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Quick Guide to Land and Conflict Prevention

John W. Bruce

with Sally Holt

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This *Quick Guide* distils essential information, procedural guidance and key messages for the prevention, mitigation and resolution of land-related conflicts from the Initiative on Quiet Diplomacy's handbook on *Land and Conflict Prevention*. For more detailed guidance the handbook can be consulted at: www.iqdiplomacy.org.

The handbook and *Quick Guide* were principally authored by John W. Bruce, a land specialist with experience in over fifty developing countries. Formerly a Director of the University of Wisconsin-Madison's Land Tenure Center, he has served as Senior Legal Counsel (Land Law) and a Senior Land Tenure Specialist for the World Bank and now consults on land policy and law for development agencies. Second author, Sally Holt, oversees IQd's Knowledge and Practice activities including development of the Conflict Prevention Handbook Series. She has worked for over ten years in the fields of security, development and human rights, specialising in minority rights and diversity management.

This *Quick Guide* has been produced with the generous support of The US Agency for International Development, Tetra Tech ARD, and the UK Department for International Development. Users are welcome to copy and distribute any information herein; reference to the source would be appreciated. Indeed, broad dissemination and use is encouraged. The original of this *Quick Guide* is in the English language, with translations to follow.



This material has been [partly] funded by the UK Government; however, the views expressed do not necessarily reflect the UK Government's official policies.

May 2013

1. Introduction

1.1. THE LINK BETWEEN LAND AND CONFLICT

Many violent conflicts involve some form of tensions over land. Individuals, communities, private sector actors, the State and others use these resources for different, often opposing, purposes and seek to benefit from them, sometimes to the detriment—real or perceived—of others.

VALUE AND SIGNIFICANCE OF LAND

Land is a valuable resource that holds importance for individuals and communities in a number of potentially overlapping ways:

- As an **economic resource** central to livelihoods and as a capital asset.
- As a source of **social legitimacy** and reflection of **power** within society.
- As a source of **cultural identity** and marker of **belonging** to a community.
- As a **political** territory, for example as a ‘homeland’.

Land can have economic, social, cultural and political significance simultaneously.

INCREASING DEMAND

While land is a fixed asset which cannot be significantly increased, demands upon it have multiplied over time. Current trends in population growth, climate change, environmental degradation, and use and resettlement patterns create a very real and rapidly growing potential for conflicts as demands multiply, supply is depleted and competition increases. Competition may be:

- **Horizontal** between different groups and interests at local or national level, e.g. where a land-using community finds its natural expansion areas encroached upon by outsiders and different land uses; or
- **Vertical** between the interests of local, national and international actors, e.g. where government interest in granting concessions to increase foreign direct investment or export revenue conflicts with the tenure rights of local resource users or with concerns for environmental protection.

Growing external demand for land as reflected in recent large scale land acquisitions—whether for biofuel production, food production, carbon sequestration, or biodiversity and other conservation purposes—lends a particular urgency to the challenges dealt with in this handbook.

DIFFERENTIATING BETWEEN DISPUTES AND CONFLICTS

Competition over land is almost always present, and becomes conflict when opposing explicit claims are made, and tensions rise.

Land-related conflict as used here means active and incompatible claims to land typically made by groups. It implies tension and threat of violence but does not necessarily imply violent conflict. Such conflicts may not be easily resolved through negotiation or adjudication within the existing legal framework.

Land disputes are more limited in nature and may or may not be a reflection of broader conflict over land. Often, the parties have framed claims which can be addressed under existing law.

Some disputes escalate into larger conflicts where governance is weak or corrupt and institutions and mechanisms for resolution are inadequate or inaccessible and where other drivers of conflict are in play.

LEVELS AND NATURE OF CONFLICT

As competition increases, old tensions between different actors around the control and use of land may be exacerbated and new ones emerge. Resulting conflict may be:

- **Local** e.g. a city begins a programme of ‘slum clearance’ that deprives the urban poor of shelter and access to city-centre labour opportunities.
- **National** e.g. the political ascendancy of dispossessed groups who overturn old regimes and land reforms and counter-reforms ensue.
- **International** e.g. a landlocked country fights for coastal access or countries dispute control of land or islands (i.e. territory) on their frontiers.

Dynamic nature of land conflict:

- Competition and conflict should be regarded as natural aspects of change which can play a constructive role if managed effectively, e.g. where conflict leads to reforms that promote greater access and equity.
- Situations are not static. Land use evolves in response to changes in technology, markets and climate, and actors adjust to accommodate these changes.

Conflict Stages: Conflicts rarely follow a strict phase-by-phase continuum, but cycle back and forth between stages. Conflict over land can be surprisingly persistent and efforts may be required at all stages—to prevent conflict escalating into violence and to mitigate the impacts during and after violence has occurred and to prevent the resurgence of violence once peace has been brokered. In post-conflict situations, tensions may relate to old claims unresolved by war but may also include new problems growing out of the dislocations caused by war and civil strife.

UNDERLYING CAUSES AND TRIGGERS OF LAND CONFLICT

Identifying the underlying causes of conflict over land is an essential first step in reducing tensions before they escalate into violence and in peacefully managing—if not completely resolving—disputes and conflicts. It is important to recognise:

- **The conditions that create vulnerability to conflicts** including acute land scarcity, insecurity of tenure and long-standing land grievances between groups.
- **Events that trigger such conflict** including those that suddenly intensify competition for land, such as displacement by war, government takings of land, or State failure.

Be aware:

While competition for land is often a cause of conflict, it is rarely the only one and sometimes a conflict ostensibly over land may have a different cause altogether. Other contributing factors may include ethnic tensions or political marginalisation.

Managing competition and conflict over land to reduce tensions around the control and use of land—preferably before they escalate into violence—involves:

- **Short-term management** to reduce the risk of, or diminish existing, violence; and/or
- **Early meaningful substantive engagement** to address underlying causes.

