“HUMAN RIGHTS, PEOPLE AND THE LAND”

Ain Shams University Guest House, Cairo, Egypt, 23–24 October 2010
Scouting Club, Nasr City, Cairo, 25 October 2010

The “Regional Land Forum II” is the second round of an ongoing program of Habitat International Coalition’s Housing and Land Rights Network in the Middle East and North Africa. In line with HIC-HLRN’s mission goals and Member services, the Land Forum’s primary purpose is to develop the knowledge and capacity of Member organizations and civil society, in general, to address the pressing issues related to land and land administration in the region within the framework of human rights treaty obligations. That greater knowledge and capacity is intended to aid Member organizations and civil society generally to achieve their own local objectives through their programmed activities, ranging from monitoring and research to negotiating policy with national authorities. The Land Forum is designed to provide an opportunity, therefore, for participants to:

- Address the issues of land and land administration within the human rights framework and methodology,
- Develop a regional sense of mutuality and reciprocity to face shared challenges,
- Exchange expertise within a method of comparative analysis,
- Deepen needed specialization in the field of land and housing rights,
- Generate alternative solutions to problems related to land administration,
- Explore the opportunities available to develop the human rights dimensions of land and natural resource tenure norms at the local and international levels,
- Encourage civil cooperation and coordination across organizations and borders through joint and collective actions.

Therefore, the ultimate goal in convening each round of the Land Forum is to refine and develop these aspects and to produce a common set of priorities for action: e.g., monitoring, research, advocacy, development interventions, etc. The indicator of that convergence will be a common calendar of events, opportunities, activities and campaigns for the coming two years, which subsequent Land Forums will adjust, refine and develop further. In the interim periods, HIC-HLRN provides its services toward these ends with methods and tools such as the HLRN Violation Database, the Landpedia, MENA website News and documentation, Urgent Actions system and support for participation in related public forums.

The subject of land as it relates to human rights in the MENA region is vast and multifaceted, and HLRN seeks to involve a diversity of specialists and specializations to
cover the gamut. However, the themes of each round of the Land Forum arise from the presentations proposed by the participants; and, this year, they will be clustered into four:

5. **Land in Conflict, Occupation and War Situations:**
6. **Land Reform and Land Tenure in Reform Processes** (land administration as it relates to broader reform processes);
7. **Land and Natural Resources: The Human Right to Water**
8. **Civil Society and International Land-related Norms and Policy Processes** (civil involvement in the monitoring and development of international land-related norms and policies; e.g., cooperation with FAO, UN HABITAT, UN Human Rights System).

While this Land Forum is regional in nature, it also considers the parallel tracks of local (national) policy processes in the participants’ respective countries, as well as the related human rights monitoring and policy formulation at the international level. A constant consideration and an underlying subject under each theme also are the bundle of human rights issues and criteria related to women and workers and land.

HLRN’s Regional Land Forum pursues its objectives within these themes first in a general and theoretical segment (presentations of cases studies from the region, organized by themes, with ensuing discussion), followed by a specific action-oriented and practical segment (small-group planning sessions to develop collective principles, priorities and a strategic plan along each of the four emerging themes).

This year also, four special and timely opportunities present themselves: (1) cooperation with two other tracks in a broader and complementary forum on health and environment; (2) preparations for the upcoming World Social Forum, in particular its working theme No. 3 on “the rights to land, food sovereignty, health, education, decent work, cultural and political expression; (3) coincidence with the civil society input to the process of drafting the new FAO Voluntary Guidelines on Good Governance in Land and Natural Resource Tenure; and (4) the recent launch of a new Right to Food Watch consortium with a special focus on global land grabbing.

The Land Forum is taking place as an integral part of the “Health, Environment and Land Forum,” co-organized in the same venue with AHED, DSC, PHRM and Joussour. The three-day HE&L Forum will involve a morning plenary for participants in all three specialized tracks to address common themes and objectives shared among them and the three often inter-related fields of human rights and the environment, the right to health and public health (the social determiners of health) and human rights to housing and land. The third day of the Forum is dedicated to bringing the planning results and commitments of each specialized track (health, environment and land) into a broader vision, two year plan and mutually supportive actions, including campaigns. The result is intended, therefore, to create a value greater than the sum of its three parts.

