



# **MENA LAND FORUM**

**ADDRESSING THE HUMAN RIGHTS DIMENSIONS OF LAND IN  
MIDDLE EAST/NORTH AFRICA:**

**STAKEHOLDERS IN A RIGHTEOUS FUTURE  
THE STATE: LAND, PEOPLE AND INSTITUTIONS**

# Land Forum Project Summary

## *Introduction*

The Housing and Land rights Network of Habitat International Coalition (HIC-HLRN) proposes to launch the new and expanded phase of Land Forum process. The first phase of the Land Forum project, entailed a yearly conference from 2009-2012, in which member organizations from all across the Middle East and North Africa (MENA) came together to discuss key issues and concerns related to issues of land, including issues related to tenure, housing, access to natural resources, reparations, and landmines, among others.

These meetings brought together social movement leaders and experts from across the region to discuss the human rights dimensions of land and water, as well as the trends of land administration and other relevant issues. The deliberations were structured as an exercise that allowed for HIC-HLRN members to reflect, explore and define major themes and trends regarding the human rights dimensions of land in the MENA, creating an agenda for committed action among the attending representatives, their organizations and communities.

The natural-resource administration in the MENA is becoming more complicated and ambiguous, and where multiple crises of land administration afflict rural and urban areas. These issues have posed key challenges that are crucial to the resolution of simmering conflicts and the democratic transition ongoing across the region. The next phase of the Land Forum project, Land Forum IV–V, will go beyond the previous format of a conference and provide for participants to mount on-the-ground activities in three countries that will apply the knowledge, ideas and commitments shared in Land Forums I–III. These national-level monitoring, research and assessment activities will implement the research and advocacy agenda for action created in [Land Forum III](#), and will entail work in Egypt, Morocco, and Yemen.

This proposed round increases the Land Forum's impact to a wider audience at a crucial historical moment. HLRN plans now to move from grounding the relationship of human rights to land and land administration to interact more specifically on deeper analysis on the ground and problem solving in individual countries, particularly as they undergo transition. While the Forum remains an indispensable vehicle for the exchange of information and commitment to action, the proposed phase supports more in-depth expert research and evaluation.

“Stakeholders” (duty holders, citizens and other actors), are the main subject of this phase of Land Forum project. Given the uncertain situation of the present and future in the concerned countries requires a critical analysis from a civil society perspective to determine the optimum role of the different stakeholders to the process of the deep reforms needed.

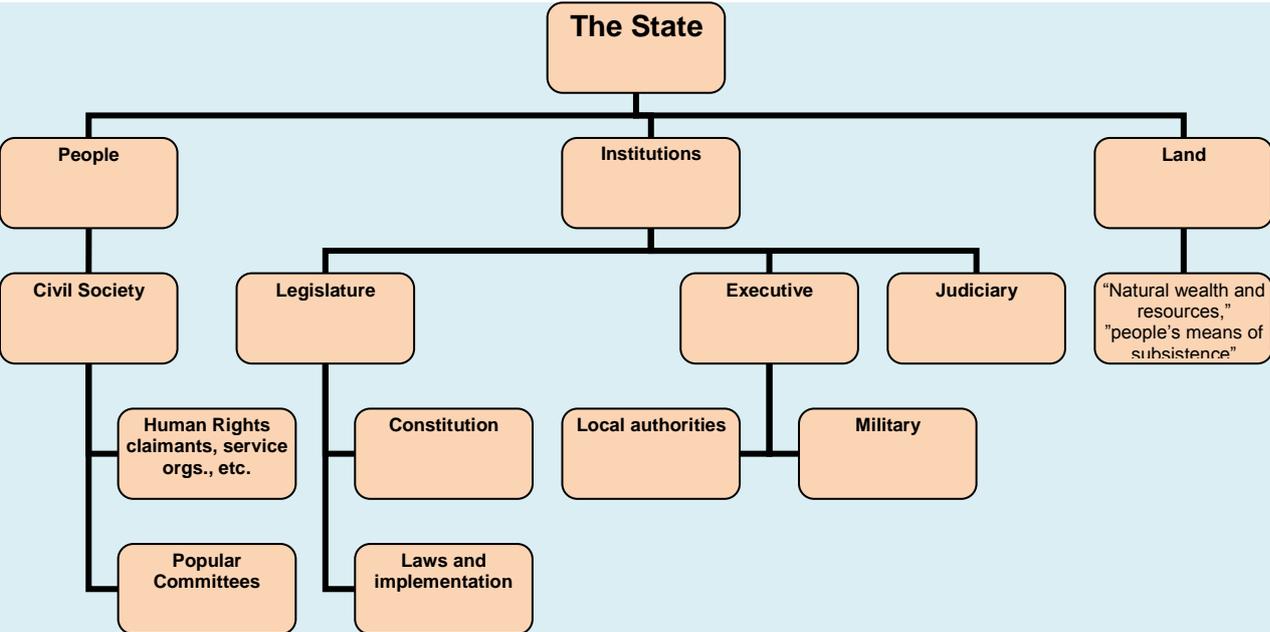
The constituents of the Land Forum in the MENA region have formed a solid base for determining the priorities and methodology for claiming the rights to land, related natural resources and housing, as well as the other economic, social and cultural rights (ESCR) that the Forum evokes and advocates. Through the HLRN program generally, the Land Forum activities through the past three years emphasize claiming