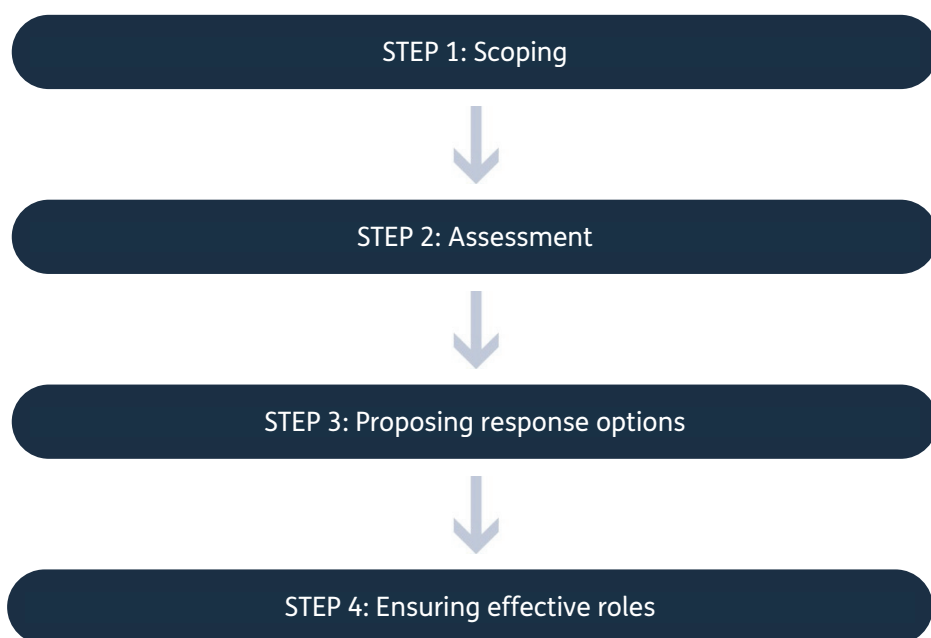
1.2. QUICK GUIDE APPROACH

A range of **diplomatic approaches** for managing tensions arising from competing interests and claims are available including techniques and mechanisms for dialogue and mediation. An **assistance-oriented** and **problem-solving** approach seeks to avoid a zero-sum outcome and relies on cooperative and facilitative processes to identify viable and sustainable solutions to which all parties can adhere. While situations differ, examples of ‘effective practice’ illustrate what has worked where and why.

2. Process, Principles and Objectives

2.1. PROCESS

The following four steps provide a procedural framework to identify, assess and appropriately address problematic land-related situations.



2.2. GENERAL PRINCIPLES

The following general principles and approaches should inform this process throughout from early engagement and consultation through to the development and implementation of responses in law, policy and practice:

- **Participation and representation** in open and inclusive democratic processes.

Tip:

Engage with all constituencies within different claimant or stakeholder groups, including the most vulnerable, and mainstream a gender perspective throughout the process.

- **Confidence-building** by means of mechanisms such as task forces, commissions or public hearings to help de-escalate existing tensions and re-establish trust.
- **Capacity-building** to help affected individuals or communities articulate or effectively pursue their land-related interests or specific claims.
- **A holistic approach** coordinated and carried out simultaneously or carefully sequenced across legal, political and socio-economic spheres.
- **Political patience** that avoids piecemeal and reactive policy and considers the likely effects and long-term sustainability of proposed measures.
- **Respect for local and traditional knowledge, values and customs** insofar as they respect human rights.

2.3. OBJECTIVES

Substantive and procedural objectives derived from international and comparative law, principles of good governance, and examples of effective practice include:

- **Affordable** access to land and housing.
- **Equitable** distribution of land resources ensuring broad access.
- **Non-discrimination** in accessing property rights. The vulnerability of women, minorities and other disadvantaged groups may call for special protections.
- **Efficient** use of land resources including e.g. more efficient technologies, while conserving for local communities the land upon which their livelihoods depend.
- **Robust rights** to land resources including in terms of the holding, use (and enjoyment of benefits thereof) and transfer to others.
- **Security of tenure** deriving from protection, by adequate enforcement arrangements, of the rights of those using land resources against interference.

Be aware:

These objectives do not reflect reality in many countries, though many are required by international and domestic law. Realising them requires the effective coordination of many policy and legal initiatives and there are challenges to balancing among them.

3. Navigating the Normative Environment

The process of analysing and addressing disputes and conflicts should take place within the normative framework of the country concerned. It is important to be aware that the normative framework can play different roles as:

- **Part of the problem**, by embodying injustices or forestalling their reform; and
- **Part of the solution** by providing tools to help mitigate or resolve conflict.

3.1. LEGAL PLURALISM

The normative environment often involves law or other standards from a variety of sources—a situation known as legal pluralism. The operative bodies of law governing the use of land will often include a combination of:

- **International law**: customary international law and international agreements and conventions, including norms and standards of human rights, humanitarian and refugee law.

- **National law:** government statutes and subsidiary regulations, court decisions, and other bodies of law incorporated within the national legal system.
- **Religious law:** e.g. Islamic law which crosses national boundaries and may be made directly applicable by national statute or recognised as the custom applicable to Muslims in other countries, especially in areas such as family law, including inheritance of land.
- **Customary law:** customary land tenure in the case of land, which is a major component of the normative framework in many developing countries.

Customary land tenure comprises the rules generated and enforced by a community or larger sub-State polity to govern the holding and use of land by its members.

- **‘Project law’:** where a donor-funded development initiative introduces rules that it enforces.
- **Insurgency norms:** where movements in control of ‘liberated areas’ promulgate rules that affect land access and use in those areas.

LEGAL PLURALISM AND CONFLICT

In terms of conflict, legal pluralism has both positive and negative potential:

- **Positive:** By recognising and accommodating the claims of various groups in a diverse society it can contribute to conflict prevention and resolution.
- **Negative:** In the absence of an accepted legal framework regarding the relative coverage and applicability of the various bodies of law, pluralism can pose difficulties. Different groups may assert the applicability of competing bodies of law in their contest over land and seek resolution in a forum that will apply the law that favours their claim.

Such **‘normative dissonance’** is a common cause of conflict. Clashes between national law and customary law are a particularly common source of tensions, especially where tenure rights granted in national law take precedent over customary and informal rights of others which are often not recognized.

Example:

In Liberia, failure to recognise the customary land rights of peoples of the interior has been a major grievance of those peoples against the politically dominant descendants of freed slaves who colonised the country and introduced western law and property concepts.

Institutions: Land tenure systems include not only rules but the institutions which make, implement, and enforce them. Understanding the roles played by these institutions can be as important as understanding the rules themselves.

4. International Law and Practice: A Framework for Assessing and Addressing Conflicts Over Land

International law and practice can play an essential role in:

- **Analysing and addressing** land disputes and conflicts; and
- As a **source of leverage** in pressing for measures that will prevent or mitigate conflict.

International Human Rights Law (IHRL) in particular can potentially contribute to the de-escalation (if not resolution) of disputes and tensions around land:

- It sets some useful parameters for determining what is possible, permissible or required when developing policy, as well as legal and institutional approaches to land tenure.
- It is also useful in mediating between competing interests or claims where the rights of one individual or community clash with the rights and interests of others or with the wider public interest (e.g. development).

This can entail a careful **balancing act** for which there is a standard human rights methodology to assess the legitimacy of restrictions on human rights and for balancing the interests of the rights-holder and others in society (see the *Handbook on Land and Conflict Prevention*). In undertaking such an assessment, it is important to check the international human rights obligations and commitments and relevant constitutional and legislative provisions of the State.

4.1. FUNDAMENTAL RIGHTS: PROTECTION OF—AND ACCESS TO—LAND RESOURCES

As important as IHRL is in addressing land-related conflict, it has its limitations. In fact tensions between two versions of fundamental ‘rights to resources’ can potentially contribute to conflict. Both embody legitimate objectives regarding land resources, access and security, but tensions may emerge in their application.