**HABITAT INTERNATIONAL COALITION-HOUSING AND LAND RIGHTS NETWORK IN COOPERATION WITH:**

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[34]
# HIC-HLRN Regional Land Forum: “Human Rights, People and the Land”
A component of the “Health, Environment and Land Forum”
Ain Shams University Guest House, Cairo, 23–25 October 2010

## Day 1: Saturday, 23 October 2010

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>08:30–09:30</td>
<td>Registration</td>
</tr>
<tr>
<td>09:30–10:00</td>
<td>Plenary: Welcome and Introduction</td>
</tr>
<tr>
<td>11:00–11:30</td>
<td>Break</td>
</tr>
<tr>
<td>11:30–12:30</td>
<td>The Current Global and Regional Situation and Impacts</td>
</tr>
</tbody>
</table>

**Registration**

Moderator: Ghassan Abdalla, Palestine Human Rights Organization—PHRO (Lebanon)

Presenters:

- Hala Shukrallah, Development Support Center –DSC (Egypt)
- Elhamy el-Marghany, Association for Health and Environmental Development—AHED (Egypt)
- Rabie Wahba, Habitat International Coalition – Housing and Land Rights Network—HIC-HLRN (Egypt)
- Mohamed Leghatas, Alternatives (Egypt)
- Hani Serag, People’s Health Movement—PHM (Egypt)

**Plenary: Welcome and Introduction**

**Break**

Moderator: Ziād 'Abd al-Samad, Arab NGO Network for Development (Lebanon)

- The concepts of social determinants of health and health equity: Susan Watts, Eastern Mediterranean Regional Office of the World health Organization—EMRO (Bolivia);
- The neoliberal policies related to health: Alaa Shukrallah, Association for Health and Environmental Development—AHED (Egypt)
- Global & Regional Human Rights Dimensions of Land: Joseph Schechla, Habitat International Coalition – Housing and Land Rights

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7 Presentation of respective organizations’ roles in the Forum, and a presentation of objectives and methodology of the each track toward achieving a common output. (See note No. 5 below.)

8 Presenters introduce their organization’s role in the Forum, their respective track and the methodology toward reaching the Forum’s common objectives.

9 Examples of the neoliberal policies related to the Forum’s three main fields.
### HIC-HLRN Regional Land Forum

**“Human Rights, People and the Land”**

**Cleopatra Room**

<table>
<thead>
<tr>
<th>Theme</th>
<th>Time</th>
<th>Speaker</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Reform and Natural Resources: The Human Right to Water</td>
<td>Moderator: Rabia Wanba</td>
<td>14:05–14:20</td>
<td>`Azīz Latrash, researcher (Morocco)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14:20–14:35</td>
<td>Muhammad Ragāb al-Zughbi, engineer (Egypt)</td>
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<td></td>
<td></td>
<td>14:35–14:50</td>
<td>Ahmad Rāghib, Hisham Mubarak Law Center (Egypt)</td>
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<td></td>
<td></td>
<td>14:50–15:05</td>
<td>Gamāl al-Biltāgi, researcher (Egypt) / Muhammad al-Tawargi, researcher (Egypt)</td>
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<tr>
<td></td>
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<td>15:05:15:20</td>
<td>Munīr Mājīd Ibrahim, Yemeni Youth for Development (Yemen)</td>
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<td></td>
<td>15:20–15:35</td>
<td>Jawwād al-Mustaqbal, ATTAC (Morocco)</td>
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<td></td>
<td></td>
<td>15:40–16:10</td>
<td>Moderator’s summary</td>
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</tbody>
</table>

**Land Reform and Land in Reform Processes 1**

**Moderator: Sidi Ethman Ould Cheikh Melainine**

<table>
<thead>
<tr>
<th>Time</th>
<th>Speaker</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>16:15–16:30</td>
<td>Rajā’ al-Kassāb, Right to Water Forum in the Arab Region (Morocco)</td>
<td>Alienating Women from the Usufruct of Communal Lands</td>
</tr>
<tr>
<td>16:30–16:45</td>
<td>Yahya al-Khawālīdah, Dhāna and Qadisiyya Association (Jordan)</td>
<td>Traditional Property Rights: Dhana (Valley) Families’ Right to Ownership or Reparations</td>
</tr>
<tr>
<td>16:45–17:00</td>
<td>`Abd ul-Hafidh ‘Ubaid, Sudanīyya Environmental Preservation Society (Sudan)</td>
<td>The Consequences of Sudanese Land Administration</td>
</tr>
<tr>
<td>17:00–17:05</td>
<td>Hishām Fuād / Nagwān Sulaimān, Sons of the Land Association (Egypt)</td>
<td>The Conditions of Peasants in Egypt</td>
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<tr>
<td>17:05–17:30</td>
<td></td>
<td>Moderator’s summary</td>
</tr>
</tbody>
</table>

