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Tenure and Conflict

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19 February 2014

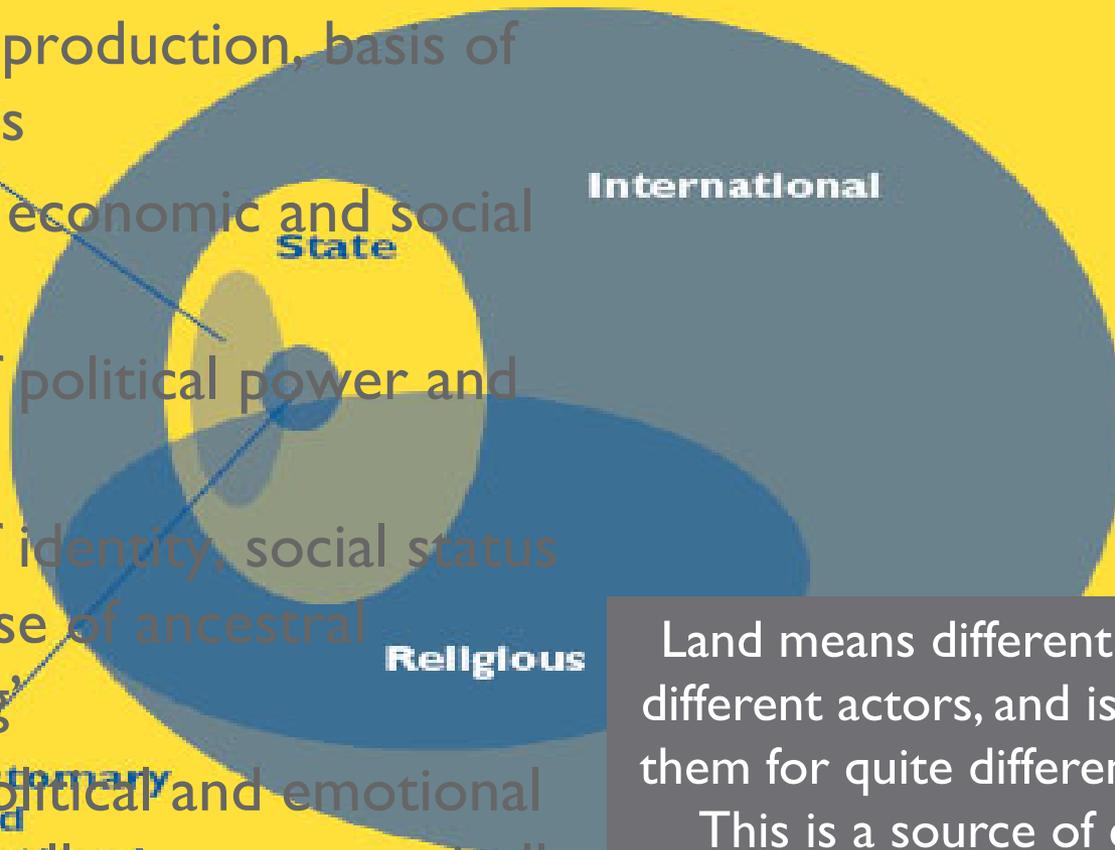


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Coexisting Multiple Sources of Property Rights

- 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.



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Conflicts between Property Rights Regimes



Rights bundle



Customary Claims



Rights bundle



Government Claims



Rights bundle



Entrepreneur Claims

Legends:

- 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.



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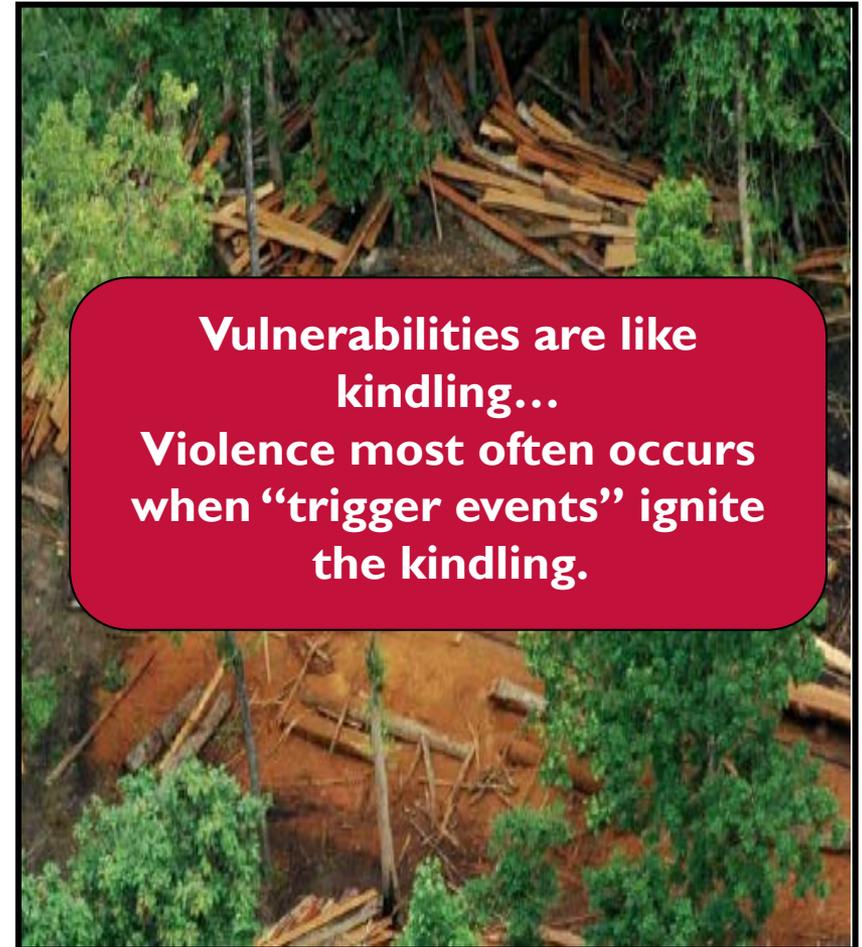


