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Land, Natural Resources, and Violent Conflict

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**Property Rights and Resource Governance
Issues and Best Practices**

Washington, DC

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Overview

Land as a multi-dimensional resource

- Land and NRM conflict
- Vulnerabilities to conflict

Land in the conflict cycle

Triggers of Violent Conflict

- Ethnicity
- Migration

Case studies:

- Sudan and Kenya
- Timor Leste

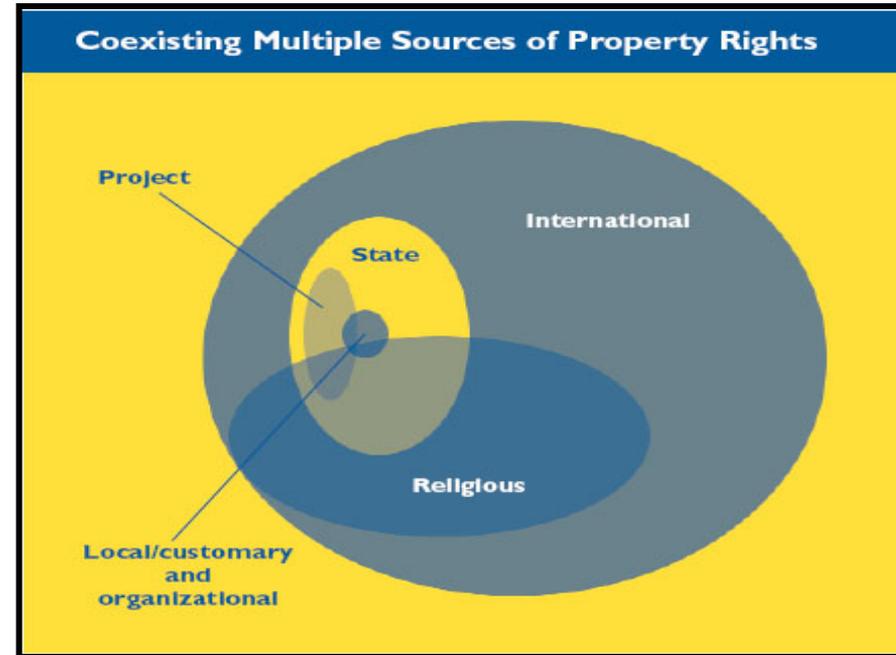
Some best practices

Take aways

Land as a Multi-dimensional Resource

Land is a ...

- Means of production, basis of livelihoods
- Asset for economic and social security
- Source of political power and revenue
- Source of identity, social status and a sense of ancestral 'belonging'
- Deeply political and emotional topic as well as an economically important asset



Land means different things to different actors, and is valued by them for quite different reasons. This is a source of conflict.

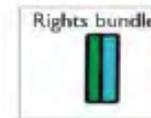
Conflicts between Property Rights Regimes



Customary Claims



Government Claims



Entrepreneur Claims

Legend:

