



Integrating Housing, Land and Property Rights Considerations in Mine Action

Workshop report

On 25 and 26 January 2022, the Global Areas of Responsibility for Mine Action (MA AoR) and Housing, Land and Property (HLP AoR) organised a workshop with over 50 practitioners from both areas of expertise to facilitate an exchange of lessons learned regarding the integration of Housing, Land and Property (HLP) considerations into Mine Action (MA).

The control of, and access to land can cause violence but it can also be a critical element in peace-building and economic reconstruction, particularly in post-conflict situations. Land release through non-technical survey, technical survey or clearance of explosive ordnance (EO) can create disputes if done incorrectly. Integrating HLP considerations into the land release process is essential for a conflict sensitive approach, ensuring land release does not negatively change dynamics, or unintentionally exacerbate local tensions. However, currently this is not systematically integrated in MA operations.

The objectives of the workshop were to enable MA AoR members to learn about HLP and potential areas for collaboration with HLP actors, to exchange best practices, identify challenges and propose solutions. The workshop was split into two sessions of two and a half hours each day.

The first day started with a [presentation from the Coordinator of the Global HLP AoR](#), introducing **key HLP concepts**, such as security of tenure, due diligence, overlapping tenure systems and rights, undocumented HLP rights, and women's HLP rights¹. HLP considerations relevant for MA include the potential for land release to increase tensions, contribute to land grabs or entrench gender inequalities. A key take-away was **that integrating HLP considerations into MA not only enables a "Do No Harm" approach, but it also contributes to positive protection outcomes through safe and inclusive programming**. To achieve this, awareness of the links between MA and HLP, and close collaboration between the two types of actors, is essential.

After the first session, several participants offered examples of MA and HLP cross-over from their work. The session concluded with an offer for support from the HLP AoR to connect MA practitioners with HLP experts, as well as a short presentation of [available resources on MA and HLP on the MA AoR website](#). This was followed by break-out sessions where participants discussed in groups challenges and best practices in integrating HLP considerations in MA.

On the second day, after a short summary of day one, the participants heard a [presentation from MAG and NRC on how a partnership between the two organisations helped MAG in Iraq to systematically include HLP in their mine action processes](#). This included conducting assessment and mapping of tenure systems in Iraq, identifying needs and barriers related to HLP issues and MA, expanding the role of community liaison teams to enable them to conduct due diligence, workshops and training of MAG staff by NRC to enable them to collect and process HLP information, and setting up a referral system from MAG to NRC so the latter can provide legal assistance if disputes are identified. The mainstreaming of HLP was done before, during and after technical survey and clearance.

¹ See [Essential HLP guidance here](#).

A key takeaway from the MAG and NRC presentation was that having an HLP partner can help formulate the due diligence process and mine action response, especially as HLP due diligence processes must be fit for purpose and context specific and require constant adaptation. In addition, there is a need for long term impact assessments on HLP which would provide area-specific data on how HLP issues and displacement develop (and/or recede) years after the conflict has ended. Finally, this was an excellent example of partnership between organizations with specific areas of expertise, enabled by dedicated funding for the purpose of integrating HLP into MA. While this is the ideal scenario, if funding is not available, MA organisations can also start a dialogue with HLP specialists and take incremental and cost-effective steps towards this objective, rather than waiting until funding is available for a more robust process such as this one. If HLP specialists are not present in an area of operations, the MA organisation should start by at least asking local stakeholders who owns and has access to the land – multiple conflicting answers will indicate the potential for conflict.

The MAG-NRC partnership discussion was followed by a presentation from UNHCR on the [Global Protection Cluster \(GPC\) Community of Practice](#). This website allows users to ask and answer questions on a range of topics, so it could be a useful tool to link HLP and MA practitioners and enable continued exchange of expertise. This was followed by a break-out session where participants discussed what other resources or processes are required to facilitate integration of HLP considerations into MA.

Examples of cross-over between MA and HLP

The intersection of MA and HLP can bring about complex challenges. This section includes some of the examples presented by the participants in the workshop to illustrate the diversity of such challenges.