the codified rights and identifying the corresponding international treaty-based obligations of the state, apart from other ideological considerations.

Thus, the approach considers the related and interacting aspects of:

- The State (local and national governments);
- Civil Society (including social movements);
- Private Sector/Private Interests
- The International Community

Within its interactions with the market and the international community, the state is perceived in the following construct:



**From Reflection to Action**

Through the last three rounds (2009–12) the Land Forum in MENA, explored the human rights dimensions of land and, using this expertise, then determined the major obstacles to fulfilling state obligations, and empowered the constituents to have a vision and capacity to pose solutions the problems. The main purpose of this program is to identify and develop needed expertise and collaboration among civil society actors, on the one hand, and to enable those actors to relate more competently to technocrats and public authorities. Particularly, the analyses will emphasize the need for the state to play its role in upholding human rights in the administration of land and natural resources on the national level, as well as in the state’s conduct as it affects the land-affected human rights of others extraterritorially.

The experiences extracted from the three countries then will be discussed and analyzed through the various platforms and channels, such as [Land Times](#). The latter is to be for a vehicle for assessing and analyzing project outputs, as well as plan for the future with a focus on three other MENA countries in the second year of the project (2014).

In this field, HLRN has been creating needed tools that suitable to understand and apply the the state’s human rights obligations in addressing the factors that are

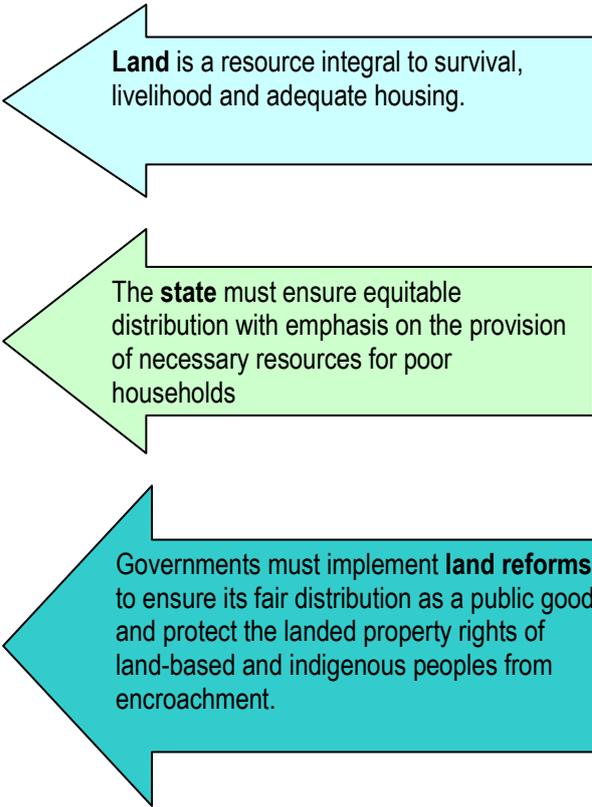
affecting the crises and struggles over land and natural resources. These tools and techniques, which first took encyclopedic form in the HLRN “Toolkit” and subsequent monitoring applications, have enabled the network to accumulate assets and identify social capital through the last three rounds of the Land Forum for analyzing the complicated relationships among the state, civil society and international community. The most important lessons derived from these interactions have identified:

