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Meeting the Climate Challenge: A Call for Responsible Land Governance in the Arab Region

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Introduction

The convergence of climate-related and human-induced environmental hazards in the Arab region is expected to displace record numbers of people; increase conflicts over access to, and control of, land and water resources; threaten food security; and pose new security risks that jeopardize the region's development, peace, and stability. Droughts, floods, Sea Level Rise (SLR), and other climatic phenomena are imminent threats in many countries, impacting directly or indirectly rural and urban areas and their populations and economies. Poor land management, privatization of public and communal lands, and overexploitation of natural resources are key anthropogenic factors accelerating land degradation and increasing people's and land's susceptibility to climatic risks.

This bleak reality provokes broad questions of land governance in the context of climate change. International discourse on the topic is increasingly stressing the importance of Sustainable Land Management (SLM) and good land stewardship in climate change mitigation and adaptation and Land Degradation Neutrality (LDN). The urgency of incorporating land tenure security concerns into climate action is also gaining ample international attention in view of the huge gap in the ability of different social groups to adapt to, and mitigate, climate change effects.

Where are Arab countries with respect to this global debate? How are they responding to the impact of climate change on land and land-based livelihoods? What priority actions do they need to take to ensure that smallholders and socially vulnerable groups are not disproportionally harmed by climate-related natural processes and hazards? How can they address soaring inequalities in access to land and natural resources owing to unabated changing climate patterns?

Definition of key concepts

Land degradation is a pressing global environmental problem in arid, semi-arid, and dry sub-humid areas. It is affecting rain-fed and irrigated cropland, rangelands, pastures, forests, and woodlands. According to the United Nations Convention to Combat Desertification (UNCCD), land degradation is chiefly 'the result of human-induced actions which exploit land, causing its utility, biodiversity, soil fertility, and overall health to decline' (UNCCD website, n.d.). Natural phenomena associated with climate change (droughts and floods) contribute to land degradation, which in turn increases land's vulnerability to droughts and other extreme weather events. In drylands, land degradation can take the form of desertification, resulting from the combination of many factors, including human activities and climatic variations (IPCC, 2020).

Land Degradation Neutrality (LDN) is a central concept in addressing the complex nexus between biodiversity, climate change, and land degradation. It is defined as '[a] state whereby the amount and quality of land resources necessary to support ecosystem functions and services and enhance food security, remains stable or increases within specified temporal and spatial scales and ecosystems' (UNDP website, n.d.). The concept gained significant attention after the United Nations General Assembly adopted the 2030 Agenda for Sustainable Development in 2015, which put emphasis on the notions of Sustainable Land Management (SLM), Land Degradation Neutrality (LDN), and land restoration to ensure ecologically responsible land management practices (SDG Goal 15, Target 15.3).

Land governance 'concerns the rules, processes and structures through which decisions are made about the use of and control over land, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed. It encompasses statutory, customary and religious institutions [… and] covers both the legal and policy framework for land as well as traditional and informal practices that enjoy social legitimacy' (Palmer et al., 2009, p. 1). Responsible land governance is a central concept for the achievement of the Sustainable Development Goals (SDGs). It is associated with sustainable land use and management practices, land tenure security, protection of land rights, accountable land institutions, and effective and flexible regulatory frameworks and procedures of land delivery and administration (UN-Habitat/GLTN, 2017).

Land tenure refers to 'the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land' (FAO, 2002). This relationship can be complex and can involve different levels of security, depending on the conditions of the agreement (whether verbal or written) that allows people to occupy, hold, and/or manage a piece of land, and how much these conditions are respected and recognized by others. In view of the adverse impacts of climate variability on land and water rights, UNCCD underscores land tenure security as 'a core aspect of responsible land governance, a fundamental component of sustainable land management and an essential element in addressing desertification/land degradation and drought' (UNCCD website, n.d.).

Sustainable Land Management (SLM) was defined by the United Nations at the Rio Earth Summit (1992) to mean 'the use of land resources, including soils, water, animals and plants, for the production of goods to meet changing human needs, while simultaneously ensuring the long-term productive potential of these resources and the maintenance of their environmental functions.' The Food and Agriculture Organization of the United Nations (FAO) has expanded on this definition and presented SLM to involve 'measures and practices adapted to biophysical and socio-economic conditions aimed at the protection, conservation and sustainable use of resources (soil, water and biodiversity) and the restoration of degraded natural resources and their ecosystem functions' (FAO website, n.d.). Among other benefits, UNCCD underlines the importance of SLM practices for reducing Greenhouse Gas (GHG) emissions (the main contributor to climate change) and carbon sequestration (i.e., the process of capturing and storing atmospheric carbon dioxide with the goal of reducing climate change).

