

Treasure, Turf and Turmoil: The Dirty Dynamics of Land and Natural Resource Conflict

GLOSSARY

Conflict Management and Mitigation

Conflict - has multiple definitions, including:

1. Struggle over values or claims to status, power, and scarce resources, in which the aims of the groups or individuals involved are to neutralize, injure or eliminate rivals. (Coser, A. 1956 *The Functions of Social Conflict*. Glencoe, Illinois: The Free Press: pg 8)
2. Two or more parties with incompatible interests who express hostile attitudes or pursue their interests through actions that damage the other(s)...Interests can diverge in many ways, such as over access to and distribution of resources... control of power and participation in political decision making; identity... status; or values, particularly those embodied in systems of government, religion, or ideology. (Creative Associates International 1998: <http://www.caii-dc.com/ghai/>)

As can be understood from these quotations, conflict is *rational*. Conflicts can arise over objective issues such as access to limited resources such as land, natural resources, money; or subjective issues, such as differing values, perceptions, etc. Most conflicts involve both objective and subjective factors. Furthermore, it need not be violent: in fact most conflicts are not violent. Analysts of conflict, therefore, focus on understanding the various forces at play within a society that affect the choice of using violence to further opinions or principles.

Grievances - those factors that people are fighting about or cause tension. These are factors which bring divisions between individuals and groups. Common causes of grievance include:

- Elitism
- Exclusion
- Chronic capacity deficits (such as systemic stagnation, misused strategic resources, ungoverned space)
- Transitional moments: unmet expectations
- Corruption/rent-seeking

Latent Conflict- The first phase of conflict is often described as latent conflict or 'unstable peace'. This state exists whenever individuals or groups have differences that affect one another, but those differences are not great enough to cause one side to act to alter the situation. The seeds of conflict may exist for some time without actors being aware of them. A conflict moves out of latency and becomes open when a party takes action. Often, this is healthy and nonviolent. However, when institutional mechanisms fail to provide the space for such changes, when a party's expectations are not met for a long period, or a level of threat against one party increases, conflict may become violent.

Mitigating factors – in the CMM conflict equation, mitigating factors are ‘connectors’ which bring people together and/or tend to reduce tension. They can include structural conditions, aspects of governance and activities of stakeholders which decrease the likelihood of conflict.

Sources of Conflict - the grievances or situations that provide a foundation for conflict. They must not be confused with *causes* of conflict. For example, unions and management frequently clash, but only rarely do these conflicts become violent. Generally, such conflicts are resolved through established mechanisms like dialogue, bargaining, or strikes. The existence of grievances or situations is not a cause of conflict: rather conflict is complex, and triggered by a combination of many factors. The conflict equation shows how there are many aspects to violent conflict.

Triggers of Conflict – called ‘opportunities for conflict’ in the CMM conflict equation, triggering events are specific moments in time that crystallize grievances and create short-term windows of vulnerability. Examples include:

- Elections
- Passage of legislation
- Ruling in a court case
- Assassinations/targeted political violence
- Holidays

Violence - often described as either direct, cultural or structural (Johan Galtung). *Direct violence* is the most visible aspect of the conflict as exhibited through the direct behavior of parties in conflict. Cultural Violence is the underlying belief systems and values that legitimize the direct violence. For example the violence may be justified because the group being attacked is seen as ‘backwards’. Finally, structural violence is how the institutions in society (such as political and economic structures) establish systems of inequality that are also reinforced by the direct and cultural forms of violence.

ENRM/Biodiversity

Natural Resource Management (NRM) – Systems and practices of access, use, control and ownership of land and natural resources. These include common practices such as fishing, farming, pastoralism/animal husbandry, forestry and extraction of natural resources.

Renewable and non-renewable natural resources – Renewable resources such as water, trees/forests or soil fertility may be severely degraded or diminished in a given locality even if they do not totally disappear. Non-renewables include hydrocarbon resources and minerals.

Biodiversity – exists at three levels: genetic, species ecosystem diversity. Biodiversity conservation is *not the same* as environmental or species conservation, as the emphasis is on conserving diversity over space and time.

Species – A group of plants or animals sharing common genetic material and having the ability to interbreed.

Biodiversity threats – Processes and actions that degrade biological diversity.

Driver – A driver is a natural or human-induced factor that directly or indirectly changes an ecosystem.

- **Indirect drivers:** Drivers that operate more diffusively by altering one or more drivers.
- **Direct drivers:** Drivers that have been empirically proven to influence an ecosystem.

Trends – indicate the general direction or movement of something (increasing, decreasing, improving, worsening).

Ecosystem structure – The age and spatial distribution of species within an ecosystem.

Ecological processes – Processes that maintain ecosystem integrity, such as the nutrient cycling and energy flows.

