

**THE HUMAN RIGHTS DIMENSIONS OF LAND  
MIDDLE EAST/NORTH AFRICA:  
DISPOSSESSION, DISPLACEMENT AND DEVELOPMENT ALTERNATIVES**



**Middle East/ North Africa Program  
Housing and Land Rights Network  
HABITAT INTERNATIONAL COALITION (HIC-HLRN)**

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

Habitat International Coalition (HIC) is an independent, international, nonprofit movement of over 450 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 80 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 Shelter Network (HIC-WAS)
- Housing and Land Rights Network (HLRN)
- Habitat and Sustainable Environment Network (HSEN)
- Social Production of Habitat Working Group
- Working Group on Housing Finance and Resource Mobilization

### **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)

**Introduction:**

The Housing and land rights Network of Habitat International Coalition proposes to organize the first exploratory dialogue on the human rights dimensions of land in the Middle East/North Africa (MENA) region. The planned forum/expert group meeting culminates several HLRN and other civil efforts at the national, regional and international levels to develop the human rights values at stake in the current trends of land use, distribution and tenure. Programming the forum within the human rights framework will help crystallize notions and emerging claims of a “human right to land” and technically to support that process by identifying and developing methodologies and tools for monitoring, documenting and resolving the problems of land management, particularly in MENA, by applying the criteria of human rights and corresponding State obligations.

As the first conference of its kind in the region, the forum will draw together diverse efforts and approaches to upholding land rights, from popular and legal challenges to the privatization of public and environmental goods and services, affecting land and—especially—water; and will explore also regionally specific tools for land (and water) management as a public good, not least involving Islamic law and moral principles. The MENA region is exceptionally suitable as a focus for this discussion with its conspicuous features of foreign occupation, confiscation of land and water as bases for livelihoods, and the land and water dimension to self-determination of the indigenous peoples in the region.

Over the past five years, HLRN has carried out several activities with its Member organizations and constituencies in the region not only addressing a “human right to land,” based also on the established human rights to (1) adequate housing, (2) food/the right to feed oneself and (3) the right to water. The HLRN program and the discourse on the human rights dimensions of land now faces a strategic crossroads

from which to steer the efforts and activities in the region to prioritize and strategize according to the new needs and emergent issues.

The present initiative coincides also with other developments in the region, including important multilateral-sponsored initiatives. These include:

- The development of National Human Rights Plans of Action (e.g., in Lebanon, Morocco, and planned also for Egypt Jordan, Yemen);
- UN Habitat/ESCWA-sponsored campaigns on “Secure Housing and Land Tenure” and “Good Urban Governance” (pledged or ongoing in all ESCWA countries, plus Sudan and Morocco, as of March 2006);
- The midpoint of the Millennium Development Goals process, with particular relevance to MDG 7;
- Commission on Legal Empowerment of the Poor, with consultations, sectoral studies and national conferences in various stages of progress in Egypt, Jordan, Mauritania, Morocco and Yemen;
- Recent and upcoming treaty implementation reviews: Israel (CERD), Turkey (CESCR); **2008**: Egypt, Syria (CESCR), Bahrain (CRC), Lebanon and Turkey (CERD); **2009**: Bahrain, Egypt, Iran, Morocco, Sudan, Syria (CERD).

In supporting the activities for the right to water and adequate housing, alleviating the poverty within the international framework of MDGs and other related norms, HLRN has found an inextricable relationship between these issues and land. By applying those more-established (i.e., codified) norms, the symbiosis with land poses the question as to the validity and sufficiency of the already-existing human rights tools and systems. Burning challenges arising from land deprivation and the need for rights-based solutions necessitate further evolution of our moral and legal mechanisms to addressing increasing violations committed against the right to land and other ESC rights.

The forum will present a rare opportunity to achieve a common regional understanding of land-use trends and to set a common agenda on the regional and



international levels to support the most vulnerable and marginalized categories, as well as the ones who are vulnerable to common violations under neoliberal policies, as well as in zones of conflict/occupation, in Darfur, Western Sahara, Kurdish territory, Ahwaz, Palestine and Iraq.

In developing the regular work of some member organizations, HLRN has found a real gap between the prominent land-related problems (even well-documented ones) and the popular and official attention placed on them. Civil society in the MENA region still needs to develop its tools of understanding and analysis to play a constructive role in finding alternative solutions. International organizations in the field generally do not address these needs, and much international—and national—development policy actually deepens the crisis with their overwhelming urban bias.

As a global network, HLRN seeks investment of its relationships with some of the most-important civil organizations and social movements such as FIAN, Via Campesina, Global Land Tools Network (UN HABITAT) and others to develop a collective position on the road to setting norms, including eventually codification, of the right to land. That would empower land-based people(s), rather than currently disempower them through State deregulation, privatization and the militarization of globalization.