The robust intersection between land rights and demining is demonstrated by one of the purposes of mining land, which is area denial. This means some of the best land, often agricultural land, can be mined to harm opposition forces. This type of land would see a lot of competition if safe to use, so clearance can trigger land grabs. In several contexts, including **Afghanistan**, there have been instances when local owners did not want their land demined because they felt their tenure was insecure, and were concerned demining would enable land grabs. This led them to refuse clearance or, worse, to (re-) lay mines to make the land undesirable. Understanding and addressing such concerns at an early stage is essential for an effective and conflict-sensitive MA response.

In the context of land reclamation and voluntary returns of refugees from **Kenya to Somalia**, the mandatory pre-departure package included explosive ordnance risk education (EORE). This was a quick process carried out close to departure. Since many refugees had not been in country for a long time, EORE raised concerns among the returnees about the status of their land and made them reluctant to return, resulting in delayed travel. One lesson learned from this example was that integrating mine action at an earlier stage in the land reclamation and refugee returns process would have reduced the delays. Secondly, better integrating mine risk analysis in the HLP discussions would help address any concerns early on.

Iraq has seen good collaboration between the MA and HLP sectors and there is [guidance available on HLP and mine action in this context](#). That is useful considering the wide range of HLP issues in Iraq². Multiple ownership rights, which refer to different coexisting types of tenure on the same piece of land, may be particularly problematic for MA operators who would require different kinds of permissions (legal, customary) to conduct clearance, and these may vary from one location to the next. Another issue which is currently under discussion in the MA AoR in Iraq regards a compensation claim scheme by the government for those that had properties damaged in the recent conflict. Many owners are refusing clearance because they want a government representative to assess the damage

² Examples include lost, missing or damaged property records, outdated title deeds, inheritance disputes, double ownership, ownership claimed on false documentation, property sold under duress or as a result of abuse of power, illegal construction, forced evictions, and complicated HLP architecture.

to their properties before clearance is conducted. The issue is unlikely to be resolved quickly considering the high levels of damage to properties in Iraq and insufficient funding allocated for the compensation claim scheme.

Some of the challenges in **Colombia** include lack of legal documentation and no functioning land registry which reduces security of tenure. Many people have been displaced by the conflict and clearance is a pre-cursor for land restitution. In this context, there have been cases where the clearance of land by MA operators, as assigned by the national authorities, has resulted in land disputes, which in some cases turned violent. It was noted that there is currently no HLP coordination (through AoR, working group or similar) in Colombia, though there are numerous HLP challenges.

Key findings

Complex, context specific issues can arise at the intersection of MA and HLP. Some of the key findings and considerations from the workshop are summarised below.

Tasking and prioritisation of mine clearance operations should be informed by HLP considerations.

Tasking is done differently in each mine-affected country, with mine action operators having varying degrees of agency over the process. Tasking and prioritisation should be informed by a gender-sensitive conflict analysis, as well as a pre-clearance assessment that integrates HLP considerations. This should include consultations with the community, including local leaders, as well as women, persons with disabilities and other marginalised groups.

In contexts where tasking is done by the authorities with limited input from MA operators, it can be difficult to push back on tasks where clearance may create or exacerbate HLP disputes. Possible ways to address this include raising awareness with MA authorities of HLP considerations, advocating for community engagement as a cornerstone of clearance prioritisation, and, where possible and relevant, promoting linkages between authorities managing MA and HLP issues. Where land is owned by the state and allocated to the communities, advocating for the land allocation process to be completed in advance of clearance could help avoid HLP disputes.

Integrating HLP considerations in the prioritisation and tasking process is also difficult in areas held by non-state actors, where there may be no tasking processes for mine action, nor a clear HLP framework. This can be addressed through community engagement to map land use and customary rights and identify any potential future disputes. Participants with experience from the Syria contexts shared that cooperation with UN-HABITAT helped to inform prioritisation and share risk with HLP actors.