Key land management and climate challenges

While each Arab country has its own issues and concerns, four critical challenges that fall at the intersection of global discourses on land governance and climate change are observable across the Arab region.

1. Land degradation is a key challenge in many Arab countries due to the dearth of water, high aridity levels, and poor land and water management.

Around 73 percent of land in Arab countries is degraded. This percentage goes up to 92 percent in hyper-arid areas characterized by scarce water resources and limited fertile lands (ESCWA, 2016). Land degradation is affecting the region's arable lands, rangelands, and pastoral lands, undermining rural and nomadic livelihoods. Overgrazing in pastoral areas, commercial agriculture involving monocultures, inadequate agricultural practices and technologies, groundwater exploitation, deforestation, arbitrary land use transformations, soil sealing, and land fragmentation (instigated by inheritance laws and land markets) are some examples of the manifold human activities that are destroying biodiversity and straining land and water resources in the region.

The dissolution of communal forms of land tenure is a key cause of pastoral land degradation. Arab countries are supporting land conversion from communal to private ownership to facilitate the expansion of commercial farmlands and extractive industries (oil, gas, quarrying, and mining), and/or to allow for new urban growth areas. This is pushing pastoralists into smaller grazing areas which is causing their degradation due to overexploitation. Concurrently, the privatization of the communal lands is putting extra stress on forest ecosystems because, as is often the case, herders and the rural poor turn to forests when available croplands and rangelands are unable to meet their dietary needs and sustain their livelihoods.

Climatic factors (sand drifting, heavy showers, and sporadic rain), in combination with physiographic factors associated with the physical characteristics of the area (geology, altitude, topography, vegetative cover), are exacerbating the human-induced stresses of land and natural resources and accelerating several processes associated with land degradation (soil erosion, soil salinity, water erosion, and wind erosion) (Serageldin, 2007; ESCWA, 2016). Most threatened countries are the Comoros, Mauritania, Somalia, and Yemen, where subsistence agriculture represents the main economic sector and where crop failure means food insecurity (Elasha, 2010).

Land and water mismanagement and poor irrigation systems (e.g., systems that rely on over-pumping of groundwater and chaotic digging of wells) are contributing to land degradation. The over reliance of water-scarce Arab countries on groundwater irrigation to meet food demand is leading to the depletion

of aquifers. This is forcing pastoralists and rural inhabitants in water-strained Arab countries to abandon their land and move to other areas. Reciprocally, land abandonment has negative effects on land productivity and ecosystem functioning, accelerating their degradation and susceptibility to climatic factors, especially where regular and sustainable land management systems are lacking.

In the Nile Delta in Egypt, poor irrigation practices are increasing erosion and soil salinization caused by SLR and seepage (UNCCD, 2018). In Iraq, climatic factors and the lack of adequate irrigation systems have led to the desertification of large agricultural areas in the Nineveh plain, historically famous for grain cultivation, and to turning pastures and green orchards into barren lands (Al-Hayyali, 2012). Open dumping, groundwater pollution, and lack of rainwater drainage networks pose a serious threat in Lebanon, where wastewater and rainwater run in the same channels. During heavy rain, the channels flood causing a lot of damage to adjacent agricultural lands and sewage seeps into the soil, causing the contamination of agricultural produce (UN-Habitat, 2017).

2. Water scarcity, inappropriate land use shifts in response to climatic strains, and land tenure ambiguities are amplifying resource-based conflicts.

Resource-based conflicts over access to land and water abound in Arab countries where pastoralism is still a main source of livelihoods. Reduced rainfall and climate-induced seasonal changes are simultaneously affecting pastoralists' calendars and routes and leading farmers to expand agricultural land uses onto communal lands (including areas traditionally claimed by pastoralists, like riverbanks), fence-off their cultivated lands, and abandon older cultivation practices that relied on their exchange with pastoralists. While most conflicts are between farmers and herders, inequality in access to ground water resources is leading in some contexts to conflicts between small and big farmers (in the Sa'ada basin in Yemen, for example).

