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Land, Property, and Conflict

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— LAND & VIOLENT CONFLICT INTRODUCTION



LAND & VIOLENT CONFLICT

- A third or more of the conflicts that destabilize fragile states and lead to destabilizing violence involve land
- Violent conflict generates new conflict, due largely to displacement
- Unresolved conflict over land can contribute to a conflict cycle, the recurrence of violent conflict in fragile and failed states
- Such conflict posing a primary obstacle to national development
- Moreover, it fosters the development of -- and provides safe havens for -- terrorist and other extremist groups that can carry violence to other countries



LAND CONFLICT: KENYA



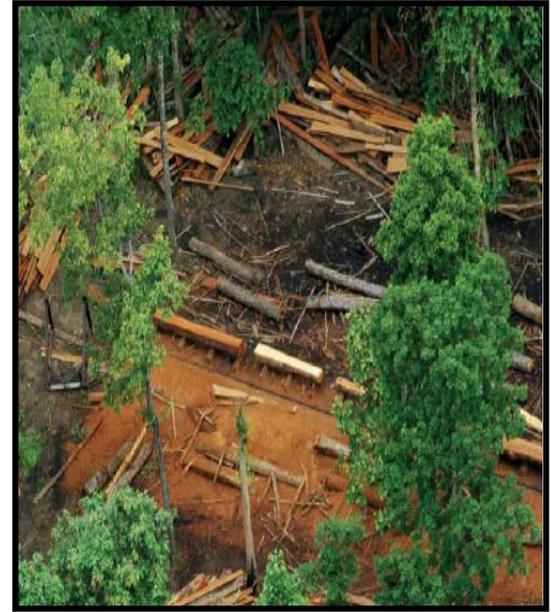
— CAUSES OF LAND CONFLICT





CAUSES OF LAND CONFLICT

- What are some causes of land-related conflict?
 - Land scarcity: absolute, distributive, environmental
 - Land loss and fear of impending land loss
 - Grievance: long-standing resentments over earlier displacements
- Certain causal factors create a potential for violent conflict. This is like kindling, and violence most often occurs when “trigger events” ignite the kindling

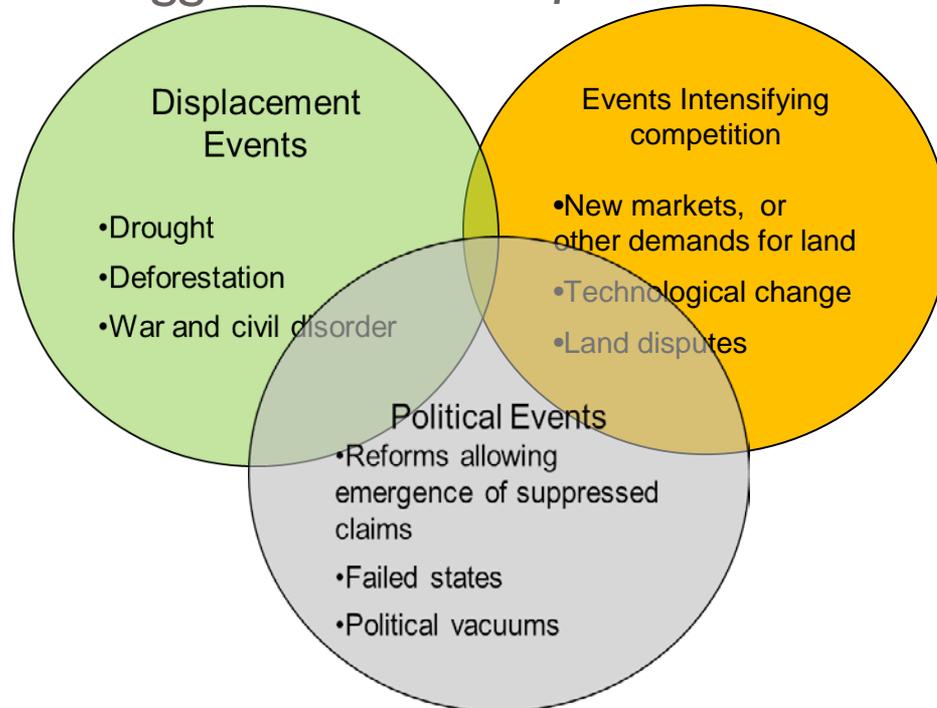


LAND AS CAUSE & OBJECT OF CONFLICT

- Most conflict over land arises out of intensified competition for land resources, which may be caused by
 - Population growth, in-migration, new crops/markets;
 - Reduction of available land through climate change, concentration of ownership, or takings by government; or
 - Land grievances and demands for return of land taken earlier
- A violent conflict fought for control of land may or may not have been caused by competition for land
- The event that triggers a conflict may not have been the cause of the conflict

TRIGGERS OF VIOLENT CONFLICT

What triggers violent conflict ? Political events



VULNERABILITY: INSECURITY OF LAND TENURE

- Insecurity of land tenure, in which landholdings are at risk, is a source of vulnerability to conflict. It can invite “land-grabbing”
- Insecurity of land tenure may be due to:
 - Lack of legal recognition of asserted customary rights;
 - Land rights which, as defined by law, are weak and offer little protection;
 - Land rights are difficult to prove because of poor rights documentation; and/or
 - Lack of a reliable rule-of-law environment and effective enforcement

