



## HIGHT – LEVEL REGIONAL CONFERENCE ON LAND AND CONFLICT IN THE EAST AND HORN OF AFRICA

**‘PROMOTING ACCESS TO JUSTICE FOR PEACE, SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE ADAPTATION’**

**Kampala, Uganda (hybrid conference)**

24 - 26 October 2022

### INTRODUCTION

The causes of instability in the Horn of Africa are multi-dimensional. Serious developmental challenges intersect with deficits in governance and the rule of law. Demographic pressure, ethnic rifts, climate change and more recently the COVID-19 pandemic add further pressure. Crucially, competition over land and natural resources is an important contributor to the region’s volatility. Reducing conflict and securing land rights are essential to realization of the SDGs. Tenure security supports sustainable economic development, allowing for productive land investments. It is an enabling factor for improved agricultural production and reducing food insecurity. Women with rights to land are in a better position to secure livelihoods for their families. Reducing conflict and securing land rights are equally important to climate change adaptation and soil conservation. Good governance and the rule of law are key to prevent and mitigate land conflict. This involves adequate and inclusive land law and policy frameworks, capable and legitimate institutions for allocating land and resolving disputes, access to justice for those seeking to protect their land rights, empowered communities and justice seekers, and spaces for dialogue allowing civil society and other stakeholders to voice their perspectives and concerns.

### OBJECTIVES

Acting on their respective mandates to assist IGAD Member States in achieving peace, security and prosperity and to promote the rule of law, globally, to advance peace and sustainable development, the Intergovernmental Authority on Development (IGAD) and the International Development Law Organization (IDLO) are organizing a conference on land and conflict in the Horn of Africa that will explore the linkages between access to justice and the rule of law, and peace, sustainable development and climate change. In so doing, as well as enabling countries in the region deliver on their national SDG action plans in relation to land and sustainable use of natural resources, IGAD and IDLO seek to build on the momentum created by the recognition of the centrality of land to a range of key issues on the global policy agenda, including at the recent UN Food Systems Summit and the UN Climate Change Conference (COP 26). The Conference will be preceded by preparatory national level dialogues in IGAD member states and will itself be organized in three segments:

1. The **regional policy conference** on land-based resource conflicts
2. The **conference of the Chief Justices** of the EAC region
3. The **meeting of Sectoral Ministers** from the IGAD region

The Overall Objective of the Conference will be to enable High Level Policy Makers to exchange country and cross-country policy experiences and lessons learned with a view to establishing a regional Agenda and national policy priorities that comprehensively respond to land conflicts. The specific objectives of the conference will be as follows:

For the **Regional Policy Conference**:

- Increase the body of available evidence and facilitate the exchange of views on the prevalence, causes, impacts and ways of addressing land conflict in the IGAD region and raise awareness around the importance of SDG 16 in addressing these in a comprehensive manner.
- Issue concrete and evidence-based recommendations to High Level Policy Makers for better management of land conflicts, notably with a view to enhancing their impact on peace, sustainable development, gender equality and climate change adaptation.

For the **Chief Justice Conference**:

- Identify and share best practices and lessons learned in terms of management and resolution of disputes and conflict around land-based natural resources by judiciaries.
- Exchange of thoughts and experiences as to the consultation or implication of judiciaries in the development and implementation of legislative and policy frameworks affecting conflict around land-based natural resources.
- For the **Ministerial Meeting**:
  - Adopt an initial declaration that will provide the basis for the establishment of an IGAD Agenda on addressing land-based resource conflicts and issue concrete recommendations for amendment of national land policies and action plans to better integrate conflict management.
  - Serve as a platform for rebuilding a regional network at the most senior policy and technical levels on land conflict and peace, sustainable development, climate change.