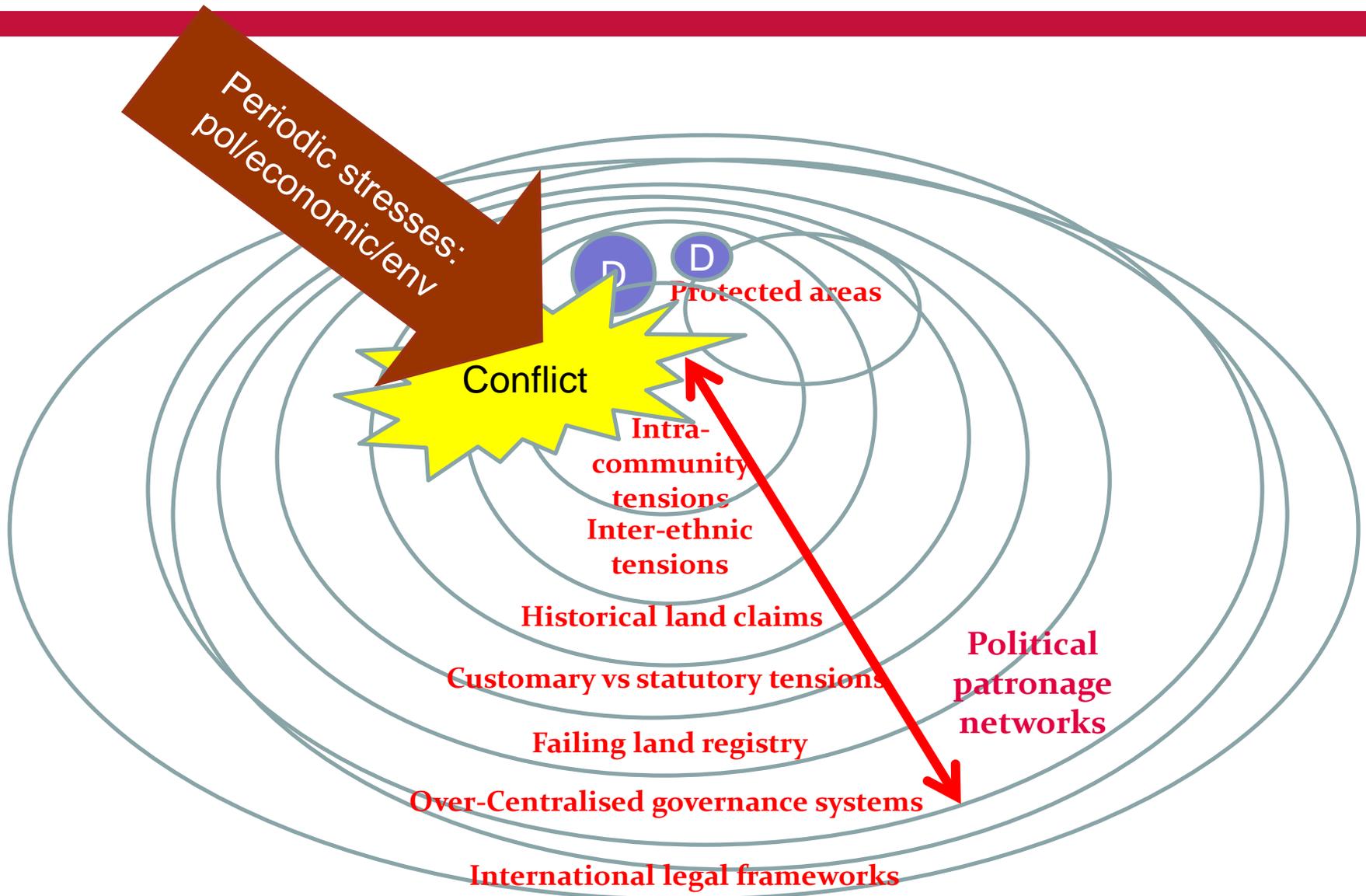
	Timber
	Water
	Crop Production
	Browsing/Grazing
	NTFPs
	Field Cultivation
	Collecting Honey, Leaves, Dry Wood
	Fishing

Rights claimed by resident populations and based on customary claims may encompass the entire property rights bundle but are usually supervised by customary authorities and distributed among households, interest groups, and individuals.

Government claims are based on legally established rights to determine distribution and holders of natural resource management and use rights. Such claims may encompass the entire property rights bundle.

Often rights to natural resources may be obtained for a fee for commercial purposes. Fee structures and administration may or may not conform to stated policies.

“Nested” conflicts



Vulnerabilities to land-related conflict

What are some causes of land-related conflict?