The Right to be Secure in Existing Holdings of Land and Land-Based Resources is expressed through guarantees of protection of property rights in land and housing and of compensation where those rights are disturbed for some public purpose. This right:

- Is particularly relevant to displacement events such as State appropriation of land for investment or conservation purposes, or refugee and IDP return.
- Supports security of tenure and protects against arbitrary interference.
- Is problematic where the status quo is fundamentally unjust or unsustainable.
- May be unclear vis-à-vis the applicability of informal or customary rights.

The Right to Have Access to Land and Land-Based Resources is expressed as an entitlement to adequate land and housing, and as a duty upon government to provide these and to address lack of access where this is a problem. This right:

- Is particularly relevant for processes of reform to address exclusion that may lie at the root of disputes and conflicts.
- Has redistributive implications which can threaten the enjoyment of existing property rights and potentially generate new disputes and conflict.

‘HLP rights’ (housing, land and property rights) is an inclusive term used to emphasise not only property rights in land and housing but also the existence of rights to land and housing (i.e. access rights). The term has in recent years become broadly accepted throughout the United Nations cluster system as an alternative to a more narrow emphasis on protection of existing rights in property in land and housing.

Trends: Philosophical and political divergence over the relative importance of securing these two different versions of ‘rights to resources’ has delayed the incorporation into international law of a balanced vision responding to both.

Current (countervailing) trends:

- New constitutions tend to contain strong guarantees of property rights, while in some cases, e.g. Bolivia, balancing language stresses the ‘social function’ of property.
- In other cases, e.g. Kenya, special provisions facilitate redistributive land reform.
- Rights of external investors are receiving stronger protection under networks of bilateral agreements.
- There is increasing acceptance in international institutions of rights to housing and, to a lesser extent, to land.

Bearing in mind the potential conflict-creating properties of IHRL, **other normative frameworks** may be more useful and effective in some circumstances. These include international humanitarian law (IHL), refugee law and standards pertaining specifically to internally displaced persons (IDPs), as well as bilateral agreements and ‘project law’.

4.2. NON-DISCRIMINATION AND EQUALITY

Land-related conflict frequently involves one or more groups being denied the access to or protections of land provided to others within the State. International law clearly prohibits such discriminatory actions.

Effective implementation of the principles of non-discrimination and equality is crucial to securing rights in existing holdings of land resources and to ensuring access to land resources. States have an obligation to act in this regard.

The **principle of non-discrimination** provides against the disadvantageous treatment of individuals or groups on grounds such as ethnicity, race, colour, language, religion, or sex without reasonable and objective justification. Discrimination can arise where persons in the same situation are treated differently or where those in different situations are treated the same (i.e. failure to accommodate difference).

The **principle of equality** allows for—and in some cases calls for—the special, differential treatment of individuals by a State to ensure that they are able to stand on equal footing with other members of society.

Implications for Action:

- Discrimination should be formally prohibited and eliminated in practice through the **establishment of legal and institutional guarantees**.
- Specifically tailored measures should be applied to address both the sources of ongoing discrimination and the lingering effects of past discrimination. Often referred to as ‘**positive measures**’ or ‘**affirmative action**’, such measures are time-limited until the past or existing discrimination has been redressed.
- **Special Measures** may also be introduced to assist minorities and indigenous peoples (IPs) in maintaining differences that are crucial to their identity, including a particular way of life connected with the land. These measures are not time-limited.

4.3. RIGHTS ACCORDED TO SPECIFIC GROUPS

While fundamental rights and freedoms are to be universally and equitably enjoyed by all, some groups may require special protection by virtue of: their specific situation, e.g. as a

result of past and/or on-going discrimination; or special characteristics, e.g. a special dependency on, and attachment to, (particular) land. Relevant categories include:

- **Women:** IHRL protects the equal rights of women with regard to property (including inheritance, State allocations, etc.) and to adequate housing and land.
- **Children:** Provisions of care and against exploitation are relevant in cases where children are denied their rights, including inheritance of their parents' property.
- **Indigenous peoples:** Specific rights are granted by international law to IPs in recognition of their special relationship with land they have traditionally inhabited and used, and to which they have cultural and spiritual ties.
- **Minorities:** Minorities and other groups such as pastoralists may also enjoy a particular way of life associated with land and related natural resources—although international standards are not as developed as for IPs.
- **Refugees and IDPs:** Rights to return and restitution are of particular relevance for refugees and those who have suffered internal displacement.

RETURN, RESTITUTION AND COMPENSATION

Sources of norms and standards for addressing issues of return, restitution and compensation include:

- The **UN FAO Voluntary Guidelines** on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (Voluntary Guidelines), which provide guidance on restitution for loss of legitimate tenure rights.
- The **Pinheiro Principles** on Housing and Property Restitution, which require States to prioritise the right to restitution as the preferred remedy for displacement. There has been a notable level of acceptance of these standards in post-conflict countries.
- The **Deng Principles** which contain similar provisions for IDPs concerning voluntary return, recovery of property and possessions or, failing that, compensation or just reparation. These provisions are formulated not as rights, but as duties on the part of officials.

Durable solutions for addressing displacement-specific needs in the long-term include:

- Sustainable reintegration at the place of origin (return).
- Sustainable local integration in areas where IDPs take refuge.
- Sustainable resettlement in another part of the country.

Crucial considerations when engaging on return and restitution issues include the following:

- **The right of return is voluntary:** forced or involuntary return would not only violate fundamental human rights but is unlikely to be sustainable.
- **Restitution does not depend on return:** property can be claimed (and transferred) *in absentia* (as in Kosovo, for example).
- While the Pinheiro Principles, in particular, require States to prioritise the right to restitution as the preferred remedy for displacement, **return and restitution should be viewed in the broader context of evolving land tenure systems** and the possible need for broader land reform to secure adequate shelter and livelihoods for all.
- Modalities for implementing the Pinheiro Principles are still being explored, and **implementation faces considerable challenges in some situations.**

4.4. OTHER SOURCES OF INTERNATIONAL STANDARDS

- The standards in **bilateral agreements** governing the protection of rights in land and property of citizens of one State holding property in another can provide more specific requirements. If consistent, they may be referenced as evidence of international practice possibly giving rise to new or emerging rules of customary international law.
- Norms derived from the ‘safeguard’ (in the sense of the principle of ‘do no harm’) **policies of major international development organisations** may require in their project agreements a higher standard of protection than that provided in national law. They include multilaterals such as the World Bank, bilaterals such as the Millennium Challenge Corporation (USA), and regional development banks.

4.5. INTERNATIONAL STANDARDS AND NATIONAL LAW

For their effective enjoyment, international norms and standards depend on their **implementation** within national (or ‘domestic’) constitutional and legal systems. International instruments provide minimum standards, and States typically enjoy discretion in determining how best to meet them in their own law and practice.

‘Soft law’ standards (notably documents which are not treaties) guide this discretion by setting out effective practices based on existing rules rather than creating new rules. Key documents in this regard are:

- The **UN FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security**, which provide comprehensive principled guidance for improving policy, legal and organisational frameworks regulating tenure rights.
- **Principles for Responsible Agricultural Investment that Respect Rights, Livelihoods and Resources** jointly developed by UNCTAD, FAO, IFAD and the World Bank provide a framework for national regulations, international investment agreements, global corporate social responsibility initiatives, and individual investor contracts.