The private appropriation of public land for resource extraction purposes and speculative development is a main reason behind increasing pressure on resources, which can eventually lead to open conflicts of varying scale and intensity. De facto, resource privatization reduces pastoralists' mobility and natural adaptive capacities to climate change. As a result, many are likely to become bound to settle down as agro-pastoralists in areas close to their traditional resting places. Sedentarization and combining animal raising and cultivation increases the frequency of pastoralist conflicts with farmers over reduced resources (rangeland and water), which become overexploited due to

increased demand and utilization (FAO, 2010; IPCC, 2019). Somalia, Sudan, and Djibouti are cases in point (GEF & UNDP, 2018).

The disintegration of the communal ownership system is leaving the management of forests and pastures blurred, with unclear land ownership and land-use rights. Ambiguities regarding land ownership are leading to overlapping claims and disputes over access rights to land and natural resources (FAO, 2010). The presence of parallel and often contradictory laws (statutory and customary) and/or the replacement of customary local institutions by governmental authorities can amplify disputes over communal and individual land tenure rights (e.g., Jordan, Morocco, Sudan, and Yemen) (Forni, 2003).

In Sudan, changes in land governance are affecting land systems and widening social inequalities in access to these resources, increasing the likelihood of social and political conflicts. The Sudanese government's attempts to privatize communal resources and replace flexible customary laws by rigid laws have been at the expense of water tenure rights of vulnerable groups. In West Kordofan, public authorities who took over the role of customary institutions did not gain the trust of local people due to lack of effective government policies and strategies to ensure the sustainable use of resources (Jadallah, 2019).

3. Green grabs and land dispossessions and displacements of small landholders are threatening pastoral and agriculture-based rural livelihoods in many Arab countries.

Encroaching external interests onto communal lands in the Arab region are not new. Unjust land policies and land governance systems under Ottoman and colonial rule played a key role in land dispossession of local peasants and in class formation. The rise of neoliberal policies in the 1980s, the growing power of the transnational capitalist class, large-scale land acquisitions (LSLAs), and the increasing prominence of financial actors in the economy (banks, stock markets, and institutional investors) have all dramatically distorted the land market and accelerated the dispossession of smallholders, causing their coerced movement.

Not only are communal lands being privatized and fenced off today, small-scale private property holdings in many countries (Sudan, Egypt, Tunisia, Oman, Jordan) are also disappearing with the expansion of commercial farmlands, infrastructure projects (roads, dams, renewable energy), and extractive industries (cement, oil, gas). Many of these projects are leading to massive population displacements as they come along with land use conversions that affect access to land by different groups of land users and cause habitat loss and biodiversity destruction.

Biofuel and food production, nature conservation, and other environmental ends associated with climate change mitigation and adaptation are used by Arab governments as pretexts to justify seizure of land and natural resources, or what is globally known as 'green grabbing.' Syria's Oryx natural reserve and Wadi Dana in Jordan are examples of green grabbing. Their classification as natural reserves prevented herders and peasants from accessing them and negatively affected their livelihoods. Poverty and insecure land tenure are key factors reducing the resilience of less powerful groups against land, water, and green grabs. Undocumented land rights and the lack of clear land governance mechanisms to protect the rights of socially vulnerable groups facilitate unjust and arbitrary land acquisitions, which often encompass complicit agreements between state actors and real estate corporations.

In Egypt, successive local governments sought to convert the Nile islands into high-end investment projects. The process of enabling the 'big investors' to establish their projects on the islands involved dubiously 'legal' actions that initially overlooked exiting customary tenure rights of island residents (mostly poor farmers and fishermen). Supported by political activists, the residents of Al-Warraq island managed to force the government to provide them with compensation and resettlement schemes. None of these schemes is sufficient to allow them to stay on the island. They are all forced to leave.

4. Rapid urbanization and poor land use planning are leading to urban encroachment on public lands, peri-urban agricultural lands, rangelands, forested areas, and climatic hazardous zones.