Land scarcity: absolute, distributive, environmental

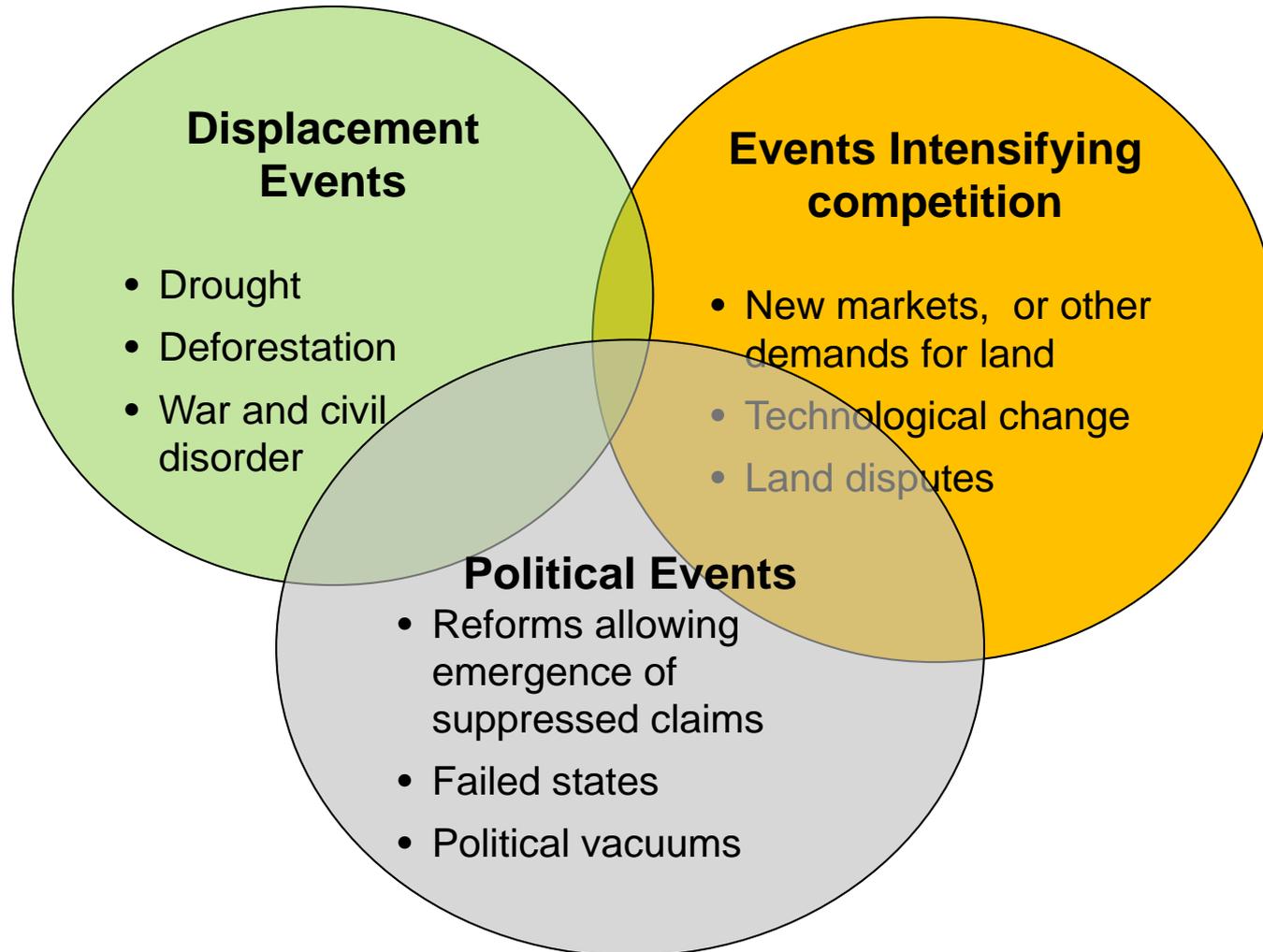
Insecurity of tenure: fear of loss of land access and/or displacement

Grievance: long-standing resentments, often over earlier displacements



Triggers of violent conflict

What triggers violent conflict ?



Target for conflict: the commons

- Pastures and forests used in common are a particular target for large scale land acquisition
- Sporadic or seasonal use can make commons look “empty” and encourage outsider claims
- Ownership of commons often disputed by state and communities with customary claims
- $\frac{3}{4}$ of conflicts since 1980s were in agrarian states with customary tenure