5. Scoping (Step 1)

Scoping is the process by which conflict prevention (CP) actors should seek to identify and understand, in a preliminary fashion, the existing and potential conflicts in a given context, including their initial characterisation and seriousness.

General tips on scoping:

- Do not focus only on obvious conflicts or obvious connections to land resources.
- Rhetoric and conventional knowledge about land and conflict can be misleading.

5.1. IDENTIFYING THE SOURCES AND NATURE OF (POTENTIAL) CONFLICT

Root Causes of Conflict are the fundamental factors that create vulnerability to land conflict and a potential for violence. Such underlying—often structural—causes of conflict may not be easily addressed in the short term, but their ultimate potential to generate conflict, including violence, must be recognised and taken into account. Four key factors can create vulnerability to conflict over land:

- **Land scarcity** due to an absolute shortage or skewed distribution resulting from e.g. environmental degradation, global demand for protected areas, or concentration in the hands of the few.
- **Insecurity of land tenure** involving a real threat or fear amongst land-users of loss of land and reflecting a vulnerability to displacement due e.g. to weak property rights or the inability to prove and protect them.
- **Normative dissonance** where alternative bodies of land law exist without an accepted legal framework regarding their relative coverage and applicability, allowing them to be mobilised to support competing claims to land.
- **Land grievance** due to inequality or injustice most often rooted in earlier displacements and land takings by one community or class from another.

Each of these factors, with a sufficient level of intensity, can lead to violent conflict. They are more likely to do so if they interact. Yet even where these factors are changing for the worse, sufficiently gradual change may allow adjustments and the development of alternatives which make the escalation of tensions less likely.

Proximate Causes: The onset of violent conflict over land resources in countries with the vulnerabilities identified above usually involves proximate factors or events which serve to escalate tensions. Proximate causes—such as government policies, social organisation, or economic reform programmes—are not static, but can change over time to create an immediately enabling environment for the outbreak of violence.

Trigger Events: The most immediate and direct causes of violent conflict, trigger events are often relatively minor developments, actions or incidents which in the absence of root and proximate causes might not lead to violence. However, they can tip the balance from tension into violence when those vulnerabilities and some level of conflict exist.

Both proximate causes and trigger events are critical in assessing conflict potential because their presence increases the likelihood that overt and violent conflict will take place in the near future and suggests the urgency of remedial action. Mitigating their impact can give more time to deal with underlying causes of conflict over land.

Common Types of Proximate Cause and Related Trigger Events include:

- **Intensifying competition** due e.g. to environmental changes, changes in land use technology, changes in commodity markets, or new land claims from e.g. migrants.
- **Displacement events** due e.g. to land disputes, ethnic cleansing, development projects, protected areas, slum clearance, government concessions, or land reforms.
- **Political events** e.g. political emergence of subjugated groups, emergence of conflict entrepreneurs, or political collapse or weakened governance.

Several proximate causes may be in play at the same time. Having identified which factors are present, it is necessary to assess their relative impact, how they interact, and underlying vulnerabilities that may give them greater force.

5.2. PRELIMINARY CHARACTERISATION AND ASSESSMENT

The process of making a preliminary characterisation and assessment of the level of risk and the potential for violence and damage involves:

- **Identifying claimants and other stakeholders and the evolution and nature of their claims.**

Claimants have a direct and immediate interest in a dispute or conflict over land resources and make a claim to those resources as an individual or part of a community.

A stakeholder is someone with an interest in the conflict—be it a property or economic, political, social or even a religious interest. Stakeholders are not limited to those vocally involved in competition and conflict over land resources, but may nonetheless have important interests requiring accommodation. They may also offer solutions.

- **Defining interests reflected in and identified by claims** involving preliminary assessment of what each wants out of the claim. NB The actual interests of a stakeholder group are often different from their stated positions or expressed claims.
- **Assessing perceptions of claims, including symbolic and identity issues** which requires an understanding of which issues are involved, how they interact, and how different groups of claimants perceive their claims and the threats to them.
- **Clarifying claims** by determining what exactly is being claimed in each case by each party followed by careful comparison of conflicting claims to determine the level of inconsistency, whether they are really incompatible, and whether they are made under the same legal system (which will improve prospects for resolution).
- **Assessing on-going disputes** which are not only problematic in themselves for the parties concerned, but can trigger larger, more violent conflicts and are also symptoms of potential conflict.
- **Gauging risk of escalation** involves looking at the above information in terms of root causes and presence of imminent triggering events to assess the likelihood of violent conflict and guide choices of where to focus efforts and resources.

Information Sources will be wide-ranging and may include claimants, involved stakeholders, politicians, and independent experts and commentators, as well as casual observers.

Potentially Useful Tools at this stage include: key informant interviews with important players, or even focus groups from communities; studies; and data on land disputes, where available, which can help in assessing the potential for broader conflict.

6. Assessment (Step 2)

Assessment involves more in-depth inquiry into the nature of a conflict (possibly involving a field assessment) including analysis of the legal, institutional and political framework.

6.1. STAKEHOLDER ANALYSIS

Stakeholder analysis is a well-established and relatively economical tool to understand the actors, their interests, and the power and other relationships involved.

Tip:

Longer-term studies of a more in-depth nature or offering more quantifiable information can be undertaken where time and resources allow, but the assessment approach will often need to be closer to a rapid appraisal model.

Data Gathering at this stage can add more ambitious tools than for scoping which include:

- **Key informant interviews** with official and unofficial leaders and those who are locally recognised as knowledgeable, such as local oral historians.

- **Large group meetings** to generate informative interactions of different viewpoints.
- **Focus groups** which can be convened at relatively short notice.
- **Community assessments** which are more time intensive and only possible in a sample of communities, but can provide greater depth of understanding.
- **Studies of recent and on-going land disputes** which can often reveal symptoms of underlying conflicts.
- **Household case studies** used effectively can help to understand interests in land and housing, and are especially useful in contexts of inter-communal conflict.

Several, if not all, of these methods should be employed in a given situation. Multiple sources of information allow those analysing the data to ‘triangulate’, reaching a balanced understanding by taking several viewpoints into account.

Analysis: Based on the information gathered, it is useful to prepare or undertake:

- **Stakeholder group profiles** which define groups, explain histories and cultural identities, and examine governance and decision-making systems, land tenure systems, and the extent and terms of current and past access to land resources.
- **Stakeholder group interest analysis** involving an exploration of the nature of the interest, by whom the claim is articulated, and form of expression.
- **Mapping groups and relationships** by preparing graphic expressions (such as Venn diagrams) of local, State and global interests in a conflict.
- **Assessing the data through a political economy lens** to understand how conflict over land resources is conditioned by the economic system, social relations, political institutions, the political environment, and the legal system.

6.2. ASSESSING LEGAL AND INSTITUTIONAL FRAMEWORKS

An assessment of the existing national legal framework on land resources should inform the choice of options for legal and institutional reform.