## REGIONAL POLICY CONFERENCE (DAYS 1-3)

**Themes** – The conference will address the following four themes<sup>1</sup>:

- **Theme 1: Access to justice and responsible land governance** – Under this theme the following sub-themes will be explored:

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1. Emerging best practices in managing land conflict through legislative and policy reform (key words: incorporation in national frameworks of the VGGTs, inter-sectoral cooperation and coordination, multi-stakeholder reform processes)

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<sup>1</sup> **Gender and youth will be considered as cross-cutting issues under the first three of these, whilst the fourth theme focuses directly on the rights to land of women and girls.**

2. Resolving land conflict in settings characterized by legal pluralism (key words: competing normative frameworks, institutional multiplicity, forum shopping, enforcement of decisions, customary law, legal awareness, assistance and representation, capacity development)
  3. Formalization of land rights in settings affected by conflict (key words: structural and other forms of discrimination, recognizing rights of vulnerable land users, registering women's land rights, risks of violence in mass tenure registration)
- **Theme 2: Land conflict, peace and security** - Under this theme the following sub-themes will be explored:
    1. Transboundary and cross-border conflicts in the Horn of Africa – dealing with the war economy (key words: exploration of minerals and other natural resources, contested maritime borders, water conflict, cross-border effects of local conflicts) [Topic could be reframed to include HLP rights of refugees and IDPs]
    2. Addressing inter-community land conflict (key words: competition between agricultural and pastoral communities, linkages with factional politics, extremism and violence, encroachment and appropriation of common, state or public land)
    3. Protecting communities and vulnerable populations from land grabbing (key words: business and human rights, corporate social responsibility, protection of defenders and advocates, corruption in land administration)
  - **Theme 3: Land rights, climate change and food systems** - Under this theme the following subthemes will be explored:
    4. Building institutional preparedness for managing the impact of climate change on conflict (key words: incorporation in national frameworks of the VGGTs, inter-sectoral cooperation and coordination)
    5. Improving land governance for food system transformation (key words: implement land reforms, strengthen land administrations, improve land use planning, climate change, unsustainable land use practices, environmental degradation)
    6. Gauging the impact of weak tenure rights on food security and nutrition (key words: effects of tenure security on agricultural development programs, linkages between land tenure and conflict and food production, access to food and livelihood strategies)
  - **Theme 4: Realizing the rights to land of women and girls** - Under this theme the following subthemes will be explored:
    7. Emerging best practices in strengthening access to justice to realize women's rights to land (key words: customary and informal law, succession laws, legal awareness, assistance and representation, women leadership and empowerment)
    8. Securing women's interests in land in the aftermath of conflict (key words: management of land by women in times of conflict, women's role in peace negotiations and conflict resolution, pre/post conflict gender attitudes)
    9. Women, land and climate justice (key words: women's exposure to the effects of climate change, indigenous communities women's role in management of natural resources, barriers to land ownership by women)

**Format** – In view of the on-going Covid pandemic, the regional policy conference will be a two-day hybrid (on-site and virtual) meeting consisting of:

- *Plenary sessions*, with interventions from high-level panelists followed by a moderated discussion.
- *Parallel sessions*, with interventions from panelists followed by moderated discussion.

Along with live-format events, pre-recorded products will be made available to attendees through the website before, during and after the Conference.

**Participation** – Experts from governments, the African Union, the UN system and other international organizations, think tanks, academia, civil society organizations, and the private sector and other relevant stakeholders will be invited by the organizers. A call will be launched in March of 2022 (t.b.c.) to identify panelists for parallel sessions on the basis of abstracts and subsequent full paper submissions. All other participants will need to register through the Conference virtual platform. An online pre-registration process will be in place for those wishing to indicate their interest in attending and submitting questions ahead of the Conference. The organizers will encourage the participation of women in the conference.

#### CHIEF JUSTICE CONFERENCE (DAY 4)

*[The two objectives for this segment – focused on management of land disputes by EAC judiciaries and on their implication in legislative and policy reform affecting land disputes – will be put before our EAC counterparts in the coming weeks. On the basis of these initial discussions, the specific themes (aligned with those above) for the segment will be formulated and the format and participation will be agreed upon. The following elements are therefore indicative in nature.]*

**Themes** – The Chief Justice segment could for example address the following themes:

- Judicial preparedness for managing the impact of climate change on land-based disputes and conflict.
- The role of customary and informal justice actors and alternative dispute resolution mechanisms in managing disputes and conflict around land-based natural resources.
- The role of judiciaries in addressing transboundary, cross-border and inter-community conflict around land-based resources.
- Realizing the rights to land of women and girls

**Format** – In view of the on-going Covid pandemic, the regional policy conference will be a one-day hybrid (on-site and virtual) meeting.