— PREVENTION & MITIGATION



VULNERABILITY: INSECURITY OF LAND TENURE

- Let's review some basic options for preventing and mitigating land conflict:
 - Land governance capacity-building;
 - Community capacity-building;
 - Communication facilitation; and
 - Provision of land to meet intensified demand
- The first three can play important roles in conflict management as well as conflict resolution
- The fourth focuses on conflict resolution

STRENGTHENING LAND GOVERNANCE

- These measures increase the capacity of government to manage conflict. They include:
 - Capacity building in land governance, for example in implementing land rights recording and surveying, to facilitate proof of rights (e.g., reconstituting deed records in post-conflict Liberia);
 - Land law reform, changing rules that discriminate against those involved in conflict (leveling the playing field) (e.g., legislating to protect customary rights in post-conflict Liberia); and
 - Improvement of land dispute and land conflict resolution mechanisms, strengthening the rule of law (e.g., NGO-led mediation of land disputes in post-conflict Liberia)

IMPROVING COMMUNICATIONS

- These measures include:
 - Bringing conflictual land issues within what government sees as allowable public discourse (e.g., creating a national discourse on land in post-conflict Mozambique);
 - Promoting clearer articulation and greater mutual understanding of the issues (e.g., public education initiatives such NGO “land literacy” programs in post-conflict Mozambique);
 - Creation of public and other “safe-space” opportunities for constructive interactions among leaders of groups in conflict (Land Commission and the Land Forum in post-conflict Mozambique)

ENABLING COMMUNITIES

- These measures include:
 - Support in securing titles for their endangered resources (e.g., group registration in Uganda, Mozambique, Liberia);
 - Enabling them to articulate their claims more effectively (e.g., community-based paralegals in Liberia and Lesotho); and
 - Providing legal aid that allows them to understand and test laws that affect their rights (de-collectivization in Kazakhstan, Southern Sudan)

REDUCING VULNERABILITY: LAND TITLING

- More than half of international (and USAID) funding for land projects goes to land registration efforts
- Land titling confers new rights, and land registration make them more secure..
- Systematic programs can extend defensible land rights to previously unprotected land users or groups of land users relatively rapidly
- But when designed badly, land titling efforts can create normative confusion and conflict, and even serve as a tool for land grabbing
- The remedy is more participatory processes



LAND TITLING & REGISTRATION IN ETHIOPIA





GPS



— PROBLEMS & CHALLENGES



THE SAD TRUTH (HUGGINS)

- 40% of conflicts which have ended restart within ten years
- 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

MEETING DEMAND: RESETTLEMENT

- Resettlement seeks to move the landless and land-poor from crowded and conflict-prone areas to ‘unoccupied’ public lands
- But resettlement provides modest and temporary relief in the sending areas but sparks new conflicts in the receiving area
- The public land given to the settlers is often on a frontier and the users are often minorities, whose land rights government does not recognize
- Resettlement often has a sub-text: to strengthen the presence of politically loyal groups in insecure border regions
- There is almost always a potential for conflict between those resettled and existing land users, but intensity varies from case to case



ETHIOPIA: DISPLACEMENT OF SETTLERS



MEETING DEMAND: RESETTLEMENT

- Proposals and pilots from the 1970s in which gov't provide funds to groups of associated landless to purchase large holdings and divide them among members
- Market mechanisms should decrease costs and lack of compulsion should reduce litigation and further conflict
- Most of these benefits have materialized but
 - Governments have proven remarkably good at bureaucratizing the process,
 - Land offered by owners will in some cases be their more remote and poorer quality land
 - The politics of these reforms remain challenging

A REALITY CHECK: TAKING SIDES

- Consider the most common situations threatening violent conflict over land and how we respond to them:
 - An unmet demand for land threatens violence and we try to pursue strategies that satisfy that demand; and
 - Those already in possession of land are threatened with loss of their land in violent conflict, and we search for ways to protect them
- Do we seek to deploy strategies that satisfy demand or defend existing landholding? Do we do both?
- Does dealing with land conflict mean taking sides?

BALANCING ACT

- Do those seeking to address land conflict simply choose the strategy most likely to prevent violent conflict? Not really...
- Our strategies seek to prevent or minimize conflict but also seek to pursue preferred land policy outcomes
- This influences our approach to conflict management and prevention
- At the same time, we seek compromise and solutions that do not leave one side feeling ill treated, as this only invites new conflict



CHINA: URBANIZATION CONFLICT



— TAKE AWAYS



TAKE AWAYS

- Land conflict is pervasive and affects both programmatic and strategic objectives
- A strong analytical base is needed to understand land-related conflict well enough to address it effectively
- There are strategies and tools that can be used to manage and even prevent conflict.
- Prevention requires addressing root causes of conflict
- Strategies in practice reflect both the conflict prevention objective and land policy preferences
- Lasting conflict resolution is best served by compromise



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