**Discussion**
### Plenary:
**Capacity Building through Knowledge & Strategy Exchange**

**Moderator:** Alaa Ghannam, Egyptian Initiative for Personal Rights (Egypt)

**Speeches:**
- **Health Governance as a Subdomain of the Economic Architecture:** Hani Serag, People’s Health Movement (Egypt);
- **Intersectoral Action to Achieve Health Equity:** Susan Watts, EMRO (Egypt)
- **Occupation, Conflicts and Political Instability as Aspects of Neoliberalism:** Allam Jarrar, Palestinian Medical Relief Society (Palestine)
- **The Water Campaign in Bolivia: A Success Story:** Juan Carlos Alurralde, Ejecutivo Agua Sustentable (Bolivia)

### 10:30–11:00
**Break**

### HIC-HLRN Regional Land Forum “Human Rights, People and the Land” (Cleopatra Room)

<table>
<thead>
<tr>
<th>Theme</th>
<th>Time</th>
<th>Speaker</th>
<th>Presentation Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Reform and Land in Reform Processes 2</td>
<td>11:05–11:20</td>
<td>Mohamed Amroun, legal researcher (Algeria)</td>
<td>The Development of Land Tenure in Algeria</td>
</tr>
<tr>
<td></td>
<td>11:20–11:35</td>
<td>Bashīr Saqr, Solidarity with Egyptian Peasants (Egypt)</td>
<td>Land Reform and Violations of Tenure Rights</td>
</tr>
<tr>
<td></td>
<td>11:35–11:50</td>
<td><code>Abdullah </code>Ukasha, Justice Association (Egypt)</td>
<td>Confiscation of Land from Sinai Peasants</td>
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<tr>
<td></td>
<td>11:50–12:05</td>
<td>`Abdū Hammād, SPID (Sudan)</td>
<td>Social Peace and Land Issues in Darfur</td>
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<tr>
<td></td>
<td>12:05–12:20</td>
<td>Moderator’s commentary</td>
<td>Discussion</td>
</tr>
<tr>
<td></td>
<td>12:20–12:25</td>
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<td></td>
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<tr>
<td></td>
<td>12:25–13:00</td>
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<tr>
<td></td>
<td>13:00–14:00</td>
<td>Lunch</td>
<td></td>
</tr>
<tr>
<td>Land in Conflict Occupation and War Situations</td>
<td>14:05–14:20</td>
<td>Murghani Tayfür, Nuba Mountains (Sudan)</td>
<td>The Land Question in the Nuba Mountains, Kordufan</td>
</tr>
<tr>
<td></td>
<td>14:20–14:35</td>
<td>Ahmad al-Atrash, Applied Research Institute Jerusalem—ARIJ (Palestine)</td>
<td>The Right to the City and Physical Planning in Jerusalem</td>
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<tr>
<td></td>
<td>14:35–14:50</td>
<td>Jamāl Talab, Land Research Center—Jerusalem (Palestine)</td>
<td>Housing Rights Violations in the Conflict over the Land</td>
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<tr>
<td></td>
<td>14:50–15:05</td>
<td>`Abdū Hammād, SPID (Sudan)</td>
<td>Social Peace and Land Issues in Darfur</td>
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<tr>
<td></td>
<td>15:05–15:20</td>
<td>Muhammad `Abdallah al-‘ Abdali, Yemeni</td>
<td>Effects of Landmines and UEO on Housing and Land Rights in Yemen</td>
</tr>
<tr>
<td></td>
<td>15:25–15:30</td>
<td>Landmine Survivors Association (Yemen)</td>
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<td></td>
<td></td>
<td></td>
<td>Moderator’s commentary</td>
</tr>
</tbody>
</table>
### Civil Society & International Standard Setting