NATIONAL LAW AND PRACTICE

The purpose of access or property rights in resources is primarily to:

- Avoid chaotic competition for scarce and valuable resources; and
- Create predictability and security for resource holders allowing them to invest in their land in confidence that they will hold them long enough to reap the benefits.

Conflict is less likely to develop in situations where national law governing access to—and—security in land is perceived as just, clear, and enforced. However, it is important to be aware that property rights have diverse, sometimes contentious, and even illegitimate origins and may be an ongoing source of contention.

Be aware:

National laws often recognise as a source of rights the appropriation and clearing of land by farm families, the acquisition of land through transactions, or the granting of land to cronies by governments which have appropriated it, sometimes through conquests which stripped earlier holders of their land. The colonial experience of land appropriations is a common heritage of many of today’s conflict-prone countries, and the problems they created continue to contribute to conflict over land resources.

In undertaking an assessment of the current situation, CP actors should:

- **Consult sources of national law on land resources** including constitutional law, statutes, regulations, jurisprudence, and peace agreements in post-conflict situations.
- **Ascertain customary rules** in order to understand land claims under custom and the relationship with other bodies of law.
- **Assess the legal framework in relation to land conflicts.** Are identified conflicts arising: Within an accepted and agreed normative framework? Or (partly) due to disagreements over law and dispute resolution mechanisms?
- **Assess the compatibility of all sources of law with international norms and standards.**

ASSESSING CUSTOMARY LAND TENURE AND ITS INTERACTION WITH NATIONAL LAW

It is particularly important to understand the interaction of customary land tenure and national law. The latter has often in the past, and continues to, either:

- Ignore customary land tenure and its institutions or seek to replace them; or
- Seek to incorporate customary norms and, in some cases, their institutions.

Effective practice today emphasises the adaptation of customary tenure systems and their coordination with statutory law in a **harmonised system** of land law. Both the advantages and potential downsides of customary systems should inform this process.

Examples of advantages:

- Customary systems and institutions are a potential resource for decentralisation of authority over land and may provide access to justice where access to national systems is impeded.
- Community-based justice rooted in local culture and history can be more effective in resolving certain kinds of disputes or regulating conflicts.

Potential disadvantages:

- They are sometimes authoritarian in nature and may incorporate cultural elements, e.g. discrimination against women, which are inequitable and even unconstitutional.

IDENTIFYING NORMATIVE FAILURES

It may be possible to identify normative failures that are contributing to conflict.

Substantive Inadequacies in the legal framework applicable to land can contribute to the vulnerabilities to land-related conflict identified earlier. Common examples include:

- **Land scarcity:** Legal barriers to intensification; or restrictions on relocation limiting migration.
- **Insecurity of tenure:** Insufficiently robust and long-term rights in resources, including inadequate protection against compulsory State acquisition.
- **Normative dissonance:** Lack of clarity on areas of application.
- **Land grievance:** National law favours security of tenure of current rights-holders as an obstacle to land access for others.

System Failures in the Legal Framework Applicable to Land—which may be weak or incomplete in ways that make it difficult for governments to guarantee the rule of law, enforce laws and effectively address land-related issues with conflict potential—include:

- **Over-confident and/or authoritarian law-making** leading to lack of compliance.
- **Failure to cost legislation** leading to problems with implementation.
- **Poorly integrated systems** causing confusion and tenure insecurity.
- **Undue complexity** hindering effective implementation.
- **Lack of legitimacy** causing laws and regulations to be ignored.
- **Discrimination** resulting in disrespect for the law and a destabilised legal framework.
- **Lack of enforcement and lack of capacity to resolve disputes** undermining security of tenure and inviting resort to extra-legal options.
- **Legal rigidity** preventing government from responding to demands for change.

Both substantive inadequacies and system failures must be effectively addressed to mitigate conflict and avoid violence around land resources.

ASSESSING LAND SECTOR INSTITUTIONS

Important considerations for determining whether effective institutions for land administration and management are in place include:

- The extent (and legitimacy) of the powers of **the executive**;
- Capacity of and coordination between relevant **ministries**;
- Capacity and functioning of **land commissions** or other specialised government institutions dealing with land where they exist; and
- The relationship between **national legal and customary institutions**.

6.3. ASSESSING PROSPECTS FOR CHANGE

It is also necessary to assess the political-administrative environment in which the conflict occurs, to gauge the parameters for possible reforms. Relevant factors are:

- **Political stability** as a basis for reforms.
- **Awareness and engagement** with the parties concerned to search for solutions.
- **Class and identity politics** including the make-up of a regime's constituency.
- **Corruption and vested interests** including those in land administration agencies.
- **Political will** to instigate and implement reforms.
- **Capacity** (human, technical or other) of implementation agencies.

7. Proposing Response Options (Step 3)

Concrete options in policy, law and practice for managing and resolving land-related conflicts to be proposed to governments and other actors may fall into two categories:

- **Process** measures, aimed at enhancing the function of land tenure systems, including via more effective land administration and land dispute resolution; and
- **Substantive** measures to address issues such as land access, land rights, and land distribution.

In practice, effective prevention will often require combining and integrating process and substantive measures, or planning a succession of activities that involves both.

7.1. PROCESS MEASURES

Many process measures do not address the underlying causes of conflict but can be critical in managing conflict and buying the time needed to avoid conflict escalating into violence.

REFORMS IN LAND GOVERNANCE

Many disputes and conflicts over land originate in administrative actions by officials in local government or the land administration agency regarding allocations of land, enforcement of rules regarding land use, or administrative adjudications of land rights. Administrative institutions are often highly inefficient and may suffer severe backlogs as well as corruption that can affect the result of claims.

Institutional Strengthening: The institutions responsible for creating and maintaining records of rights in land may require strengthening. Needs may include:

- **Enhancing institutional capacity** by means of management and technical training, provision of equipment, simplified and more transparent procedures, and reorganisation.
- **Eliminating practices that discriminate** between different groups in competition for land and ensuring effective complaints mechanisms including an ombudsman.
- **Ensuring adequate salaries** and realistic fees for services to reduce rent-seeking by staff of land administration agencies.
- **Decentralisation** to bring land administration facilities and services closer to local communities (which can help combat deficiencies and abuses).
- **Transfer of decision-making over land** to more local levels (per the subsidiarity principle).
- **Systematic mapping and recording of land rights** to settle endemic conflict over land matters—perhaps most urgently needed in post-conflict countries.

Challenges and Dilemmas in strengthening land administration include:

- **Finding the right mix of technology and participation.** Simple, cost-effective forms of technology are available that can also enhance participation.
- **Tension between decentralisation of services and decision-making versus the creation of sophisticated systems,** often favoured by land administration professionals.
- **Lack of viable local institutions**—and challenges in creating new ones—when decentralising to community level.

➔ Debate about institutional reform has tended to focus on: acceptance of traditional institutions and custom on the one hand, versus individualisation and formalisation of tenure on the other hand. Hybrids may offer the most realistic approach in many cases.

