



INTERNATIONAL
LAND
COALITION



The North-South Institute
L'Institut Nord-Sud

POLICY BRIEF

INTERNATIONAL CONFERENCE ON AGRARIAN REFORM AND RURAL DEVELOPMENT

PORTO ALEGRE, BRAZIL
7-10 MARCH 2006

LAND-RELATED CONFLICTS

INTRODUCTION

The relationships between land and conflict are extraordinarily complex. When it comes to land issues, economics and politics are mixed together with traditions, culture, legal systems and public administration. As in the case of other forms of conflict, land issues are tied to a complex structure of power, vested economic interests and from historically symbolic attachments to systemic inequities. In more complex situations, there is usually an accumulation of grievances that may be embedded in wider and more deep-rooted conflicts. Addressing land issues effectively demands a broad, integrated, and inter-disciplinary approach.

Resource-based conflicts, especially over rights of access to land, are increasing in frequency and intensity, generating high levels of refugees and internally displaced persons. Whether caused by greed or grievances, land conflicts cause serious social dislocations; suspend or destroy income opportunities; create food insecurity; damage the environment, and frequently result in the loss of life. There is an urgent need for practical ways to prevent, mitigate, resolve and potentially transform land-related conflicts, because the tensions that trigger violent disputes over land and resources pose significant obstacles to managing and transforming conflicts.

Poor households bear the heaviest burdens of land-related conflicts for the simple reason that their daily needs and future livelihoods are directly tied to their property rights. Their land dependency ratio is high. Poor households face a high risk of becoming victims of conflict if their fragile access to land is threatened further.

The roots of conflicts are numerous, including: structural or historically-based inequalities; economic and social policies and patterns of growth and development; political or territorial disputes; communities in competition with commercial interests, particularly extractive industries; overlapping jurisdictions among government ministries; former landlords and land reform beneficiaries; intrusions onto pastoralist lands; and, contradictory regulations, such as differences in legal and customary ways of managing or mediating land rights.

Land conflicts have a disproportionate impact on women, since women tend to already suffer more than men from weak legal systems, limited institutional capacities and traditional/customary practices.

Finally, conflicts over land and natural resources are obstructing the efforts of the international community to achieve the Millennium Development Goals and other key development priorities in the areas of the environment, peace and security and democratic development.

TENURE FRAMEWORKS

Land and property rights systems are complex and diverse. Systems to manage land rights can and do exist locally, even where state land administration or state-recognized titles do not. Incomplete understanding, ignorance, or disregard for the complex relationships on the ground, are often at the root of failed policy prescriptions and frequently fuel resource conflicts. Singular approaches, prescriptions from elsewhere and orthodox state or market-driven approaches have all too often been externally imposed and failed by not taking into account local norms and everyday practices of rural people.

INSTITUTIONAL CAPACITY

Weak governance and institutional capacity – particularly in policy planning, property registration, and judicial or alternative dispute resolution – contribute to conflict over land. Lack of appropriate information and coordination among government departments can lead to different agencies issuing concessions and rights to the same piece of land, without consulting local residents whose rights might be affected. Rather than building up regulations to account for social and environmental impact, there is often streamlining of these assessments in order to pave the way for investment. Failure to account for these impacts beforehand only increases the likelihood that they generate conflict later on.

MEANINGFUL PARTICIPATION

There is often a lack of meaningful participation in land-related decision-making by rural men and women who are affected directly by those decisions. Failure to support full and informed participation of communities whose lands, livelihoods and cultural identities might be affected by the outcomes of decision-making – whether around policies or projects – is a key catalyst for conflict. Centralized, top-down decision-making about land and natural resources not only creates social conflict, but ignores local knowledge that could help to reach agreements among land users and claimants, and to establish land management systems that could prevent environmental degradation. It is increasingly expected that decision-making about land-related projects will be governed by the principles of free, prior and informed consent as an important standard for *all* local communities.

POWER ASYMMETRIES

Land tenure institutions are inherently political. The resolution of land conflict is subject to significant power imbalances in social economic and political power within communities, between local people and national interests, between country and international agreements, foreign investment interests, and the forces of globalization. All have the ability to block negotiated agreements, moral claims on public sympathy and unequal access to legal protection during the escalation of a conflict and the resolution process. It is unrealistic to expect sustainable success from mediation and negotiation if these imbalances in power are not addressed from the outset. In this respect, strengthening the institutions of less powerful groups to enable them to negotiate and defend their interests with legislators and public officials is an essential pre-condition to conflict mediation.

CULTURAL SURVIVAL

Land has important cultural significance to rural communities, particularly Indigenous and Tribal Peoples for whom cultural identity and survival is inextricably linked to their relationship with ancestral territories. The lands and resources of Indigenous and Tribal Peoples are increasingly sought after by outside parties, bringing different understandings of “development” and “conservation” into conflict. At the centre of these disputes are different concepts and positions on sovereignty and ownership of the land – including resources on, below and above the surface, as well as the non-commercial value of land and resources.

WOMEN’S RIGHTS TO LAND

Conflicts highlight and potentially escalate discriminatory practices that exist within communities. Women, along with other socially-marginalized groups, may be further disadvantaged. Often women lack secure rights to land, property and natural resources, both under customary and state tenure systems. The risk this poses to household food security is exacerbated in situations of armed conflict, where widows and orphans are among the highest numbers of displaced people. Recreating stable communities is more difficult if women do not have tenure security and are not recognized as producers in their own right. There is also growing concern for widows whose spouses have died of HIV/AIDS in contexts where women cannot inherit lands, even those they are actively working.