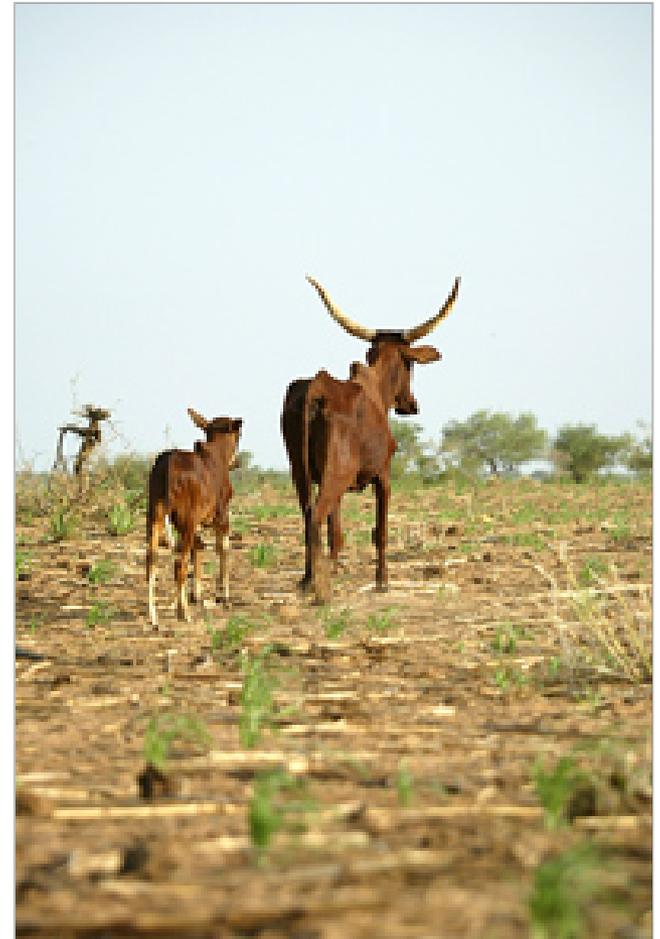
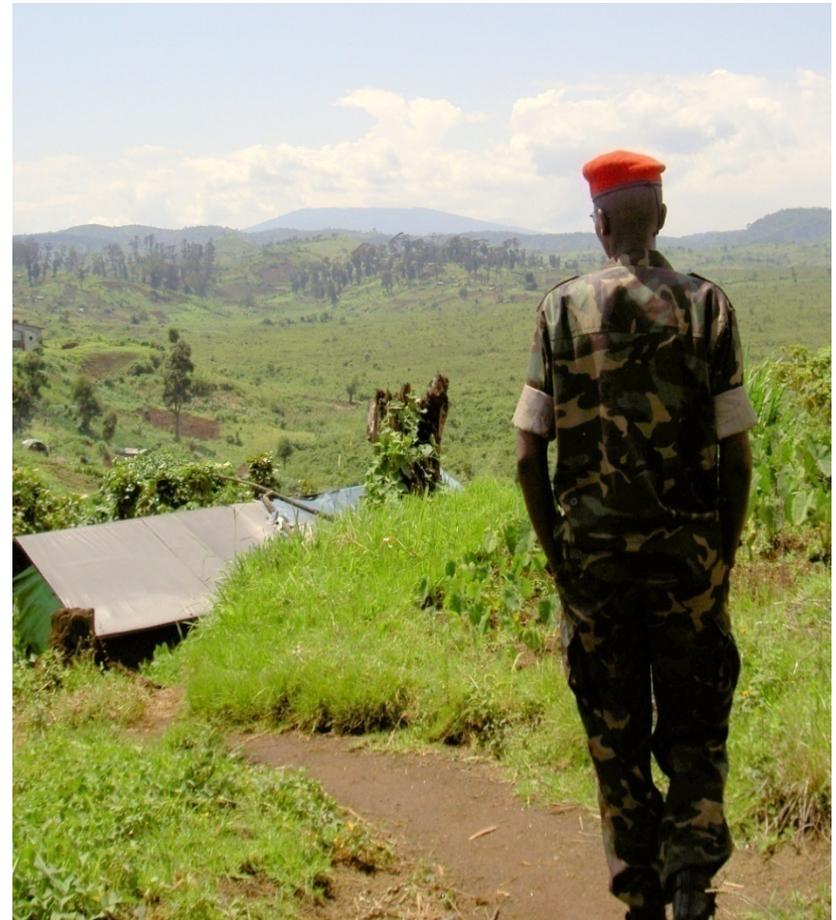


Photo: ILRI

Ethnicity and land conflict

Ethnicity has played a key role in conflicts

- Specific conflicting claims to land/resources become a focus for discontent, polarizing groups
- As group identities become 'fixed' through media portrayals, there is a risk of politicization, especially by conflict entrepreneurs
- Disputes often accelerate the growth of tensions and trigger violence