TOWARDS EFFECTIVE LAND DISPUTE RESOLUTION

Dealing with the underlying inadequacies and vulnerabilities is the most effective way to prevent future disputes and the conflicts they may trigger. But in the short and

intermediate term, effective and legitimate ways must be found to settle disputes and reduce their capacity to trigger broader, violent conflict.

Methods for Facilitating Dispute Resolution include:

- **Improving the substantive rules** that govern the resolution of land disputes. Disputes may be relatively quickly and expeditiously resolved where rules are simple and clear and the proofs required are not too burdensome.
- **Providing efficient procedural mechanisms** for dispute resolution which may take one of two fundamentally different approaches:
 - Adjudication, or judging which relies upon an authoritative decision-maker to prescribe the resolution of a dispute through the application of law; and
 - Mediation or other forms of alternative dispute resolution (ADR) reliant upon consent of the parties.

Finding Viable Compromise: A by-the-book, winner-takes-all solution, which is the common outcome of adjudication, risks creating new grievances and resentments with future repercussions. This has led to increasing emphasis, especially in post-conflict contexts, on mediation.

Examples of conflicting claims:

- Those with customary rights assert them against rights claimed by others under national law.
- Two claimants appear with grant documents to the same parcel of land from different government offices.
- Returnees after a civil war lasting decades find their lands or homes have been allocated by government to someone else.

In seeking to resolve disputes it may be preferable to seek compromises with which all parties can live. Common models include:

- **Compensation and/or resettlement** for the ‘losing party’ in a conflict over land.
- **Land-sharing (partitioning)** whereby a resource is divided when two reasonable claims are made upon it.
- **Land-sharing (overlapping use)** where land users need the land for quite different uses e.g. pastoralism and cultivation simultaneously.

Reaching and Documenting Agreement: CP actors can play a role in negotiating such agreements, though officials should document them and officially declare the results. They are most appropriate when there are fundamental differences between the parties as to the applicable law and the legitimacy of the rules urged by the opposing party.

THE ROLES OF LEGAL AWARENESS BUILDING AND LEGAL ENABLING

Especially for the poor and disadvantaged, good rules and solid dispute resolution arrangements are not enough to assure access to those mechanisms, or even due process. For those communities to realise the rights given them in law, a more robust comprehension of the right itself and how to assert and protect it is required. Potential measures to empower communities to pursue their claims include:

- **Public education** on land law and administrative procedures;

- **Training of community level para-legals** to act as a bridge to the formal system;
- **Ensuring access to relevant fora** (projects and political processes) for communities to voice concerns; and
- **Support for community leadership** that is legitimate and responsible.

7.2. SUBSTANTIVE REFORMS

Conflict and the risk of violence can ultimately only be addressed through measures that directly tackle structural deficiencies and other sources of inequality or injustice which can give rise to conflict over land.

NORMATIVE CHANGE AS THE BASIS FOR REFORM

Many but not all reform options will require a change in the rules as a basis for implementation:

Policy Reform is most appropriate when government has not yet recognised nor clearly defined the land-related threats of conflict. It is best addressed comprehensively starting by a high-level commission or other credible body developing a land policy paper. A land policy is a valuable but relatively ‘soft’ instrument.

Reforming Practice by means of a simple instruction from the Minister of Lands (or equivalent) to staff can be a very useful tool in changing behaviour, and requires only the exercise of executive authority.

Legal Reform:

- **Reforming regulations** typically only requires the approval of the minister concerned and can do a good deal to change the behaviour of officials.
- **Law Reform:** Where only a modest amendment is required, it may be feasible for the relevant ministry to achieve it (e.g. by a Government decision). If extensive amendment to an existing law or a new law is needed, it is best to consider a commission or similar body that draws on expertise across sectors with land concerns.
- **Constitutional reform** may be required to clarify that land reform is a constitutionally acceptable public purpose and to provide for compensation.
- **Institutional reform** is often necessary in the interest of effective implementation of needed programmes.

BUILDING SECURITY OF TENURE TO AVOID DISPLACEMENT

Strengthening the Content of Existing Rights: A common source of insecurity is the relatively weak nature of the tenure of land users. The risk of loss of land is greater if:

- The tenure is too brief in duration, or is not inheritable;
- The tenure does not empower the holder to transfer the use of the land temporarily to deal with labour or capital constraints of the household; or
- The user is subject to restrictions on use that do not allow profitable management and response to market opportunities.

A key policy choice in this area is whether the fundamental tenure available to private land users should be: full private ownership; a right to long-term use (usufruct); a long-term lease from the government; or a right within some form of community title.

→ While security of tenure is typically stronger in private ownership systems, basic security of tenure can be achieved under any of the four choices.

Legal Recognition of Previously Unrecognised Land Claims: In many countries land held under custom or informally is unrecognised by national law and is often taken by the State without paying occupants compensation. Formalisation or regularisation of these holdings has an important conflict-mitigation potential. There are two main approaches to recognising customary rights:

- Provide recognition to the rights as a customary right (as in Mozambique); or
- Transform the right into a right under statutory law (as in Kenya and Tanzania).

→ Such recognition can on the legal plane be achieved by a simple amendment of law, but an effective change process will involve more proactive activities, including mapping, documenting and recording the rights and the land to which they apply, and public education to increase land law literacy.

Documenting and Recording Land Rights: It is often possible to establish who holds which rights in which land through mobilising community knowledge on these matters. While this information can be accessed fairly readily, the challenge is to produce a written record of such rights and keep it up to date. This has led to widespread calls for registration of rights in land, known as **‘formalisation’**.

‘Titling’ is the most common form of documenting a right. This involves the conferring of a documented right to a clearly identified parcel of land by the government. In addition, that title may be officially recorded, or registered. Titling and **registration** can be done on the application of the landholder (‘sporadic’) or for all landholders in an area in which the process is mandated by government (‘systematic’).

The relatively costly models of systematic registration of individual rights on a large scale often favoured by donors have come under criticism as:

- Sometimes failing to respond to the (felt) needs of landholders.
- Taking more time than is available where conflict threatens.
- Disadvantaging some individuals (often women), e.g. where registration of the male head of household as the owner has neglected the rights of the family or community.

Tip:

More recent projects have stressed separate titling for distinct rights held by women or joint titling of land to husband and wife.

- Inequitable to the extent that it has provided legal validation of lands appropriated illegally or through corrupt practices.

→ Methods should be consistent with capacities and sustainable in the long term. Less costly and more sustainable models of securing land tenure involving community based participation should therefore be considered.

Establishing a **claims registry** can be a useful tool in a post-conflict environment.

Example:

Claims procedures introduced by a USAID project in Timor-Leste, which are free of charge to participants and decentralised, have helped to resolve and minimize disputes at the time property claims are demarcated, adjudicated and recorded.

LIMITING DISPOSSESSION: RESTRAINING STATE ACTION

The actions of governments are a major—perhaps the major—source of insecurity of tenure in most developing countries.