What are some of the causes of land-related conflict?

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



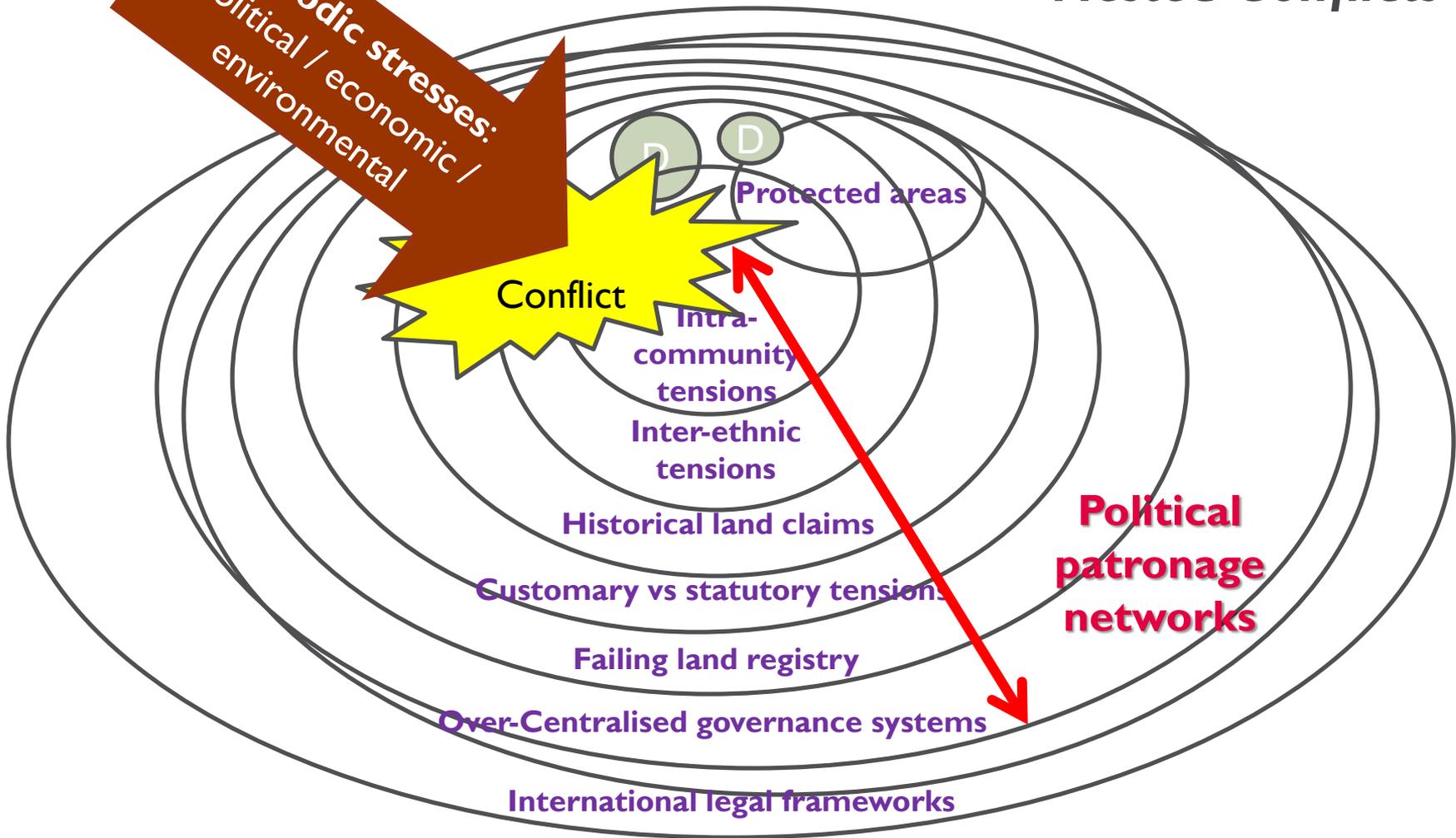


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Nested Conflicts

Periodic stresses:
political / economic /
environmental



Conflict

Protected areas

Intra-community tensions

Inter-ethnic tensions

Historical land claims

Customary vs statutory tensions

Failing land registry

Over-Centralised governance systems

International legal frameworks

Political patronage networks



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What events trigger violent conflict?