### **Background:**

In Middle East/North Africa, historically and in people's collective consciousness, land and landed culture are the source of some of the oldest forms of human production and social values: agriculture, religion, dignity, social solidarity, cultural identity and arts. At the same time, land has been the object of conflicts and wars. Recently land has become a subject of conflicts and disputes because of its exchange value and embedded resources, such as the oil, as agricultural land and as a geopolitical vantage. Such trends and policies are degrading lives and livelihoods for land-based people. Moreover, where privatization has dispossessed farmers and concentrated land ownership in fewer hands, the pretext of greater productivity has backfired, reducing increasing dependence on importation to compensate the consequence drop in food security.

In this regard, there are several new effective factors that affect the MENA peoples' identities, moral systems, cultures and economies, and this time because of the dramatically changing relationship with their lands. For instance, the disorganized misuse of local and international power, neoliberal development policies, evictions and displacements, industrialization and the rampant privatization of public goods and services are mortgaging the future of the peoples. This is reflected mainly in the ethnical conflicts and civil wars that are the symptoms of deeper competition over the land.

Despite the social need and function of land, the “human right to land” remains a relatively virgin field in the human rights literature, isolated instead to popular claims of indigenous peoples and the peasant social movements<sup>1</sup> or reduced to a singular legal dimension as relates to the right to property.

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<sup>1</sup> For example, La Via Campesina's draft “Peasant Rights Charter.”

The region needs a more-responsible local and international discourse on the land and water aspects of ongoing and prospective conflicts. Common is the failure to address the material dimensions and consequences, dismissing accumulated resentments characterizing minority-majority (dominant-subordinate) dynamics, accordingly has led to the outbreak of tragic conflict. This grinding and cumulative process is seen dramatically in Darfur (Sudan), Ahwaz (Iran), across Iraq and elsewhere in the region. Belatedly observing and/or treating only the ultimate symptoms of these long-brewing conflicts typically leads to analyses that trivialize them and reduce the elements of conflict to the crude attributes of racism, without addressing actual, material causes. A better articulation and appreciation of these material dimensions of conflict could lead to preventive and remedial measures; whereas, rights to land and public resources are central to the cause and resolution of such conflicts.

Land rights, particularly in the context of MENA's developing countries, are inextricably linked with the right to food, the right to work and a bundle of other recognized human rights. In many instances, the right to land is bound up with a community's identity, its livelihood and, thus, its very survival.<sup>2</sup>

### **Why a conference on land rights is important now?**

A common pattern of privatization and deprivation of rural persons' and communities' vital assets—particularly, land and water—is emerging across the globalized planet. This is no less the case in MENA, which region is also plagued with additional features of colonization, occupation, dependency, discrimination and underdeveloped notions of “citizenship” and governance. However, the region also features cultural specificity that can combine with human rights norms and corresponding treaty obligations of State that, if developed, could guide toward more-humane and more-productive alternatives.

Meanwhile, the press, political leadership and much of civil society so far has not demonstrated the corresponding seriousness to address the crisis. A catalyzing and thoughtful initiative is urgently needed.



### **General objectives:**

The following points outline the contributions that such a forum could bring to the efforts globally to pose solutions to current and prospective problems to affective access to land and water. Consistent with the HLRN Global Program, the proposed forum would:

1. Meet the growing need to confront encroaching privatization and State deregulation, particularly of the public goods and services with moral force and legal authority;
2. Address the corresponding need for rights-based arguments against avaricious international policies that augur a future of severely restricted access to land and water, with gravely damaged environmental and climatic systems;

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<sup>2</sup> Module 18, Land Rights, Circle of Rights, Economic, Social and Cultural Rights, at: <http://www1.umn.edu/humanrts/edumat/IHRIP/circle/modules/module18.htm>

3. Bring to light the role of State and civil society in posing alternatives to the deterioration of the agricultural land, particularly under the privatization of water and absence of legal land tenure guarantees;
4. Reinforce the compatible activities and attempts to improve policies affecting land tenure as a measure of combating poverty (such as those mentioned above);
5. To provide opportunities for the international Human Rights System, including its political and implementation bodies, to call the international community to be more consistent with the States' obligations to respect, protect and fulfill the right of constituent peoples to self-determination, particularly concerning access to, and social functions of public resources;
6. Reinforcing legal and other human rights efforts to develop norms on the human right to land (or human rights dimensions of land), applying generally;
7. To assist in the further development and application of methodologies for monitoring land and water rights (consistent with, but beyond the human rights-voided MDGs), including the development of economic indicators to quantify the poverty-deepening consequences of land and water rights violations;
8. Supporting the human rights treaty bodies in monitoring the implementation of State obligations (as cited above), particularly with the countries that are due to report before the CESCR.

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.

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Land is a resource integral to survival, livelihood and adequate housing.