Limiting State Land Reallocations: State reallocations are common in situations where the State owns or claims to own all or most land, including that occupied by informal and customary occupants, and allocates that land to private users for free or for fees frequently much lower than market value. Such ‘cheap land’ policies encourage speculation and also create an opportunity for rent-seeking which encourages corruption. Responses include:

- Attempts to **eliminate such malpractices**, likely to be most effective along with;
- Measures that **reduce opportunities for rent-seeking**, requiring the State to recognise the value of land to existing users and to pay adequate compensation for the land taken.

Minimising / Mitigating Exclusion in Concessions, Reserves, Development Projects etc.:

Allocation of some State-owned land to such purposes risks displacing existing users. Such displacement and its effects should be minimised by rigorous screening of proposals and careful planning including:

- **Socio-economic and environmental impact assessments** for every major planned investment or development project; and
- A **‘social responsibility’ agreement** based on consultation between the managing entity (government or private) and the community or communities concerned.

Restraining Formal ‘Takings’: Most countries, in addition to the constitutional provision, have laws governing expropriation that provide fuller specification on the allowable purposes for takings for public uses (e.g., roads, government offices) and—as is increasingly the case—projects in the public interest (e.g., urban redevelopment, land reform). While this broadening has advantages, land may be taken by the State to give to private actors whose activities officials consider to be in the ‘public interest’. Measures to mitigate the risk of abuse include:

- **Clear specification in law of the meaning of ‘public interest’;** and
- **Enforcing fair compensation standards** (e.g., market value; productive value in its current use; or a value deemed ‘fair’ in the historical circumstances).

Strengthening Public Land Management to ensure that public land is seen as a limited and valuable State asset (not—as has often been the case—as a free good at the disposal of the government of the day to reward its supporters) can benefit from:

- A **public lands law**, clearly stating permissible purposes, institutional mandates and accountability.
- A **civil law distinction** between State-owned land in essential public use and non-essential State-owned land available for allocation and even sale to private users.

LIMITING DISPOSSESSION: RESTRAINING THE MARKET

Markets often work in practice to the disadvantage of the poor and move land and resources to the advantaged. Buyers need access to credit and credit markets are substantially imperfect in most developing countries, with lenders preferring commercial elites or officials with influence and regular salaries rather than smallholders.

Be aware:

The growth of landlessness in particular can increase class tensions. When purchasers come largely from an ethnic group which is politically and economically dominant, the extensive land acquisitions of these 'market-dominant communities' can come to be seen—as in Kenya—as part of a strategy to dispossess and marginalise other ethnic groups.

Methods for managing tendencies of markets to work to the disadvantage of the poor and move land to the advantaged include:

- **Public education in 'land market literacy'** that makes the poor more aware of both the positive and negative implications of informal and formal land markets for them, and the caution they should bring to participation in them.
- **Gradual transitions to marketability** allowing landholders to become gradually aware of the value of their land, and think through their options more carefully.
- **Creating consent requirements** that certain family members consent to transactions, or that the transaction receive the prior consent of a public body.
- **Imposing costs on extensive landholding** through taxation can limit speculation and perhaps force the partition and sale of large holdings.

IMPROVING ACCESS

In circumstances of land scarcity, one option is to make more land available to the landless and land-poor. While it is difficult to do so on a scale that provides much relief against increasing pressures on land, e.g. from population growth, making land available can change perceptions of government's intentions and buy time.

Resettlement Programmes/Making Public Land Available: (Re)settling the landless and land-poor on 'new' or public lands can help relieve pressure on land to some degree. There are also a number of associated **risks**:

- Resettlement often does not resolve the scarcity problem in the long run, and may be used to avoid facing up to the need for land reform.
- While typically voluntary, resettlements may be coerced, and are sometimes motivated by a government's desire to occupy border areas, to establish colonies of 'loyal' citizens among less trusted peoples on the national margin, or even to move people out of areas affected by insurgencies.
- The beneficiaries of such programmes have often suffered isolation, disease, and the failure of government to deliver on promised facilities and services.
- There may also be environmental impacts.

Be aware:

The displacement of local users by resettlement schemes can become a grievance and lead to violence and the expulsion of settlers in later years when political dynamics have shifted or government is weakened or distracted.



It is crucial to understand and respect the existing use of targeted land, whatever the legal status of the occupants, users or claimants.

Land Reform through Expropriation: Where pressure on land has become intense and trigger events threaten conflict or as the resolution of an on-going conflict over land, governments may launch redistributive land reforms which generally involve the redistribution of large farms by the State. Most such reforms fall within three categories:

- **Land to the tiller reform** distributes the landlord's land to the tenants who are already farming it. This is the simplest land reform model to implement.
- **Reform of large integrated farms** where the large holding to be reformed is not operated under tenancy, but has been mechanised to a degree and is operated as a large unit in an integrated fashion using wage labour.
- **Privatisation reforms** where the land of large State or collective agricultural enterprises is either privatised to create large private commercial operations or is broken up and distributed to former employees of those enterprises to be operated as small commercial or family farms.

➔ Such reforms are often controversial and have ideological associations and can result in extended litigation. They require clarity of purpose and sustained implementation.

Market-mechanism Land Reform whereby the State makes credit available to groups of landless or land-poor, and subsidises and supervises their purchase of land on the market. The purchasers divide the land among themselves for cultivation as family farms. Later, when the credit has been repaid, the land will be titled to the beneficiary households.

➔ A good deal of controversy currently surrounds the relative merits of the use of market-mechanism or compulsory takings to accomplish land redistribution.

Restitution Reform is an emerging category of land reform in which government returns land to original landholders from whom it has been taken through processes viewed as illegitimate. Such processes may have been illegal under national law or contravened standards of international law, or may simply be seen as having been substantially unfair.

Example:

In South Africa, the land restitution programme restores land to communities displaced by apartheid era land acquisitions and forced removals.

The UN FAO Voluntary Guidelines recognise restitution as a distinct land governance initiative and distinguish it from redistributive reforms.

➔ The juridical and practical parameters are still emerging, but restitution is of particular interest for CP actors because it directly addresses the long-standing resentments about earlier land takings that fuel much conflict over land.

Tips:

- Restitution becomes more difficult as time passes, the land taken moves into the hands of those who did not take it, and compensation issues then clearly arise. The post-conflict context presents the best opportunity for restitution, because the takings are relatively 'fresh'.
- In post-conflict situations, the return of housing—appropriated by others in the course of the conflict—to original owners assumes a high profile, and an integrated HLP (Housing, Land and Property) approach to restitution is required.

Building and Liberalising Rental Markets: Rental is a valuable tool in providing access to land to land-poor households, but tenants are tied to the land at rents prescribed by tradition, and with little or no bargaining power. Countries with concerns about landlordism have sometimes sought to make rentals of land or housing illegal, or regulate them heavily, as through rent control programmes, with mixed results.

→ If there is an underlying structural problem involving radically skewed distribution of land ownership, reform such as land to the tenant programmes can be a more effective solution than tenancy regulation.