1. The region’s particular human rights values at stake in the current trends of land use, distribution, tenure and administration;
2. The emerging human rights claims related to land, states’ obligations and solutions based on international norms and best practice;
3. Constitutional and institutional reform processes ongoing across the region, including those involving transitional justice;
4. The region is both victim and perpetrator of land and natural-resources “grabbing” within states, across borders within the region and internationally;
5. The potential power of civil society’s voice in local, regional and global forums on the issue;
6. New methodologies and tools for monitoring, documenting and resolving the problems of land management that have dire consequences for the MENA region;
7. A framework for discussing the new situations in the region after some countries witnessed fundamental change in their regimes at central and local levels, fostering a vision for activists and organizations to address issues and constituents in new ways;
8. The importance of self-determination, which touches upon fundamental aspects of citizens’ relationship with the state;
9. The need and prospect for promoting ESC rights in the emerging new constitutions;
10. The key role of process rights such as fair trial/rule of law and participation to ensure rights to livelihood and improved living conditions (ICESCR article 11).

Land rights, particularly in the context of developing countries, are inextricably linked with the right to food, the right to work and a host of other human rights. In many instances, the right to land is bound up with a community’s identity, its livelihood and thus its very survival.

Module 18, [Land Rights](#), *Circle of Rights, Economic, Social and Cultural Rights Activism: A Training Resource* (International Human Rights Internship Program, 2000)

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Within their interaction with the international community of peoples and states, the individual state obligations also entail *extraterritorial* dimensions.<sup>1</sup> The Land Forum takes advantage of the emerging norms, arguments and practice, in order to address violations committed against people in the region, whether by their governments' commission or omission, or by external actors.

In collaborating with some Member organizations, HLRN also has found a yawning gap between the prominent land-related problems (even well-documented ones) and the attention that civil society and officials place on them. Civil society in the MENA region also needs to develop tools and capabilities of understanding and analysis to play a more-constructive role in finding alternative solutions.

The constant challenges imposed on people in MENA region due to foreign occupation and domination, coupled with the confiscation of land and water as bases for livelihoods, has been among the contexts for exploring analogous cases and grounding specific stakeholder demands and proposals at the international, regional and local levels. Given the potential for comparative analysis, it is organic that now the region's political changes form a historical turning point in the role and nature of the state in the administration of land and natural resources within its obligations to ensuring peoples' development, liberty and well-being. The same reform applies also to transnational and multilateral actors, not least United Nations bodies and specialized organizations, likewise chartered to maintain peace and security, progressive development and human rights.

Within the analytical tree of the main stakeholders, HLRN will pursue the proven techniques and human rights-based methodology as previous Land Forums. In future, HLRN hopes to develop more specificity and mutual linkages in a variety of fields, processes and techniques, according to need, including:

- Advocacy,
- Monitoring,
- Media work,
- Fact finding,
- Reparations,
- Documentation,
- Strategic litigation,
- Transitional justice,
- Quantification of damages,
- Human rights education and training,
- Policy formulation, analysis and reform.

This analytical approach will apply in a variety of situations, such as conditions of conflict and war, land reform, stability, transition, revolution, climate change, demographic manipulation, or any combination of these situations in the MENA.

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<sup>1</sup> *Land Times* is one of the major by-products of Land Forum as a useful tool for the constituents to participate actively in the extraterritorial obligations (ETO) debate, particularly with respect to economic, social and cultural rights. See: <http://landtimes.landpedia.org/termpage.php?newsid=pg==&counter=2>.

## **The Structure of the Project: The Land Forums IV and V**

The Land Forum is the principle deliberative instrument for determining the research and advocacy agenda for civil society on the regional level to support the development of human rights culture and prioritize the most-vulnerable and marginalized persons and groups. The participants proposed studies and papers that form the Forum agenda and assess the human rights conditions of affected communities under neoliberal policies (e.g., due to privatization of land, water and services), as well as in zones of conflict/occupation: in Darfur, Western Sahara, Kurdish territory, Nubian territory, Ahwaz, Palestine, Cyprus and Iraq.

HLRN proposes to convene the MENA Land Forum IV in conjunction with the World Social Forum, which will be held at Tunis, Tunisia in late March 2013. The Land Forum V will take place in another country in the subsequent edition.

In the MENA Land Forums IV and V, we will probe the situation through the main actors: the state, civil society, private sector/private interests and international community. The Forums will serve also as the principle format for developing the methodology and commitment of the National Land Rights Watch, which is explained in detail below.