<table>
<thead>
<tr>
<th>Time</th>
<th>Speaker</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>15:30–16:00</td>
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<td></td>
</tr>
<tr>
<td>16:00–16:15</td>
<td><strong>Joseph Schechla</strong>, HIC-HLRN (Egypt)</td>
<td>Opportunities for Civil Society Cooperation in the Development of Norms in UN Legal and Political Bodies</td>
</tr>
<tr>
<td>16:30–16:45</td>
<td><strong>Daniel Gómez</strong>, Food First Information and Action Network—FIAN (Netherlands)</td>
<td>Civil Cooperation with the FAO in Drafting Voluntary Guidelines on Good Governance in the Administration of Land and Natural Resource Tenure</td>
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<tr>
<td>16:45–17:15</td>
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<tr>
<td>17:15–17:30</td>
<td></td>
<td>Discussion &amp; intro to thematic group planning sessions</td>
</tr>
</tbody>
</table>

**Day 3: Monday, 25 October 2010**

<table>
<thead>
<tr>
<th>Time</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>09:00–10:30</td>
<td>Plenary: <em>What Next? Strategies and Alternatives</em>&lt;sup&gt;10&lt;/sup&gt;</td>
</tr>
<tr>
<td>10:30–11:00</td>
<td>HIC-HLRN Regional Land Forum: “Human Rights, People and the Land” (Scouting Club, Nasr City)</td>
</tr>
<tr>
<td>10:30–11:00</td>
<td>Break</td>
</tr>
</tbody>
</table>

#### Chair:

- **Campaigning for Peoples’ Health**, Hani Serag, PHM
- **Actions toward the World Social Forum/Dakar**: Moema de Miranda (Brazil);
- **Directions of the Civil Society Development in Egypt**: Medhat El Zahed, writer and journalist;
- **Networking and Campaigns**: Kamal Lahbib, Forum des Alternatives Maroc.

<table>
<thead>
<tr>
<th>Theme</th>
<th>Time</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>All 4 themes</td>
<td>11:00–13:00</td>
<td>Thematic groups’ individual planning sessions&lt;sup&gt;11&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>13:00–14:00</td>
<td>Lunch</td>
</tr>
<tr>
<td></td>
<td>14:00–15:30</td>
<td>Thematic groups’ collective planning session&lt;sup&gt;12&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

<sup>10</sup> The presentations in this plenary session should help guide the synthesis processes to follow with each track reporting to the closing plenary session and forming wider convergences in the final outcome.

<sup>11</sup> The four small interest groups (1: right to water, 2: land reform, 3: land in conflict situations and 4: international-level land policy advocacy), each with a chairperson and a rapporteur, agree on four items (1: defining the regionally issue, 2: reporting the assets and strategies currently applied to address the issue, 3: a description of current needs and 4: an inventory/calendar of priorities, recommendations and commitments for engagement in actions).

<sup>12</sup> The rapporteur from each of the four interest groups reports the outcomes of the previous session’s outcomes to the whole in order to discuss, add and identify the complementarities and intersections between and among the proposed and committed actions.
Chair: Zaina `Awad, Arab Resource Collective (ARC)
Land Forum: Joseph Schechla, HIC-HLRN;
Environment & Climate Change: Abdel Mawla Ismail, AHED;
Health: Muhammad Hasan Khalil, the Right to Health Committee (Egypt).

Moderated discussion

13 A rapporteur from each thematic track report the outcomes of their workshops/session, presenting (1) diagnosis of the situation in that field, (2) the civil society assets and strategies applied across the region, (3) the current and future needs and challenges, and (4) the proposals and commitments to actions, research, activities and campaigns to meet emerging challenges and opportunities over the coming two years. Reports from three specializations within the Forum already will reflect the complementing and/or converging collective actions/calendars/campaign formulation within each specialized track.