Post-conflict disputes

Common issues in post-conflict disputes:

- Overlapping rights and claims
- Lack of relevant land/ NRM policies
- Dysfunctional land administration
- Large scale land acquisition/encroachment
- Calls for compensation
- Ambiguous, controversial or unenforceable laws



Photo: Tetra Tech ARD

Land in the conflict cycle

- **Land is a structural cause of conflict:** Land can be both a source of vulnerability and a trigger.
- **Land sustains conflict:** Land of high-value sustains insurgencies and warring factions. Warring parties compete for control.
- **Land post-conflict:** Prior competition for land may remain unresolved, and war often creates new conflict.

Conflict over land resurfaces in new forms, sometimes with new players.

The Sad Truth

40% of conflicts which have ended restart within ten years (Huggins).

Underlying root causes of conflict must be addressed to arrive at lasting peace and stability.

Otherwise, conflicts fester and are expressed through many forms of passive and active resistance.

Case Study: Southern Sudan and Kenya

- Strong legal recognition for private and customary rights undermined after 1970, and shari'a imposed.
- In South, restoration of custom becomes a rallying cry in war for independence.
- The independent Southern Sudan now struggles to balance state and customary interests in land.
- Smoldering conflict over oil resources on border.



The Project: Export oil from Southern Sudan through Kenya

Project: \$23 billion investment in oil pipeline, railway and motorway linking South Sudan to Indian Ocean coast at Lamu, Kenya

Railway and Road Corridor: Juba to Lamu, a distance of 1720 km. Link to Ethiopia expected.



The Lamu/Manda Port

The plan...

- Oil refinery
- 32 berth port
- Railway terminus
- Road terminus
- International airport
- New city



www.skyscrapercity.com/showthread.php?t=856442&page=16

International financing: Trading oil for infrastructures?

Lamu Port Development



Environmental and Social Impacts?

Impacts on Land Tenure and Conflict in Lamu Districts

Land values rapidly increasing leading to...

- Rampant land speculation
- Large-scale land acquisition by national elites
- Intra- and Inter-household disputes over land sales
- Indigenous rights claims between ethnic groups



Threat of violence is real!

Tools for mitigating conflict

- Enhanced voice for grievances and concerns
- Land policy and law reform
- Land governance and administration reform
- Fair, prompt land dispute resolution
- Land restitution
- Improved land access and security of tenure
- Consciousness-changing initiatives

Challenge: Bringing together tools developed by humanitarian and development communities (IQD: Land and Conflict Prevention Handbook (2011))

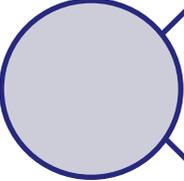
Conflict mitigation and/or resolution?

- **Fire-fighting** (ad-hoc commissions, dispute mediations by NGOs, etc.) can play a vital role in building peace in the short term.
- But **national commitment** to redress injustices may also be required.
- Return to '**status quo**' may mean an eventual return to violence.
- **Outsiders** need to both **support and challenge** government to reform.
- **External actors** can only facilitate sustainable change, not force it.

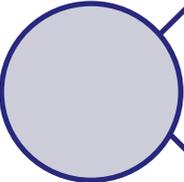


Weapons of the weak expressed through fire – a sign of resistance with underlying roots in unresolved conflicts

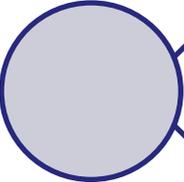
Take Away Messages



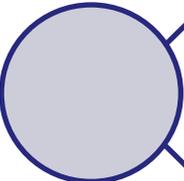
Land and natural resources have multiple meanings for different actors. Conflict often involves disagreements over values as well as interests.



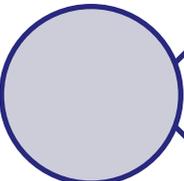
Contested governance of land and natural resources is a major source of conflict, with no consensus on the basic 'rules of the game'



Conflict is rarely entirely local; look for connections and examine the roles played by "conflict entrepreneurs"



Improved land governance is part of the answer, but environmental fluctuations and long-term changes make governance challenging



Long-term solutions that avoid recurrence of conflict involve addressing grievances, changing perceptions and constructing common ground