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# **Securing Resource Rights**

**Presenter: Amy Regas**

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

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# Introduction

- Access to land and natural resources underpins the livelihoods of the majority of the world's population
- Unequal access motivates conflict
- Interventions work best within a framework of comprehensive reform
- But even isolated interventions can reduce grievances
- In order to improve tenure conditions for the poor and vulnerable, interventions must put them first



# Managing common pool resources

- Most subsistence communities developed robust and intricate systems to manage natural resources
- However, customary systems have been eroded in many areas, leading to 'open access'
- Management of common pool resources is a key challenge
- Requires a change from open access to clearly defined access to resources
- This should strengthen, not undermine, local rights

# Fixed and fugitive resources

- **Fixed:** forests, lakes, watersheds
- **Fugitive:** wildlife, water, fisheries
- Different management strategies required
- But fixed and fugitive resources overlap geographically
- To avoid conflict, interactions between different property regimes need to be clear and understood by local stakeholders



# Relationships between rights to land and natural resources

- Rights to natural resources sometimes described as ‘embedded’ within land rights
- Access to natural resources requires access to land but relationships are diverse and complex
- Landowners may *not* have rights to high-value resources on their land
- Landowners may have to provide access routes through their land (easements) for others

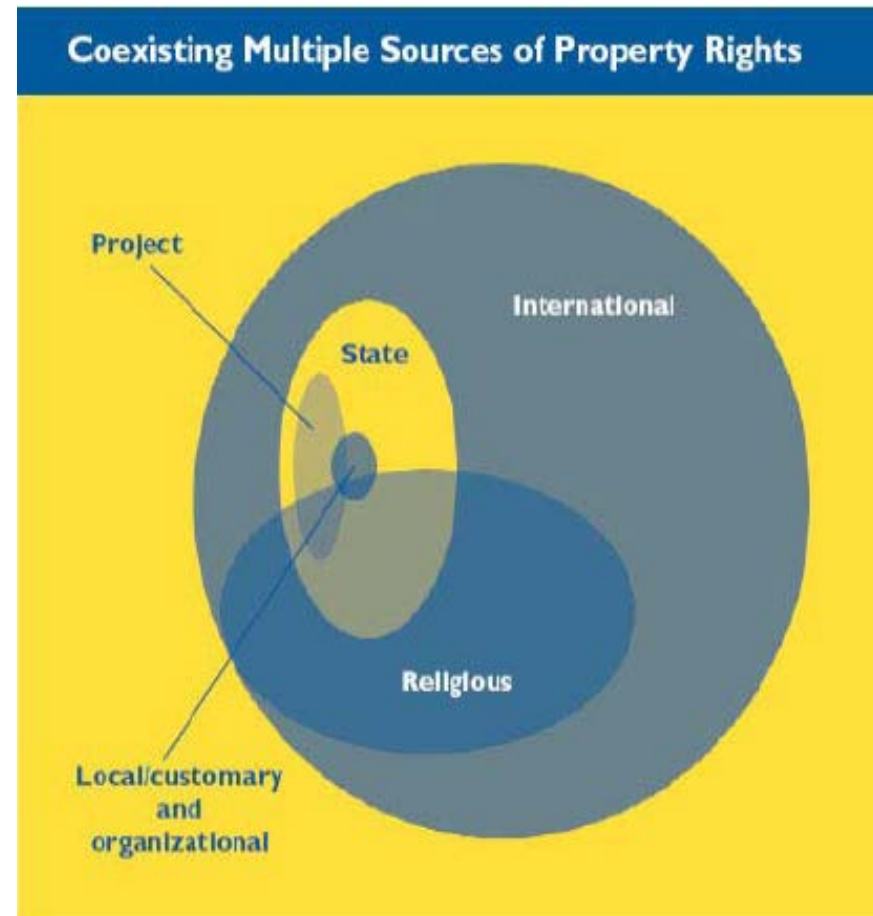
# Conflict flashpoints

- Communities are rarely given rights to high-value resources
- Often, they are given rights only when resources have already been degraded
- Debates over use rights vs marketisation: does commercial use encourage sustainable management?
- Competing, overlapping rights and responsibilities require: clarification of rights, good communication and coordination between actors



# Legal pluralism

- Most countries have multiple systems of tenure over land and resources
- E.g. Traditional authorities maintain customary law, while local government officials enforce state laws
- This situation is often described as legal pluralism



Source: IFPRI/CAPRI Brief (2004)

# Legal pluralism

- People may claim land and resources through a variety of systems simultaneously
- Often seen as negative because of risk of endless disputes and appeals
- Natural resources may be eroded because no single institution is able to enforce management regimes
- Also tends to limit major investments because of uncertainty



# Defining rights to land and natural resources

Where no rights existed previously, or rights were “informal”, defining rights “formalizes” them

Defining rights is part of a process, not an endpoint

- Can people **exercise** rights?
- Are right **enforced**?
- Who is at risk of **exclusion**?



