

FIG CONFERENCE: 20-30 April, 2004; Geneva: Dan Lewis, Opening remarks

Good Morning ladies and gentlemen, colleagues, friends.

First off, on behalf of UN-Habitat, I'd like to thank both the FIG and the Kosovo Cadastral Agency for organising this conference. This conference brings together those of us who have an interest in facilitating sustainable peace in countries emerging from conflict, by addressing one of the root causes of secondary conflict...ie, the resolution of land and property disputes. We all know that in the aftermath of war, the dis-integration of institutions of governance, the broken fabric of social systems, and the trauma borne by individuals and families all need fixing. The 'fixes' are never simple, nor are they quick, though in truth that is what we are driven to find.

The simplistic and quick fixes we normally seek take no cognisance of historic grievances or long term development trajectories required to rebuild functional societies, and our recent experiences in Afghanistan, Kosovo, Iraq, Somalia and elsewhere bear this assertion out. No more is this evident than in the approaches taken to resolve land and property issues in post-conflict situations. The above examples where experience has been gained, and emerging situations in the Sudan, Liberia, Ghana, Cyprus, and Rwanda should give us the tools and expertise to understand that in scope and scale the problem of addressing land and property rights requires both time, and caution.

It is estimated that land reform in Iraq for example, will take at least 25 years. This is not necessarily due to lack of capacity in Iraqi's; rather the process of establishing strategic goals, defining the framework for legal, administrative, and management of land and property administration, sanctioning institutions and building their capacity to implement, involving stakeholders in the formulation and execution of the land administration policy and regulatory system, and finally resolving outstanding disputes in a fair and impartial manner is no short term effort, nor is it inexpensive.

I am speaking to experts in this field so don't need to belabour the point, however having been responsible for UN-Habitat's suite of programmes in Kosovo from 2000 – 2002 when we were attempting a broad based approach to land and land use management in the province, I can speak from experience of the difficulties in securing the time and resources needed. With something like USD 18 million, we initiated 3 key programmes

all in some manner addressing land and property issues; from the perspective of land disputes, the Housing and Property Directorate and Claims Commission was set up as an internationally supervised mechanism to ensure fair and impartial adjudication of disputes arising from discriminatory application of the prevailing land laws, informal transactions, and loss of residential property rights due to illegal occupation. From the technical and administrative view, we initiated the Kosovo Cadastral Agency from whom you'll hear considerably more today, but whose primary function was to rebuild a centralised register of property rights whilst also resourcing municipal cadastral offices. Finally, from the perspective of local governance, a sequential series of programmes built on early efforts at emergency urban planning to the current spatial planning initiatives which provide strategic direction in land use and land administration in Kosovo. All this in the past 4 years, and much has been accomplished. However, we are aware of the gaps, most notably that the HPD/HPCC was only empowered to deal with residential property, and that issues related to commercial and public property remain largely unresolved; that the KCA is not well integrated in either the local court system, or the HPD/HPCC; that there remains limited connection to all municipalities; but most critically, that all of these efforts plus those of other agencies attempting to deal with public and commercial properties have all been undertaken in the absence of a robust land administration policy.

This is not a cynical statement, nor is it intended as being heavily critical either of Habitat, or of our partners in UNMIK and the Provisional Institutions of Self Government, it is simply a statement of fact in relation to the problems faced in one situation that was relatively well resourced both by expertise from abroad, and financially by the donor community.

During these two days, we'll hear of other experiences, and certainly more about Kosovo; and my request to you, is to hear these experiences, listen critically, and form and share your own opinions about how we might better address the problems that face the communities we assist, who are emerging from conflict. It is a challenging task, with no simple answers, but gathered here these few days, are among the best thinkers in the field with many who have tackled the problem and devised their own solutions, and I trust that

we can conclude the conference better educated, and better equipped to assist future and sadly inevitable communities rebuilding after war.

Thank you.