### **Social Land Watch**

HLRN builds on existing models of collaborative research and advocacy efforts to form and support a specialized civil society group on the human rights dimensions of land. In each of the three countries chosen each year will become the permanent subject of a monitoring process shared through the quarterly *Land Times*, the annual Land Forum, web-based technology, distribution and other channels. On the third day of Land Forum IV, participants will finalize the research methodology and determine the priority theme(s) for the monitoring, research, information exchange and publication to follow. The theme selection will be guided by the agenda established in the first phase of the Land Forum (2009), particularly:

- Formal land & service allocation development policies/plans that affect ESC rights;
- Extraterritorial obligations and “territorial production” through traditional means;
- Authoritarian government plans and budgets that disempowering the citizens;
- Displacement and eviction (including urban migration/rural flight);
- Corruption in land allocation and administration;
- Privatization of land, water and public services;
- Discrimination and demographic manipulation;
- Environmental degradation/climate change;
- Conflict, occupation and/or war;
- Islamic land tools & techniques;
- Gender and tenure/inheritance;
- Others.

### **Geographical Focus and Regional Balance**

The project has two interrelated levels, the regional one, whereby participants build on the investments HLRN has made through the last three explorative rounds, and the national one, which will be represented in the forthcoming process (between Land

Forums IV and V) by three pivotal states in the region: Egypt, Morocco and Yemen. The research and related activities described below will form the basis for a region wide civil society approach to land-administration problems and prospective solutions under the title of “Social Land Watch.”

Why these states?

#### ❖ **Egypt**

- The new popular formations and their focus on human rights claims with the 25 January Revolution;
- Recent exposure of land and real estate fraud at the highest levels;
- The ongoing process of accountability and institutional reform on different levels;
- People’s participation further constitutional reform to enshrine all human rights; particularly ESC rights;
- Continuing violations of the right to housing and land;
- As State Party to ICESCR, Egypt will begin its periodic CESCR review in 2013;
- Water and food-security crises, despite the formal post-revolution discourse;
- New methods introduced with Members, for instance video advocacy, in resisting forced eviction from, and degradation of lands;
- Megaprojects continuing to deprive small producers and land holders of their resources and livelihoods;
- Indigenous land-based populations historically dispossessed;
- Capable human resources.

#### ❖ **Morocco**

- The old institutions of state and government distort aspiration for a democratic transition, despite recent constitutional changes;
- The only monarchy in the western half of the region;
- Large-scale acquisitions of land and food production/distribution by Omnium North Africa;
- Critical analysis needed to understand the continuously poor housing and land rights conditions amid much acclaim and public expenditures toward “cities without slums”;
- Collective land tenure under threat;
- An opportunity for the Land Forum to convene there in future;
- Population transfer and military occupation of a neighboring country;
- Excellent research capabilities among HIC-HLRN Members.

#### ❖ **Yemen**

- New governmental experiment with uncertain direction;
- A Transitional Justice law and process in place;
- Dire situation for vulnerable social groups such as the IDPs and refugees;
- Recent parliamentary and media investigations exposing official land fraud;
- Land conflicts breeding secessionist movement;
- Marginalized citizens subject to discrimination as “untouchable” caste (*Akhdam*);
- Struggles for land restitution and local self-determination mechanisms;
- Tension/interaction between centralized and traditional land tenure systems.

## **Research and Analytical Methods**

The people(s) within the state, theoretically bound by citizenship as a common base for the equal enjoyment of all human rights, is the constant focus of the Forum. Within the framework and general themes of the Land Forum, HLRN researchers will conduct studies to assess the situation of people in the three assessed countries, applying the human rights norms related to land and. People (State + CS) will be essential part to the country assessment process, since the designing of survey questionnaires and other tools will enable the researchers to produce studies relevant to the subjects of human rights and the putative beneficiaries of the state. The research design will use indicators of the living conditions of vulnerable communities and the institutional factors affecting their impoverishment and marginalization. For this purpose, the Land Forum will feature the latest developments in use of [indicators](#) in assessing structures, processes and outcomes in the performance of state human rights obligations affecting land and natural resources.

The initial studies of each country promises to create a baseline of knowledge on the specialized matter of the human rights dimensions of land and natural resource administration. In advance of decisions to be taken by the participant researchers at Land Forum IV, it is anticipated that the country assessments will be organized along common axes. The main axes of this assessment are:

### ***Law and policy:***

- International human rights norms related to land and natural resource tenure;
- International soft-law (guidelines, basic principles, declarations, etc.) related to land and natural resource tenure;
- The state's ratification of relevant treaty instruments;
- The constitutional provisions and legal system related to land tenure and future land use and investment in production, particularly for the small farmers;
- The state of people's access to law and what are the legal obstacles they face in addressing land disputes;
- The predominant violations people face in possessing, managing and investing their plots and tenures;
- Assessing the laws and administrative decrees related to land and water management;
- Recommendations for legal reform and land reform.