# Emerging approaches to defining rights

- In terms of land: registering individual land titles has very mixed effects
- Not just 'the law' but also historical, political and gender issues must be considered
- Many countries are now attempting to formalize custom and incorporate it into state systems
- Regulating interaction between custom and state remains challenging
- New forms of co-management and group rights



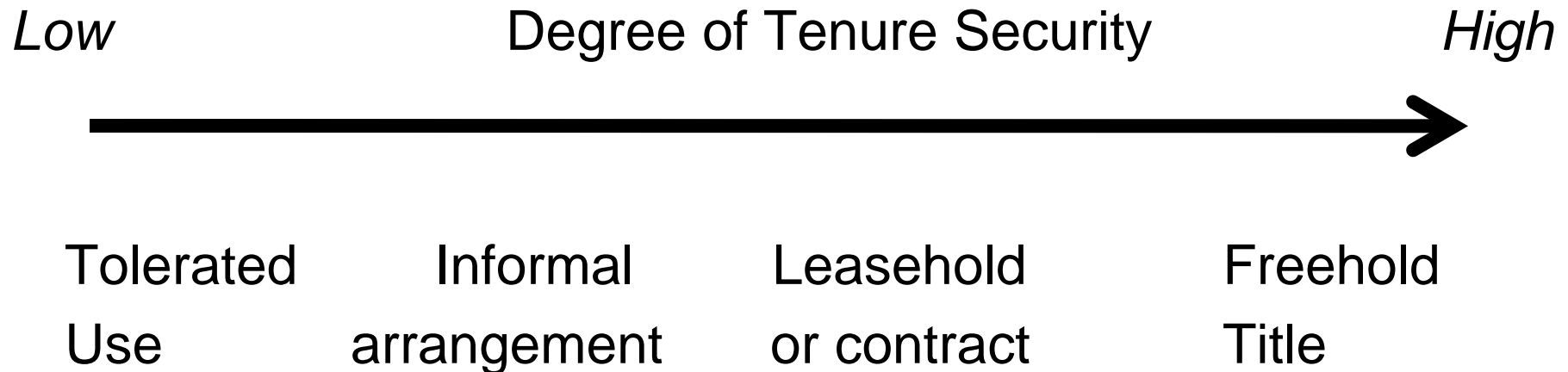
# Land and resource tenure security

- Tenure security has multiple dimensions:
  - Breadth of rights
  - Duration of rights
  - Assurance of rights
- Tenure security is a subjective concept and depends on context
- Tenure security has social, economic, political and legal dimensions



# 'The ladder of tenure security'

- Forms of access and control can be broadly categorised as more or less secure
- Through acquiring official recognition and documentation, those with low tenure security can climb up the ladder



# Increasing land and resources tenure security

- Any one of a wide range of interventions could potentially increase tenure security for *specific categories* of the population
- Even during local or large-scale conflict, possibilities for intervention exist
- Legal, institutional and other reforms impact categories of the population in different ways
- Sufficient research, consultation, and awareness-raising must be conducted

# Emerging tools: Registration of group rights

- Land and resources may be owned or accessed by a group, rather than individual
- Registration of group rights is useful where land and resource rights are not disputed *within* the group, but there are disputes with 'outsiders'
- Sometimes used as a temporary measure, but can form the basis of more permanent situations
- Rights of women, minorities can be a concern within some groups



# Collaborative-management (co-management) models

- Partly a response to problems with centralized, top-down conservation
- Also in recognition of validity of indigenous rights to livelihoods, territory and resources
- Extent of community property rights varies
- Communities get legal, technical and institutional support, while the state may benefit from improved land use practices
- Institutional dynamics are important, as well as funding modalities

# Payment for environmental services (PES)

- External beneficiaries of environmental services make direct payments to local landholders/users in return for sustainable management practices
- Can help reduce inequities and grievances
- Should explicitly recognise local rights to resources
- Principle types of PES currently in use include:
  - *Carbon sequestration and storage*
  - *Biodiversity protection*
  - *Watershed protection*
  - *Landscape beauty*





# Learning points from this presentation

- Many tools exist which can help us better secure rights to land and resources
- Tools need to be adapted to local contexts
- Efforts to understand claims to land and resources should use the conflict equation:
- Important to understand how claims are embedded within broader governance patterns or socio-political struggles