8. Ensuring Effective Roles (Step 4)

8.1. NATURE AND POTENTIAL ROLES OF CONFLICT PREVENTION ACTORS

CP actors have a potentially important role in preventing and mitigating conflict in the land sector by helping States assess and select appropriate procedural and substantive options for change and by supporting their entrenchment and effective long-term implementation. Potential entry points and the nature of engagement will depend on the mandates, missions and approaches of those involved and on their existing and potential ability to influence policy in the land sector and fund and implement relevant projects.

8.2. PROMOTING NEEDED RESPONSES

A **strategy** for engagement will depend upon the diagnostic processes outlined above which should also inform **prioritisation and sequencing**. Possible approaches include:

- **Fact-finding and awareness-raising** amongst governments and their people of the threats of land-related conflict and options for addressing them.
- **Encouraging policy reforms** through technical and other support for, e.g., the development of a land policy paper or an issue-focused policy-making exercise.
- **Encouraging legal reforms** by, e.g., supporting government in development of a consultative and transparent law reform process.

Potential entry points include:

- Finding footing for reform efforts within a ministry with an overarching mandate.
- Providing training opportunities for promising actors.
- Finding an important national figure or group to 'champion' the reforms.

Modelling Change: Where governments hesitate to undertake steps that are needed to prevent conflict, out of lack of confidence, ability, ideas, or political will, CP actors and others can develop action studies or small projects to model change.

Law Reform Implementation: When government is ready to implement conflict-mitigating law reforms on a national scale, there will be substantial opportunities to support and develop that process.

Creating New Assets: In the post-conflict context especially, CP actors may play an important role in mediation and the mobilisation of resources to address the potential for new conflicts to develop around the land of displaced persons now occupied by others.

8.3. LOCAL COMMUNITY EMPOWERMENT

CP actors need to find ways to help legitimate local leaders express their concerns in a constructive fashion. Solid community-based organisations, in particular, may require support to engage on land issues.

Challenges include: identifying and side-lining or circumventing ‘conflict entrepreneurs’ who do not in fact speak for many in the community; and providing structured opportunities for both/all ‘sides’ to express their concerns and positions, while also giving voice to those who have had less opportunity to be heard.

Potential Opportunities include:

- **Building local voice** by supporting the development of community organisations, including those of historically disadvantaged groups.
- **Support for local NGOs** can be a useful contribution, provided they are inclusive.
- **Improving community access to information** about land policies, the legal framework for land, and new factors affecting them.
- **Legal aid to communities in litigation** is best extended through support provided by specialised NGOs.
- **Providing alternative dispute resolution models** where official adjudicatory mechanisms such as the courts may be inoperative, corrupt, very costly in money and time, or work to the disadvantage of the communities concerned.

8.4. MONITORING AND EVALUATION

Monitoring and evaluation (M & E) is an area of crucial importance for ensuring the effectiveness of measures and processes, to which CP actors contribute directly and/or promote, e.g. by supporting local institutions to carry out independent M&E studies.

8.5. COORDINATION

Greater coordination or even integration of policies, within and across bilateral and multilateral agencies, and especially in conflict-stricken areas, is a priority and should be encouraged by CP actors. However, differences in policy, priorities and approaches, territoriality and jealousies can make coordination difficult.

Coordination Mechanisms can operate at a number of levels and include:

- A general donor coordination committee at national level, working across sectors affected by development assistance.
- A donor coordination committee for land matters where significant reforms in the land sector are anticipated, with several interested donors involved.
- A project coordination committee where several donors contribute funding to a basket of land activities under a single project.
- A property commission or similar agency created in post-conflict situations to handle restitution and other property claims which facilitates more effective organisation of the donor community.

Annex: Useful Links and Publications

I. USEFUL LINKS

Centre on Housing Rights and Evictions (COHRE) – www.cohre.org – Provides a range of useful resources on topics such as: forced evictions, security of tenure, access to land, women and housing rights, litigation, and restitution and return.

International Food Policy Research Institute (IFPRI) – www.ifpri.org/book-43/ourwork/program/capri – Land tenure material touches upon conflict over land, with a focus on commons such as pastures and forests.

International Institute for Environment and Development (IIED) – www.iied.org – Deals with land tenure issues generally but with a recent strong focus on external commercial demands for land, including the potentials created for conflict.

International Land Coalition – www.commercialpressuresonland.org – Highlights pressures and conflicts caused by growing commercial demand on land.

Landesa (formerly the Rural Development Institute) – www.landesa.org – Provides insights on land tenure and property rights across a wide range of issues and countries.

Oxfam GB – www.oxfam.org.uk/resources/learning/landrights/west.html – Focuses on land tenure and property rights issues in West Africa.

Rights and Resources Initiative – www.rightsandresources.org – Provides information and analysis of conflict related to forest land and other land-based natural resources.

UN Food and Agriculture Organisation (FAO) – www.fao.org – For information and materials related to the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

US Agency for International Development (USAID) – www.usaidlandtenure.net – USAID's land tenure and property rights portal includes land and conflict materials, including the forthcoming land tenure and property rights matrix which is the conceptual model for integrating USAID's training, tools development, and assessments consisting of five overlays for selected resource domains: gender and women; freshwater lakes, rivers and groundwater; minerals; land tenure and property rights; and trees and forests.

II. USEFUL PUBLICATIONS

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- Williams, Rhodri C. *The Contemporary Right to Property Restitution in the Context of Transitional Justice*, ICTJ Occasional Paper, May 2007. Available at: <http://es.ictj.org>
- Wily, Liz Alden. *Whose Land Is It? Commons and Conflict States. Why the Ownership of the Commons Matters in Making and Keeping Peace*. Washington DC: Rights and Resources, 2008. Available at: www.rightsandresources.org

John W. Bruce with Sally Holt

Land and Conflict Prevention

This *Quick Guide* to Land and *Conflict Prevention* presents approaches and alternatives for addressing tensions over land, resources and property which left unaddressed may lead to violent conflict. Historical grievances and competing claims to access rights, tenure insecurity and unequal distribution of land are common causes of such tension. Current trends in population growth, climate change, environmental degradation, resettlement, and land use patterns, including large scale acquisitions, create a very real and rapidly growing potential for conflict. Effective management of these and related dynamics is essential as demands multiply, resources diminish and competition increases.

Presented in an easy to use format, this Quick Guide provides step-by-step guidance for conflict prevention actors working to prevent destructive violence in finding the space for policy, law, and institutional reforms in the land sector, and promoting just and workable solutions that are in line with international standards and effective practices. It sets out process-oriented measures which can help manage conflict and buy valuable time, as well as options for substantive responses that are crucial to address the underlying fundamental needs and grievances which can lead to conflict.

The *Initiative on Quiet Diplomacy* seeks to prevent violent conflict by helping develop institutions in regional, sub-regional and other inter-governmental organisations, providing key actors with tools and techniques to address recurring issues in conflict situations, and supporting and facilitating dialogue and mediation processes.

For information about the Initiative on Quiet Diplomacy, please see

www.iqdiplomacy.org

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