Urban population growth in the Arab region is one of the highest in the world (estimated in 2018 by the World Bank at an average of 2.4 per cent per annum as compared to 1.8 worldwide). Most of this growth is unplanned and unregulated. Urban settlements have informally infringed on productive lands, low-lying areas, and climatic hazardous zones not typically suitable for living. While the whole region is vulnerable to climate effects, natural disasters can be particularly devastating in urban coastal zones. The poor quality of their houses, combined with locational factors, exposes the inhabitants of these areas to risks like SLR, floods, and storms.

SLR in the Arab region is expected to force millions of urban dwellers to leave their homes. It is estimated that over 43 port cities across the region could be impacted by SLR, with Egyptian cities (namely, Alexandria and Port Said) being the most exposed (GEF & UNDP, 2018). Most vulnerable cities to flooding, storm disasters, and droughts are in Somalia, Sudan, and Yemen, due to their lack of basic urban services (UNDP, 2017). Most vulnerable social

groups to climatic hazards are the urban poor, refugees, and rural migrants living in high-risk areas susceptible to climate-change effects.

The emergence of urban settlements in unsafe areas and their infringement on other land uses is not the inevitable outcome of rapid urban population growth. It is the outcome of poor land use planning and/or weak enforcement of land use regulations. In Jeddah, the second biggest city of Saudi Arabia, roads and settlements hinder the flow path of valley floods to the sea, as they were not built to withstand storm water runoff (UNDP, 2017). In the district of Zahle of Lebanon, the Informal Tented Settlements (ITSs) of Syrian refugees have grown on agricultural land within, or at the periphery, of the main urban areas, including areas prone to flood risks. This is not only exposing the refugees to severe threats, but also jeopardizing productive lands and fertile soils (Fawaz, Harb, and Al-Hage, 2021).

Affluent groups have also occupied natural sites and coastal landscapes prone to natural hazards and turned them to private residences or resorts. With their power and money, they have the ability to mitigate and recover from natural hazards, compared to poor and vulnerable social groups, and therefore are able to enjoy more tenure security.

The Eden Bay resort project in Beirut is built on maritime public domain in violation of applicable laws and regulations. Although the State Shura Council—the only administrative jurisdiction in Lebanon—suspended the construction of the resort, it later reversed its decision and allowed the influential resort developer to proceed with the project. The capacity and standing of the environmental organization that filed the case against the project was dismissed (The Legal Agenda, 2020).

International frameworks on climate and land

Global concerns related to the impact of climate change on land and biodiversity have been addressed in a number of internationally negotiated frameworks that bear connection to the three Rio conventions that followed the 1992 Rio Earth Summit —i.e., the Convention on Biological Diversity (CBD), the United Nations Framework Convention on Climate Change (UNFCCC), and the United Nations Convention to Combat Desertification (UNCCD). Key frameworks endorsed by Arab countries include the Sendai Framework for Disaster Risk Reduction 2015-2030, Kyoto Protocol, the Paris Agreement on Climate Change, the program for reducing emissions from deforestation and forest degradation REDD+, Ramsar Convention on wetlands, and the Integrated Coastal Zone Management (ICZM) Protocol.

Global concerns related to land governance; tenure security; and housing, land, and property (HLP) rights—including rights of refugees, internally displaced persons, indigenous populations, and other vulnerable social groups—have also been addressed in a number of internationally negotiated frameworks that are relevant in the context of climate change, and that have been endorsed by Arab countries. These include the Universal Declaration of Human Rights (UDHR); the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESR); and the Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons.

Key frameworks addressing the nexus of climate change and land governance (including tenure security) are the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs); the New Urban Agenda (NUA); and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT). All these frameworks have been endorsed by the Arab states. In addition, Arab countries endorsed a number of regionally negotiated frameworks that address issues of land and climate, including the Arab Strategic Framework for Sustainable Development (ASFSD) and the Doha Declaration on the Implementation of the 2030 Agenda for Sustainable Development. Many countries have also set Land Degradation Neutrality (LDN) targets to halt and reverse land degradation and mitigate the adverse impacts of climate change.

Progress in addressing the looming climate crisis

Although Arab countries are making some progress in pursuing LDN, they are still far from meeting their targets and responsibilities related to sustainable land management and natural resources protection and restoration. There are also obvious inconsistencies between the commitments made by Arab governments on human rights and how they are applied in practice. Land dispossession and displacement, mounting social injustices and inequalities in access to land and natural resources, chaotic urbanization, and informal settlement growth, including in areas susceptible to climatic hazards, indicate that the commitments of Arab countries to land governance and tenure security are not effectively implemented or enforced.