### ***Societal dimensions:***

- The situation of CS organizations who support the actors/victims;
- The current and potential forms of people's association and organization;
- The informal associations and social movements as well as the trade unions and their role in struggling for land and water rights;
- The relationship of communities to certain lands (e.g., indigenous or tribal);
- How people realize the role of civil society and what needs to change in it, if necessary, to be responsive to the country's land struggles;
- The space is available for marginalized and prosecuted people to claim their land, water and other natural resources rights;
- Gender equality in the access to, and tenure security of land and natural resources required for livelihood;
- The special issues of indigenous peoples and the problems they face and how can they manage to survive and pursue a livelihood consistent with their way of life and livelihood traditions.

**Tools and techniques:**

- Survey questionnaires;
- Field research;
- Interviews;
- Quantification of losses;
- SPSS programs;
- Desk study;
- Video monitoring and documentation.

These other HLRN tools and web-based features developed through other aspects of HLRN programming, such as Urgent Action System and Violation Database, will be used and sustained as sources and repositories for the Social Land Watch findings. The HLRN quantification-of-losses methodology and Loss Matrix already exist and are available for instant use through other projects and adaptable to meet the particular national context.

**Products:**

In the course of the expanded Land Forum project, HLRN anticipates the minimum outputs to include:

- A. Two iterations of the Land Forum (IV and V), convening experts and activists to exchange cases formally and to develop further the research and advocacy agenda across the region;
- B. A legal study on the laws and policies of governing the water and land tenure as they relate to applicable human rights norms on each of three annual country assessments;
- C. Analytical report on the human rights conditions arising from the most important issues and developments related to land and natural-resource administration in each of three annual country assessments;
- D. A set of recommendations based on the foregoing analyses;
- E. Two parallel reports to UN human rights treaty bodies using Social Land Watch findings in the course of the project.

**Advocacy:**

Here we would focus on pedagogical interventions that can spark debate on the need for change in the implementation of state obligations to maintain the human rights dimensions of land, so:

- A. A series of seminars with popular committees or their counterparts in the three selected countries.
- B. Media work around the research outcomes in the form of print and video reports, features, documentaries, advocacy videos etc.
- C. Consultations with local and central decision makers within the framework of human rights norms as tools for ensuring their success at statecraft.

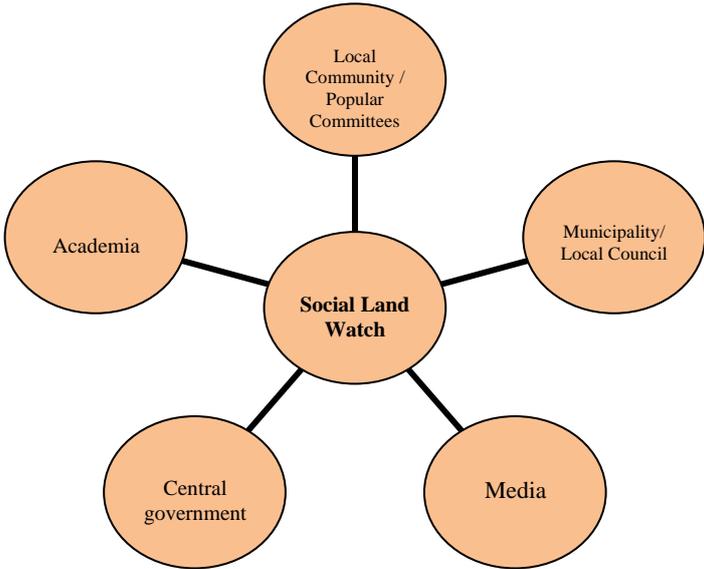
**Networking:**

- A. A network of popular committees and groups for raising awareness about the local authorities and councils that are related to land management.

- B. Three national monitors each supervise and coordinate the process of documentation and activities that the Land Forum participants will undertake in the selected three countries annually.
- C. For the national level we have to emphasize the importance of legal aspects and legal aid to the most vulnerable people who are exposed to violations.