14 Drawing out the priority themes, points of intersection, analogous lessons and common or compatible commitments to action among the three specialized tracks (health, environment and land) that could form a value greater than the sum of its parts in the form of an outcome document that reflects strategic planning in the "workshops" and plenaries.
**ANNEX II**

Follow-up Calendar: Land Forum Middle East/North Africa “Human Rights the People and the Land”

روزنامة للمتابعة: منتدى الأرض في الشرق الأوسط وشمال أفريقيا "حقوق الإنسان والتنمية والأرض"

Housing and Land Rights Network – Habitat International Coalition

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**Advocacy Opportunities**

- Ad Hoc Com on Standards on Racism
- CEDaW review: Algeria
- CEDaW review: Israel
- CEDaW reporting and review: Israel
- CEDaW review: Kuwait
- CESCR reporting and review: Yemen
- CESCR review and reporting: Egypt
- CESCR review and reporting: Kuwait
- Day of Palestine Solidarity
- FAO CFS session
- FAO, Council, 140th session
- Group of experts on Weapons
- HCP Chemical Weapons Conv.
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15 هل الملكية الخاصة لازمة للكرامة الإنسانية؟ Is private property ownership requisite to human dignity?
16 Urban Development: Patterns, Causes, Foundations and Policy.
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Annex III
Press Release of the Egyptian Organization for Development Rights

Cairo, 25 October 2010

The Egyptian Organization for Development Rights (EODR) has organized a signature campaign in solidarity with the inhabitants of the Maspero Triangle, in Bulâq Abu al-ʿAʿila, who are at risk of having their houses removed. The campaign was launched during the meetings of the Land Forum II held during 23–25 October and organized by Habitat International Coalition’s Housing and Land Rights Network (HIC-HLRN).

The Land Forum issued a solidarity statement signed by nine international organizations as well as 18 Egyptian and regional associations, including: HIC-HLRN, People Health Movement, Development Support Center, Joussour, FIAN, Tunisian Observatory for Union Rights and Freedoms, Social Democratic Forum/Yemen and Forum des Alternatives Maroc. The signatories expressed their full support for the demands of inhabitants of the Maspero Triangle rejecting any form of forced eviction of the citizens there, and requesting the competent Egyptian authorities to commit to Article 2 of the International Declaration on the Right to Development and the participation of the area’s inhabitants in pursuing any development schemes affecting their rights. They also called for ending all forms of threats by the media promoting the demolition of the area, ending all other forms of abuse against citizens of the Maspero Triangle, and maintaining the historical nature and demographic composition of the area.

In the same context, EODR organized, in participation with several international organizations, a field visit to the Maspero Triangle on Monday, 25 October 2010, and listened to the testimonials of citizens who contended that they refuse the demolition of the area announced by officials and investors wishing to demolish the area in order to carry out touristic and commercial projects after having the area’s people evicted from, and disposed of their lands, where they used to live for over 70 years. They confirmed the investment companies' attempts (e.g., the Maspero Corporation for Real Estate Investment) to force them to leave their houses in exchange for money, whereupon they refused this offer and declared their willingness to keep their lands and houses, develop the area, and remain in their community.

Egyptian, Arab, as well as international human rights and civil organizations, invited by EODR, discussed the problem of the Maspero Triangle citizens who are at risk of being forcibly evicted from their houses and having the lands in their area sold to investment companies.

The organizations expressed their full support of the citizens' efforts to maintain their legitimate rights in their lands, consistent with all international human rights instruments and based on Article 2 of the International Declaration on the Right to Development which provides:

1. The human person is the central subject of development and should be the active participant and beneficiary of the right to development.

3. States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals,
on the basis of their active, free and meaningful participation in development and in the fair
distribution of the benefits resulting therefrom.

The field visit was the last activity carried out by participants in the second round of
the Land Forum. Eventually, we emphasize the importance of remembering the
conclusions of the Forum's first round held in 2009, especially in relation to
permanent and new participants invited to participate in the Forum, given the Forum’s
focus on land-related rights and issues.

In this regard, the Forum seeks to invite representatives from social movements, 
NGOs, community-based organizations and international associations, since they are
important sources for provision of the basis required for holding open and diversified
discussions in MENA. The participation of these movements and organizations will
contribute significantly to the continuity of the forum activities.

Endorsers:
Housing and Land Rights Network – Habitat International Coalition (HIC-HLRN)
People Health Movement
Development Support Center
Joussour
FIAN (Food First Information and Action Network)
Tunisian Observatory for Union Rights and Freedoms
Social Democratic Forum (Yemen)
Forum des Alternatives (Morocco)
Egyptian Organization for Development Rights