**Participation** - Participants will be drawn from the East African Court of Justice, the judiciaries of the EAC Partner States', the and the EAC Secretariat as indicated below:

- Three representatives of the East African Court of Justice - the registrar and two judges of the Court.
- A representative to be nominated by the Ministry of Justice of each Partner State.
- Representatives of the Environment Courts of the Partner states – the registrar and one judge per Partner State.
- Four representatives of the EAC Office of the Counsel to the Community (who will facilitate the Conference, ensuring that all the relevant information is obtained, and the Conference's outputs are captured).
- Key resource person: one suitably experienced expert in the region to facilitate and guide the discussions.

#### MINISTERIAL SEGMENT (DAY 5)

A one-day Ministerial Meeting is critical to endorse the IGAD Region Conference on Land and Conflict Outcome Document. The Ministerial meeting will issue a Communique on commitments towards promoting access to justice for peace, sustainable development, and climate change adaptation. The Ministerial meeting will be preceded by a one-day technical meeting of Directors from the responsible Government Departments who will negotiate and agree on the positions of their Member States, including areas of convergence for action in the next ten years.

The communique will enable the IGAD Secretariat to provide the necessary support to the Member States in strengthening access to justice and the rule of law on land governance while drawing a nexus with conflict transformation and gender transformative climate change adaptation.

The Ministerial Meeting will bring together Ministers responsible for Lands, Ministers responsible for environment and Ministers responsible for Justice from each of the IGAD Member States. The Ministers will be supported by technical officers from their line ministries throughout the meeting.

## ORGANIZERS

**The Intergovernmental Authority on Development (IGAD)** is a Regional Economic Community (REC) of the African Union. Member countries include Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. IGAD's mission is to assist and complement the efforts of the member countries through increased cooperation to achieve food security and environmental protection; promotion and maintenance of peace and security and humanitarian affairs; and economic cooperation and integration. IGAD's activities consist mainly of policy support, information and knowledge sharing, capacity development and research, and promoting the uptake of science and technology. IGAD member countries' priorities for achieving national development include, among others: eradication of poverty, food security, agriculture transformation, natural resource exploitation, preventing and mitigating climate change effects, and sustainable urban expansion. The Region is characterized by a fast-growing population and ambitious socio-economic development plans, for the most part, dependent on efficient and sustainable exploitation of land and natural resources.

Land in the IGAD region is a synonym of identity, culture, power, development, food, and human security. Land and natural resources are abundant. In instances of good land governance (secure tenure, access, and use), land and natural resources provide in many ways for IGAD citizens. In instances of weak land governance, land becomes a source of conflict, a perpetrator of social inequalities and discrimination, and a vehicle for the depletion of natural resources. Through this Conference, IGAD looks forward to building regional consensus on key actions to enable conflict transformation to happen in the region and hence moving the region towards peace and stability, as well as achieve broader development Objectives. The IGAD Land Governance Unit will lead actions in this regard.

**International Development Law Organization (IDLO)** is the only intergovernmental organization exclusively devoted to promoting the rule of law. IDLO works to enable governments, empower people and strengthen institutions to realize justice, peace and sustainable development. Its programs, research and policy advocacy covers the spectrum of rule of law from peace and institution building to social development and economic recovery in countries emerging from conflict and striving towards democracy. IDLO supports emerging economies and middle-income countries to strengthen their legal capacity and rule of law framework for sustainable development and economic opportunity. IDLO enjoys Observer Status at the United Nations General Assembly. Its headquarters are located in Rome, with a Branch Office in The Hague, liaison offices for the United Nations in New York and Geneva, and Field Offices in Afghanistan, Honduras, Indonesia, Jordan, Kenya, Kyrgyzstan, Liberia, Mali, Mexico, Moldova, Mongolia, Myanmar, the Philippines, Somalia, Tunisia, Uganda, and Ukraine.

Supporting the realization of environmental rights and climate justice, promoting climate resilient development and increased access to land and natural resources, and strengthening food security for marginalized and vulnerable groups is one of IDLO's six strategic objectives. Building on IDLO's established body of work, IDLO works in a range of different countries to support the ability of people, especially women, youth, indigenous peoples and local communities, to access customary and non-customary rights to land and other natural resources. It promotes the sustainable use and governance of land and natural resources through a combination of legal empowerment and institutional development approaches.