The four mentioned outputs will form a campaign that seeks to assess and evaluate the situation and position of the state affecting land and water rights in each country. The Social Land Watch will play a pivotal role in the discourse on specific cases of land, such as land tenure, land allocation policy, land investment, social function of property, etc.

This campaign will overlap with and relate to some other sectors and campaigns that are already running, for instance the movement for ESCR in reforming and interpreting the new constitutions (e.g., Egypt). This will give further attention to the land and housing rights issues in those complementary campaigns.



## **Habitat International Coalition's Housing and Land Rights Network**

Habitat International Coalition (HIC) is an independent, international, nonprofit movement with hundreds of members specialized in various aspects of human settlements. Its members include NGOs, CBOs, social movements, academic and research centers, professional associations and like-minded individuals from over 100 countries in both North and South, all dedicated to reciprocal cooperation toward realizing the human right to adequate housing for all. HIC's programmatic activities are managed through thematic structures:

- Women and Habitat Committee (WAHC)
- Housing and Land Rights Network (HLRN)
- Habitat and Sustainable Environment Committee (HSEC)
- Social Production of Habitat Working Group

### **Housing and Land Rights Network (HLRN) objectives:**

HLRN members share with HIC general a set of objectives that bind and shape HLRN's commitment to communities struggling to secure housing and improve their habitat conditions. HLRN advocates the recognition, defense and full implementation of every human's right everywhere to a secure place to live in peace and dignity by:

- Defending the human rights of the homeless, poor and inadequately housed;
- Promoting public awareness about human-settlement problems and needs globally;
- Upholding legal protection of the human right to housing as a first step to support communities pursuing housing solutions, including social production and other practical means to realize the right;
- Cooperating with various UN human rights bodies to develop and monitor standards of the human right to adequate housing, as well as clarify states' obligations to respect, protect, promote and fulfill the right;
- Providing a common platform for communities across the Network to formulate and share problem-solving strategies through social movements and progressive NGOs in the field of human settlements; and
- Advocating on their behalf in international forums.

To attain these objectives, HIC-HLRN member services include:

- Building local, regional and international member cooperation to form effective housing rights campaigns;
- Human resource development, human rights education and training;
- Enhancing self-representation skills and opportunities;
- Action research and publication;
- Exchanging and disseminating member experiences, best practices and strategies;
- Support for lobby efforts toward policy reform;
- Developing tools and techniques for professional monitoring of housing rights;
- Urgent actions against forced eviction and other violations.

**For more information, log onto HIC and HIC-HLRN websites at:**

[www.hlrn.org](http://www.hlrn.org) • [www.hic-mena.org](http://www.hic-mena.org) • [www.hic-net.org](http://www.hic-net.org)



## **HIC-HLRN Middle East/North Africa Program**

The Middle East/North Africa regional program of Habitat International Coalition's Housing and Land Rights Network addresses the need for civil society participation in public affairs by applying the criteria of human rights and corresponding state obligations as a defining framework for civil discourse. The ultimate objective of this program is to develop civil society actors' knowledge and capacity to address complex policy issues related to the most-vital public resources with a degree of competence that enables direct engagement with decision makers at all levels.

HLRN's MENA program draws together diverse efforts and approaches to upholding housing and land rights, ranging from popular and legal initiatives to posing alternatives to the privatization of public and environmental goods and services, which affects housing and land rights. The program activities promote adequate housing, land and water management as public goods; land as related to food sovereignty; as well as all relevant traditional methods, moral principles and other culturally specific devices for guiding equitable management of land and natural resources.

The MENA region is exceptionally suitable as a focus for this discussion, with its conspicuous features of foreign occupation, and confiscation of land and water that are bases for livelihoods, and the land and scarce water dimension of self-determination of the indigenous peoples in the region, and people's sovereignty in general.

The MENA Program promotes the development of economic, social and cultural rights culture in the region and builds capacity by providing training, appropriate methodologies for housing rights monitoring and legal defense, access to international forums, and opportunities for cooperation with the UN human rights system. Thus, HLRN's MENA program contributes to the region's discourse on ESC-rights and globalization, and organizes regional and inter-regional exchanges of expertise. HLRN seeks to help create the context for MENA communities and housing rights defenders to develop practical skills, to work cooperatively and develop solidarity regionally and with social movements elsewhere. HIC-MENA's website also provides self-service databases and archives with unique Arabic-language resources on housing and economic/social/cultural rights .

For more information on the MENA Program and HIC-HLRN membership, go to: [www.hic-mena.org](http://www.hic-mena.org).