Resilience – The ability of an ecosystem to withstand pressure without changing irreversibly into a less diverse and productive ecosystem.

Tipping point – A point in a continuum of pressure, such as temperature extreme or drought length, at which an ecosystem irreversibly switches to a less diverse and productive state.

Ecological integrity – The degree to which an ecosystem has all of its components, maintains key ecological processes, and maintains resilience in the face of pressures.

Common Property Natural Resource Management (CPNRM) – Management systems and structures put into place for resources that are communally rather than individually owned such as forests, lakes, rivers; air and water quality can also be considered common property. Communal management could be government led or focused around local communities or co-management.

Co-management – Formal or informal arrangements for government, local communities and sometimes private sector to manage natural resources or natural areas including protected areas.

Open Access – A situation whereby there is a management void or confusion of management over natural resources or a natural area so that there is effectively no or little management and enforcement.

Extractive Industry – Mining, timber, oil and gas industries. Other key industries impacting biodiversity include those harvesting wild plants, wild animals (including fisheries) and converting forest or wetlands to agriculture.

Negative incentives – A negative incentive, defined as any financial instrument that punishes the degradation of biodiversity, can include taxes, fees, fines, levies and other punitive measures.

Positive incentives –A positive incentive, defined as any financial instrument that rewards the protection, conservation and sustainable management of biodiversity, can include market instruments such as premiums and improved market access; reductions or eliminations of taxes, fees and penalties; and direct financial payments, such as payments for ecosystem services.

Perverse incentives –Planners may also want to identify and remove perverse incentives, defined as policies or practices that encourage behaviors that degrade biodiversity, often as an unanticipated side effect. An example is a policy that rewards forest clearing with improved land tenure security and access.

Land Tenure and Property Rights

Customary tenure systems - bodies of norms governing land and resource use, generated and enforced by a sub-state polity; these norms may or may not be recognized by the national state. There are several common fallacies about customary land tenure: that it is unchanging, “communal”; and “informal”. In fact, while based upon tradition, customary systems are complex, evolving systems of private as well as communal property with institutions that enforce them.

Formalization - The process by which forms of tenure, persons, and entities that are not recognized by law obtain legal recognition. This may happen through individuals taking needed steps to achieve legal recognition, or by the state moving to confer such recognition on its own initiative. Informality is the status of assets and operations that lack legal recognition by the state; the activity may simply be unrecognized by law or illegal in the sense of incurring civil or criminal sanctions. In the Global South, the majority of land and natural resource claims are informal.

Land registration - the official recording of legally recognized interests in land and is usually part of a cadastral system. There are several different forms of registration, including:

- **Deeds registration** when the documents filed in the registry are the evidence of title.
- **Registration of title** where the register itself serves as the primary evidence and the State as the guarantor of the information contained in the records.
- **Sporadic registration** of land is the process of registering land on a case-by-case basis usually as the result of a specific trigger such as the sale of the property.
- **Systematic registration** is the systematic approach to adjudicating, surveying and registering parcels on an area by area basis.

Land and resource tenure security - the expectation that rights are secure and cannot be overturned. It is largely subjective, though there are objective indicators that can be used to assess it. Land and resource tenure security has multiple dimensions, including the breadth of rights, the duration of rights, and the assurance of rights (dependent on the rule of law). The state may seek to increase land and resource tenure security through land law reform, building capacity within legal and cadastral

institutions, or land registration. Alternatively the state may be a source of tenure insecurity, if it condones or facilitates land-grabbing by elites.

Legal Pluralism - the name given to situations where different tenure systems (such as state-run, customary, religious) overlap. In such situations, a farmer may hold land under a variety of tenures, and a parcel of land may be governed by multiple tenure systems. There may be an informal 'hierarchy' of tenures, with some being more authoritative than others, but this may vary from region to region and may be heavily contested. Where legal pluralism exists, disputants will pursue their claims through several dispute-resolution systems (e.g. state, religious, customary) simultaneously in order to achieve the best possible outcome, a phenomenon known as 'forum shopping'

Lease - the right of a tenant to use land or resources for a specified period, in return for payment.

Ownership - the basic building block of land and resource tenure; other rights are carved out of this ownership right. Ownership is usually perpetual, alienable (it can be sold or given away), and is not conditional upon many obligations (outside of those commonly demanded by the state, such as payment of property taxes). Land and natural resources may be owned by the state, a group, or an individual.

Mortgage: the provision of land or other property as collateral in return for credit. A mortgage requires that the mortgage-holder enjoys the right to alienate (sell) the property.

Usufruct: Usufruct is the right to use a resource and obtain benefits (such as harvests and profits) from it, but does not include the right to alienate the land or resource. It is more common under civil law systems than common law systems.