Practical integration of additional HLP questions in community engagement activities is challenging.

Community liaison teams already collect a lot of information. Further work needs to be done to identify how best to add HLP considerations to this process without having long and unwieldy community liaison forms and processes and putting too much pressure on teams.

Long term impact assessments are an important tool to verify if any HLP issues have arisen after clearance. Currently, most impact assessment evaluations are done 6-12 months after clearance due to short-term funding cycles, so MA operators cannot say for sure if land release is having any unintended negative consequences. More long-term impact assessments are required. Where long-term impact assessments are not possible, cooperation with HLP actors in country could help identify if any land disputes have arisen on cleared land and if clearance was the catalyst for the tensions.

Limited and short-term nature of funding discourages qualitative improvements to operations, such as conducting conflict analysis and integrating HLP considerations into MA, because it would not result in delivery of more square meters of land released. Possible solutions include raising awareness with donors about the importance of including HLP in MA, advocating for multi-year funding that focuses on qualitative results, not just quantitative metrics, and encouraging potential collaboration between different donors or funding streams.

Women's property rights present a challenge in many contexts. In some places, such as Iraq, women are not able to register property and are pressured by family to give up land rights to brothers when they lose their husband. UN-HABITAT in Iraq is working to address this and has obtained permission from the government to register both the husband and wife as co-owners in Yezidi communities. MA actors can help identify such issues and refer them to HLP specialists. Considerations regarding women's land rights and mine action should be part of conflict analysis from the project design stage.

Recommendations

The following recommendations have been identified, focusing on activities that workshop participants – and MA and HLP practitioners more broadly – may wish to implement:

1. **Improve collaboration between MA and HLP stakeholders.** This collaboration may include informal consultations when revising due diligence processes, referring HLP disputes to specialists, planning community liaison, or sharing conflict analyses to facilitate improved understanding of key issues and promote inclusive local and durable solutions. Strengthening collaboration between the two AoRs at a country level should be encouraged. In Colombia, where there is already a MA AOR, possibilities for HLP coordination need to be explored. There are also many EO-affected countries where there is no cluster system and there are HLP challenges. Stakeholder mapping exercises which seek to identify local and national HLP networks and organisations may be a good starting point in such contexts. Formal partnerships are not always feasible or suitable; however, a conversation at the right time may suffice.
2. **Raise awareness** of the importance of integrating HLP considerations with:
 - a. HLP and MA practitioners – to share best practices and lessons learned;
 - b. National authorities – to encourage integration of HLP considerations in national tasking and prioritisation processes and coordination with government institutions responsible for land ownership or property rights;
 - c. Donors – to advocate for funding decisions to consider conflict sensitive MA projects which mainstream HLP, to support the development of country-specific HLP guidelines for MA, and to promote longer-term funding cycles which enable better measurement of impact of MA, including potential land disputes over cleared land.

Such awareness raising activities can be conducted at the international, regional and national level and in the context of the humanitarian-development-peace nexus. The National Directors Meeting would provide a good opportunity to raise awareness with stakeholders at the international level.
3. **Support a community of practice.** The global HLP and MA AORs should continue to convene meetings to facilitate exchange of best practices and explore ways to support the development of country-specific guidelines. Such a community of practice should allow participation of MA and HLP stakeholders from contexts where there is no AoR or Protection Cluster.
4. **A repository of resources** on MA and HLP can help inform MA actors interested to mainstream HLP in their operations. There are already some resources available in English on the [MA AoR website](#), and workshop participants are encouraged to share resources with the MA AoR to be added to the website. Translation should be budgeted so local partners can have access to them.
5. **Partnerships with academia** are encouraged in order to foster research into how HLP and MA interact. Such research findings can be useful for awareness raising and advocacy.
6. An **IMAS technical note** would help provide further guidance for MA practitioners and help secure support and buy-in from donors and national authorities for further integration of HLP into MA.

A recording of the presentations in the workshop is available from the MA and HLP AoRs on request.