BROADER POLICIES AND STRATEGIES

Some peace agreements include provisions for land tenure reforms, yet many do not, and implementation almost always lags far behind commitments on paper. In some countries governments are pursuing land reform policies that are fuelling violent rural conflicts; in others, conflicts are being fed by market-oriented reforms. Tension frequently arises between conflict prevention and orthodox market-oriented approaches to land, rural development or liberalization of trade in agricultural goods. Yet, the logic of conflict transformation could help to craft rational and effective alternatives to purely market-based approaches, in order to encourage a lasting peace in post war environments and prevent new armed conflicts from emerging.

While these tensions pose significant challenges, progress is being made in identifying new ways to manage and transform land-related conflicts. At the local level, there is growing awareness of the costs of these conflicts, and renewed efforts to identify local solutions that combine customary, statutory and other

alternative approaches. Local actions can and should inform national and regional initiatives, in which governments, communities, civil society and international agencies can all play important roles.

ACTIONS TO TRANSFORMS LAND-RELATED CONFLICTS

- Increasing public participation in land demarcation and improving the information and database available for land-use planning, such as the use of participatory community mapping, or negotiated territorial development.
- Improving the ability of mediators to identify the roots of land-related conflict, through stakeholder analysis or conflict mapping.
- Providing opportunities for communities, governments and other actors to co-manage resources and establish mutually beneficial resource agreements
- Increasing people's awareness of their rights and development options through land literacy or community-based action research.
- Using community-based policy forums to assess the needs of and resource users, and for determining whether or how existing systems (including customary systems) are adapting or need to change.
- Ensuring that fundamental human rights are respected through the principles of free, prior and informed consent.
- Strengthening the negotiating position of poor men and women through community organizing, network-building and collective action.
- Ensuring that peace agreements include meaningful provisions to reform institutions and practices that fuel land-related conflicts, and that implementation of such measures is full and timely.

In countries such as Bosnia and Herzegovina, Cambodia and Guatemala, peace agreements have included extensive provisions for reforms to land tenure and land administration. In South Africa the government is working to extend initial post-apartheid land tenure reforms to more beneficiaries, and to strengthen conflict management institutions at various levels. At the global level, conflict awareness has increased among global civil-society and multi-stakeholder networks, often in response to grave human rights violations against land rights activists. Donors have worked through the OECD Development Assistance Committee to formulate clearer frameworks for conflict-sensitive programming on land issues. Several agencies have developed more specialized tools, such as the USAID land and conflict toolkit, and the FAO manual on the mediation of land-related conflicts.

Yet many major challenges remain. The approaches described above require not only time and financial resources, but also changes in organizational cultures and working methods, skills-building for local and national institutions, and improved access to knowledge and information for all actors involved. Organizations working at different levels could make different contributions.

Local-level organizations can increase the communities' awareness of their land rights, strengthen local institutions and rural peoples' organizations in conflict-affected communities, and provide training in conflict management. They can also systematically monitor local conditions in order to undertake evidence-based advocacy and include the findings in policy recommendations at both national and global levels.

Governments can conduct participatory conflict analysis before undertaking any major land policy initiatives. In this way they can operate according to the principles of free, prior and informed consent, thereby searching for alternatives where stakeholders indicate that the proposed policies may create or exacerbate conflicts. The policy analysis should also include environmental impact assessments to ensure meaningful participation of the communities directly affected by the proposed development projects.

Global and regional networks can systematically monitor, analyse and compare land-related conflict situations and identify lessons learned. This will help strengthen national networks' advocacy and conflict prevention activities within countries. It will also lead to cross-regional and global learning, since many resource-based conflicts have similar systemic causes.

Donors can change their policies, as required, to incorporate lessons and policy options emerging from the analysis of conflict situations carried out by other agencies in the donor community, as well as from the work of peoples' organizations, NGOs and researchers. Furthermore, donors can systematically introduce into their country programme strategies, the lessons learned and adapt tools to promote and apply potential methodologies more systematically in selected countries, and adapt tools for land conflict management, such as those developed by FAO and USAID, to their own institutional procedures.

Land conflict management is a development process. It entails developing governance processes involving state and non-state actors, which can bridge class, ethnic, and socio-political divides. Lasting effectiveness requires informed participation by and empowerment of local groups and communities in conflict resolution processes as well as structural changes. Transparent decision-making is essential, as is the creation of space for dialogue where the vulnerable and less powerful parties are never victims of intimidation.

The causes of land conflicts are numerous, but their nature is systemic, implying that the issues and analyses need to be addressed in a governance context. This approach will ensure that policy decision-making considers the contribution of all stakeholders effected and affected by the conflict. In a governance context, resolution begins by seeking to understand the underlying and interconnected elements of the conflict before assessing the appropriate road to resolution.

This issue brief is based on a global review of issues in land and conflict transformation, undertaken by the International Land Coalition (ILC) and The North-South Institute (NSI). A report of this review's findings will be available from NSI and ILC in April 2006.

The International Land Coalition is a global alliance of inter-governmental, governmental and civil-society organizations. The Coalition works together with the poor rural men and women to increase their secure access to natural resources, especially land, and to enable them to participate at local, national, regional and international levels, in the policy and decision-making processes that affect their livelihoods.

The North-South Institute (NSI) is Canada's first independent, non-governmental and non-partisan research institute focused on international development, and is dedicated to eradicating global poverty and enhancing social justice through research which promotes international cooperation, democratic governance, and conflict prevention. The International Development Centre (IDRC) helped fund this work through a grant to The North-South Institute.

For more information, please contact:

Ms Julie Carle
Communications Manager
International Land Coalition
j.carle@ifad.org
Via del Serafico No 107, Rome, Italy

Ms. Lois Ross, Director of Communications and Publications
The North-South Institute
lross@nsi-ins.ca www.nsi-ins.ca/
55 Murray Street, Suite 200, Ottawa - K1N 5M3, Ontario, Canada