Displacement

- Natural disasters
- War and civil disorder

Intensifying competition

- Infrastructure and investment that increases land value
- Resource discoveries (i.e. diamonds, water)

Political

- Adoption of new policies and laws
- Contested elections



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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 with high-value natural resources (i.e. diamonds) sustains insurgencies and warring factions. Warring parties compete for control.
- **Land post-conflict:** Prior competition for land may remain unresolved, and war often creates now 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



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Common issues in post-conflict disputes:

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



Photo: Tetra Tech ARD



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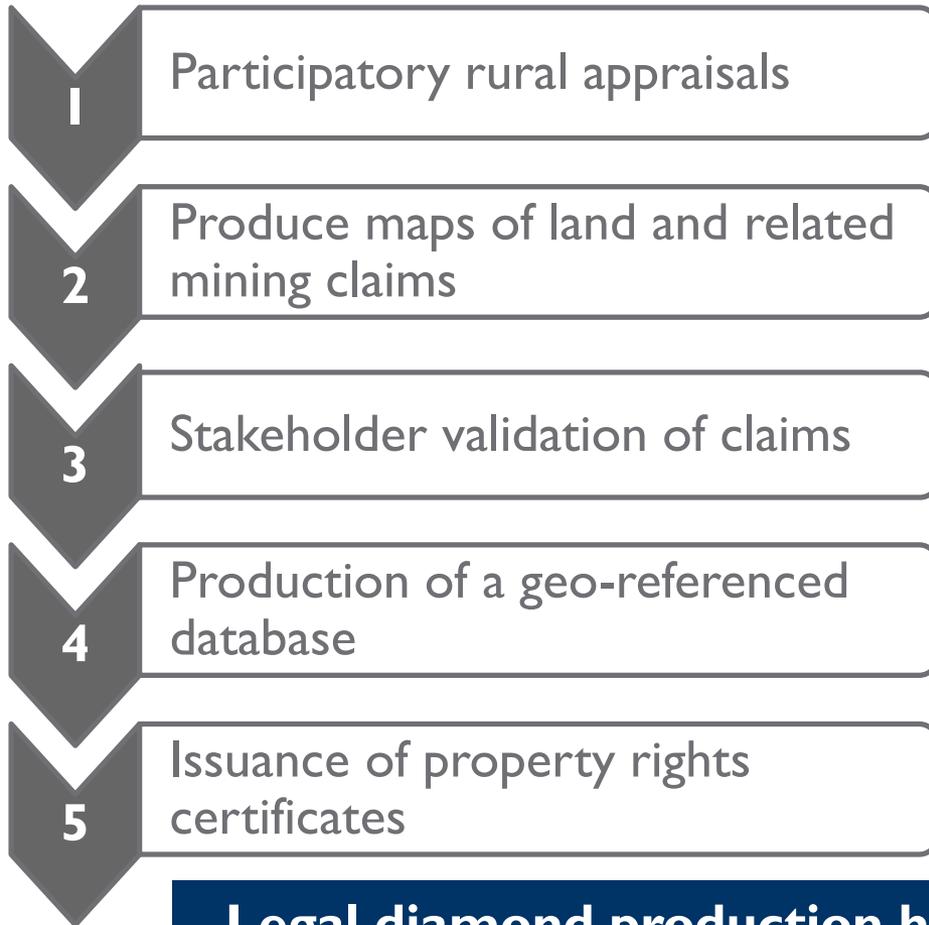
Case Study: Conflict Diamonds and the PRADD Project



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PRADD Methodology



Legal diamond production has increased 450% compared to 21% for the rest of the country.



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Burkina Faso Rural Land Governance Project

Land disputes originate from:

- Tensions between customary and statutory tenure systems
- Competing land uses (i.e. pastoral vs. agricultural)
- Unclear land rights
- Weak land administration institutions
- Increasing population pressures





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Burkina Faso Rural Land Governance Project cont.

- Village Land Reconciliation Commissions created and trained in conflict mediation
- Judges, lawyers and para-legals trained in land conflict resolution and land law
- Participatory land use planning
- Delivery of land use certificates



47 of the country's 302 rural communes now have land administration services to resolve disputes and register land rights



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Tools for Mitigating Conflict

- Expand voice for grievances and concerns
- Reform land policy and laws
- Reform land governance and administration
- Establish fair and prompt land dispute resolution
- Enable land restitution
- Improve land access and security of tenure
- Implement consciousness-changing initiatives



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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**



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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'

Tensions over the control and benefits from land and resources can often be exacerbated by political, environmental and economic events

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