Crucially, customary land governance decision-making processes and instruments are increasingly challenged and undermined in many Arab countries due to state control, globalization forces, and changing political and socio-economic conditions (Nori et al., 2005). With the transformation of communal lands to private ownership, customary rights to these lands are collapsing. This is accelerating both land degradation and natural processes associated with climate change and deepening existing conflicts over gaining

access to, and control over, available lands and natural resources. Concurrently, the global land rush and commercialization of public and communal land—whether through leasing, concessions, or sale to private and large corporations for uses linked with climate mitigation and adaptation—are widening the gap between the rich and poor and further depriving vulnerable groups from their right to land. Such inequalities and vulnerabilities are concerning in the context of climate change, as they can halt sustainable land management.

Advancing responsible land governance

Responsible land governance at the regional level and within each country is essential for SLM and meeting the climate change challenge. Every country has a critical role in developing and ensuring the effective implementation of inclusive land policies and regulatory measures to avoid, reduce, and restore degraded land, as well as maintain and enhance the different services and functions that land provides to human beings.

To be sure, governments cannot do it all alone. Sustainable land management for mitigation of, and adaptation to, climate change requires collective action and committed in-country and cross-country partnerships to exchange experiences, engage in collective learning, promote inclusive policy dialogues, and develop capacities. It also requires capable land governance institutions at all levels (including customary land institutions that operate at the community level) to secure the optimal use of land and available natural resources, promote improved land management practices, and address overlapping claims among different groups of land users, especially where land rights are undocumented.

Holding to the objectives of responsible land governance, land tenure security, sustainable land management, and land degradation neutrality, the following 12 recommendations aim to support decision makers in the Arab region in tackling the climate challenge:

- Pursue holistic and multi-dimensional land management approaches that address the critical relationship between land degradation and increased climatic pressures on land (e.g., agroecology approaches), protect productive ecosystems and the services they provide, and restore and/or sustain access to essential resources to the livelihoods of rural communities.
- Put in place integrated land use plans and legal measures to guide urban expansion, preserve significant landscapes and natural sites, protect productive lands and fertile soils, and halt the degradation of rangelands and forests (by, for example, delimiting pastoral areas and corridors and regulating grazing activities while respecting the legitimacy of customary systems).
- Improve and strengthen participatory approaches to local governance and develop the capacity of local authorities, institutions (including tribal

institutions), and civic unions to engage in sustainable land management while sustaining a healthy interaction between different land users.

- Acknowledge and institute the undocumented laws that local communities and groups created to manage land, resolve disputes, and secure access to land, including customary land tenure relations between farmers and herders.
- Recognize local knowledge and engage concerned communities and groups in land policy dialogues to promote and protect inherited sustainable land management norms and customary land management practices.
- Invest in capacity development program for small farmers and act on social policies that enable smallholders to gain access to capital and markets, to help them compete with large landholders and gain access to decent livelihoods.
- Provide livestock farmers and pastoralists with a range of services (e.g., dairy processing, animal health services, access to formal markets and information) to enhance their productivity, lower the impact of seasonality on their livelihoods, and reduce their vulnerability to climatic hazards.
- Implement infrastructure and public services improvements, such as emergency water provision, and improve transportation and communication networks in rural areas, to strengthen local capacity to respond to environmental shocks.
- Develop programs to raise citizen awareness of climate-sensitive areas and compensate, resettle, restore, and/or substitute the livelihoods of climate-affected populations, particularly socially vulnerable groups.
- Establish viable environmental and social safeguard policies to prevent and mitigate undue harm to people resulting from climate change mitigation and adaptation efforts, and set up effective procedures to monitor land developers' safeguard performance.
- Design and enact sound legislative frameworks and appropriate conflict-resolution and grievance mechanisms and procedures to deal with land-related disputes.
- Stop land enclosure and explore existing and potential communal land tenure arrangements to protect smallholder land rights, including land tenancy rights, and ensure human security, stability, and resilience in light of the hazards and disturbances related to climate change.

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About the Policy Brief
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About LCPS
Founded in 1989, the Lebanese Center for Policy Studies is a Beirut-based independent, non-partisan think-tank whose mission is to produce and advocate policies that improve good governance in fields such as oil and gas, economic development, public finance, and decentralization.

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