The State must provide for equitable distribution with emphasis on the provision of necessary resources for poor households

Governments must implement land reforms where necessary to ensure its fair distribution as a public good and protect the landed property rights of land-based and indigenous peoples from encroachment.

### Particular MENA objectives:

Consistent with the HLRN's MENA Program, the proposed forums would be designed with the following issues and efforts focused on the specificity of the MENA region to pose solutions to current and prospective problems to affective access to land and water. Consistent with HLRN's Program and the general objectives of the activity outline above, the forum additionally would pursue the following region-specific accomplishments:

1. Develop the discourse on the role of State and civil society, within particular national contexts, in posing alternatives to the deterioration of the agricultural

land, particularly under the privatization of water and absence of legal land tenure guarantees;

2. Contribute to the diagnosis of the land and natural resource origins of conflicts in some countries, Darfur, Kurdistan, Turkmenistan and analyzing the nature of the contentious politics from the human right perspective;
3. Reinforce compatible activities and attempts to improve policies affecting land tenure as a measure of combating poverty (such as those mentioned above), with particular focus on the real or potential links among these current efforts in the MENA countries;;
4. Assist in the further development and application of methodologies for monitoring land and water rights (consistent with, but beyond the human rights-voided MDGs), including the development of economic indicators to quantify the poverty-deepening consequences of land and water rights violations;
5. Reinforcing legal and other human rights efforts to develop norms on the human right to land (or human rights dimensions of land) with relevance to such regional cases of collective deprivation as Palestine, Iraq Western Sahara, Ahwaz, Darfur;
6. Explore and develop the constructive Islamic concepts and tools for ensuring equitable distribution of land and water as public goods
7. As a specialized global network with a MENA regional program, HLRN seeks to refine its activities with Members, particularly as a follow-up to a presenting parallel reports on the ESCR and implementing the Concluding Observations of the concerned treaty bodies concerning Morocco, Israel and other MENA States.

#### **Convention on Biodiversity (1992)**

**Article 15.** "Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to legislation... Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention."

## **Forum**

The MENA forum will be conducted in Arabic, with English translation as needed for foreign guests. The design follows a course from general and theoretical to specific and practical. It is designed with the intention that participants would have reviewed the forum papers before arriving at the venue. That would allow for an economical use of time while convened.

### *Themes*

The forum would convene the expert participants under the general theme of "right to land and natural resources." The discussions will address a series of analytical papers that participants from each country would prepare. (In the case of more than one participants per country, that task will be shared in a complementary fashion.) Within that general theme, each country paper would present the situation in that country, covering the most prevalent developments affecting access to, and social functions of land. Therefore, depending on the national circumstances, each paper will analyze some combination of the following:

- Conflict, occupation and/or war;
- Discrimination and demographic manipulation;
- Displacement and eviction (including urban migration/rural flight);
- Environmental degradation/climate change.
- Gender and tenure/inheritance;
- Land reform;
- Privatization of land and public services;
- Islamic tools & techniques
- Others.

### *Methodology*

Each country situation would require also a presentation of the structural, process and outcome data as they relate to the prevalent issues in that country. That would require statements of theoretical and material facts related to land rights:

- Treaty obligations,
- Constitutional and legislative frameworks,
- Poverty and dispossession,<sup>3</sup>
- Poverty and displacement,
- Trends and consequences of the privatization of land and water in the rural context,
- Land rights as a factor in the cause and resolution of conflicts.
- Status of traditional tenure systems
- Forms of discrimination
- Variance from Islamic concepts of the social functions of land and water
- Gender equality in the tenure (ownership, inheritance, etc.), access and management of land and water resources.

The papers each would have a strategic and action-oriented component, which would begin with a report on the status of current campaigns and initiatives at the various levels, including:

- Multilateral:
  - Secure Housing and Land Tenure and Good Urban Governance Campaigns
  - Cities without Slums campaign
  - MDG 7 progress
  - Legal Empowerment of the Poor
  - Global Land Tools Network
  - Other multilateral and government-to-government programs and projects.
- National:
  - National Plans of Action for Human Rights,
  - National Institutions for Human Rights
  - Land commission
  - Transitional justice mechanisms
  - Other national campaigns
- Civil:
  - La Via Campesina “Peasant Rights Charter”

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<sup>3</sup> The forum would be less concerned with circumstances or policies leading to dispossession of the wealthy.

- “Right to the City” Charter and campaign
- Social Forum focus on rights to land and water

Finally, the expert/author would proffer her/his recommendations for further corrective action to be undertaken to apply (and develop) the human rights framework to ensure equitable land use toward its optimal social functions. Such recommendations should be directed at duty holders and other stakeholders, including the civil society represented in the forum:

- Government (executive, legislative and judicial branches);
- Multilateral agencies;
- Human Rights System, including political, factual, implementation and legal (treaty-monitoring) bodies;
- Donors;
- Civil society.

In order to conduct the forum in November 2007, HLRN proposes that country situation papers be completed by end September 2007. A competent editor will compile them and HLRN will distribute them to the participants

### *Forum program*

In the forum, the participants will hear and discuss summaries of the experts’ country situation papers, present in panel formation before the plenary. The panels will be organized by subregions of represented countries, according to common geographical features. For example, the analytical plenary would involve the following panels:

- Nilotic group (Egypt and Sudan);
- Maghreb group (Algeria, Mauritania, Morocco, Tunisia, Western Sahara);
- Middle East (Jordan, Lebanon, Palestine, Syria, Iraq);
- Gulf group (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, UAE, Yemen);
- COW (conflict/occupation/war) group (Ahwaz, Kurdish territories, Iraq, Sudan [Darfur and southern zone], Western Sahara, others<sup>4</sup>).

With the exception of the final group, the presentations and discussion will focus on the common themes and trends experienced in the countries sharing the subregional panel. The COW group will, of course, concentrate on those countries’ shared experiences of land grounding both the origins of, and solutions to conflict.

The purpose of the plenary panels is to provide for participant questions and feedback to the country situation papers, which they already have reviewed in advance of the forum. It also provides a framework for organizing the complex issues into a manageable order, as well as an opportunity for constructive criticism of the papers for their final prepublication revisions. It further allows for needed comparative analysis across borders and subregions in order to take the discussion forward to the more-strategic discussion in the thematic workshops to follow.

### *Thematic workshops*

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<sup>4</sup> This discussion would allow for related issues of other minority and occupation-related land issues, likely including Tukomen and/or Akhdam communities, as well as foreign occupation of lands Bahrain and other Gulf States.

The thematic workshops would allow for deeper discussion and strategy exchange that bonds participants in their concerns and prospective activities across the subregions, but on the basis of common specializations and interests that transcend State borders. The workshop themes would relate to those general topics poses above:

- Conflict, occupation and/or war;
- Discrimination and demographic manipulation;
- Displacement and eviction (including urban migration/rural flight);
- Environmental degradation/climate change.
- Gender and tenure/inheritance;
- Land reform;
- Privatization of land and public services;
- Islamic tools & techniques

The workshop would be facilitated with strategic-planning criteria and techniques, in order to extract the most practical outcome and commitments to joint action from the region-wide pool of participants.

#### *Final plenary*

In plenary again, the thematic workshop groups would reconvene to share findings and announce commitments to further work/action. That exercise has a dual purpose:

1. to inform the participants of the developments in the other thematic areas about their forum colleagues' accomplishments;
2. to link the cross-cutting and related issues in practical and mutually supporting ways.

#### *Press Conference*

The conference would produce a common statement on the human rights dimensions of water and land in the MENA region. That statement would be the principal vehicle for a press conference in order to publicize the issues and launch the new stage of regional discourse and common work toward problem solving in the fundamental and neglected issues affecting land, natural resources and, consequently, all inhabitants of the MENA region.

### **The products**

The project is designed catalyze future outputs, with the forum itself producing both tangible and intangible outcomes. The material products will take the form of the documentation and analysis going into and ultimately emerging in more-refined form from the forum sessions. These include:

1. Initial country situation reports,
2. Thematic strategic plans with commitments of further cooperation and new activities,
3. Declaration on the right to land and water in MENA,
4. A published report on the conference that includes revised country situation reports, forum proceedings, strategic plans and Declaration.

### Indirect products and follow-on activities

It is envisioned that the forum will have a long afterlife. It would serve as a platform, beginning a long process of public debate and policy correction. The indirect activities (not proposed for funding here) would take two forms:

1. Launching the bilingual (Arabic/English) bulletin of "Land Times" to serve as a space for civil organizations and activists who work for land rights to create and/or mobilize public opinion in and social movements in support of land rights;
2. By raising the importance of needed further efforts, the forum conceivable would give rise to more-specific activities by participants and others, including needed research and local/national campaigns to "socialize" the values and prospective solutions raised in the forum and subsequent forensic debate (in *Land Times* or other forums). These follow-on activities would likely address:



- The deterioration of agricultural land,
- The role of the State in managing and distributing the land according to fair legal system,
- Assessment of the existed tools and to how extent we need new ones for assessing and empowering the victims and the vulnerable categories,
- .Islamic tools and principles for ensuring equitable land and water access, with particular emphasis on vulnerable and marginalized persons and groups.

### Participants

The conference will be focused on the land rights and the most important issues related to land. However, representatives of international social movements, NGOs, CBOs and international institutions are sought also as resources to inform the nascent discussion in MENA. Their participation and contributions will be important before, during and long after the forum convenes.