**Land, Natural Resources,
and Violent Conflict**

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Best Practices for Land Tenure and

Natural Resource Governance in Africa

Monrovia, Liberia

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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
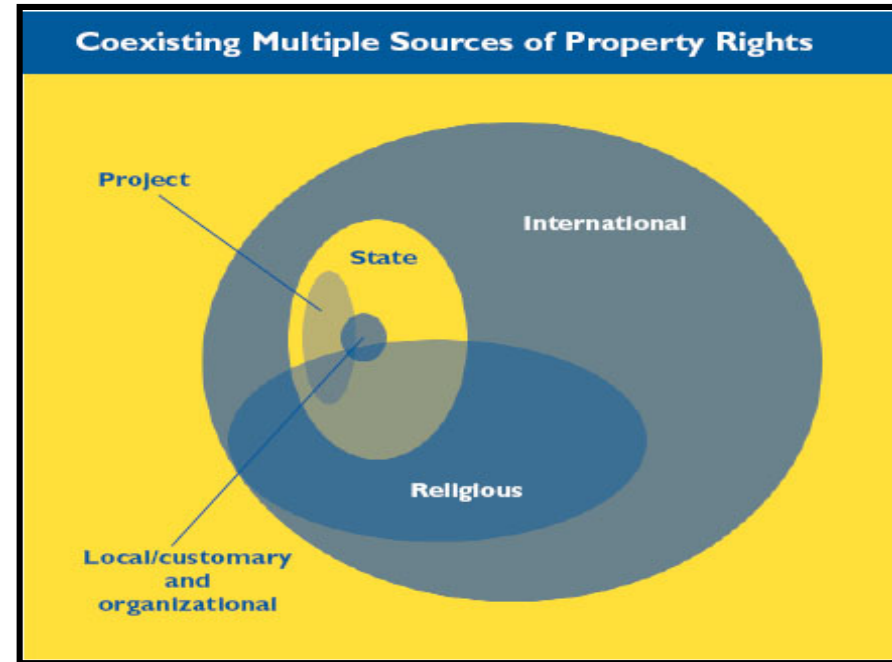
Case study:
- Sudan and Kenya
- Timor Leste

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

Coexisting Multiple Sources of Property Rights

Project
State
International
Religious
Local/customary and organizational

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

Conflict within Private Property Regimes

Rights to Privately Held Land or Other Natural Resources

Rights bundle

Legend
- Restricted rights
- Unrestricted rights

Private rights to land and natural resources are usually restricted in specific ways based on government regulations.

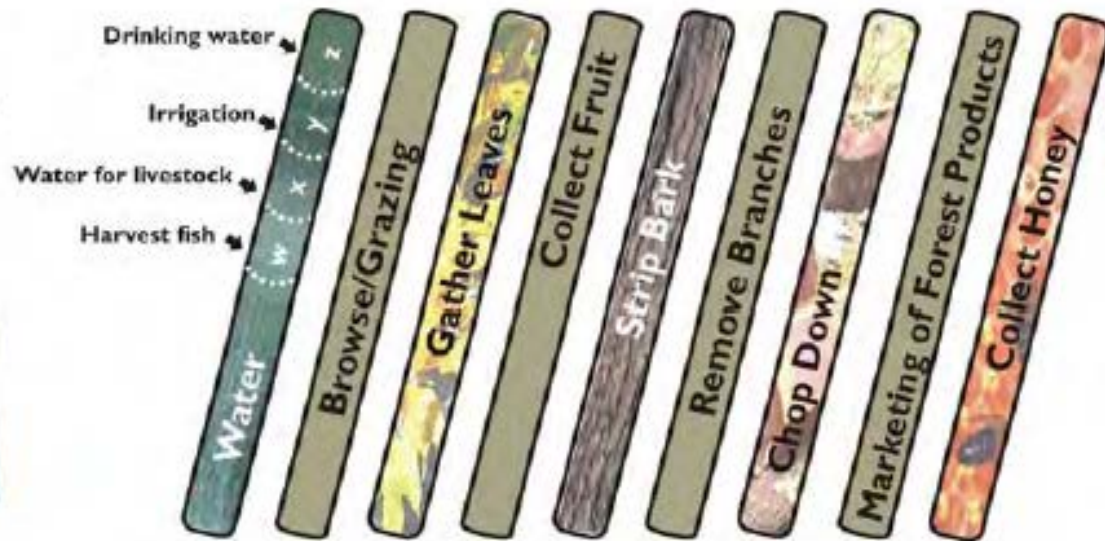Rights to Publically Held Land or Other Natural Resources

Rights bundle

Legend
- Freely available
- Conditionally available (e.g. for a fee)
- Unavailable

Uses of publicly held land and natural resources are specified by government policies and may be freely enjoyed, available for a fee, or completely restricted depending on the nature of the use.

Conflict over Bundles of Rights

Resources

Use Rights

Drinking water
Irrigation
Water for livestock
Harvest fish

Water
Browse/Grazing
Gather Leaves
Collect Fruit
Strip Bark
Remove Branches
Chop Down
Marketing of Forest Products
Collect Honey

Various strands in a bundle of rights related to a unit of land and associated natural resources may include:

Right to use,

Right to manage,

Right to transfer (assign or reassign) use and management rights, and

Right to "own".

Conflicts between Property Rights Regimes

Customary Claims

Government Claims

Entrepreneur Claims

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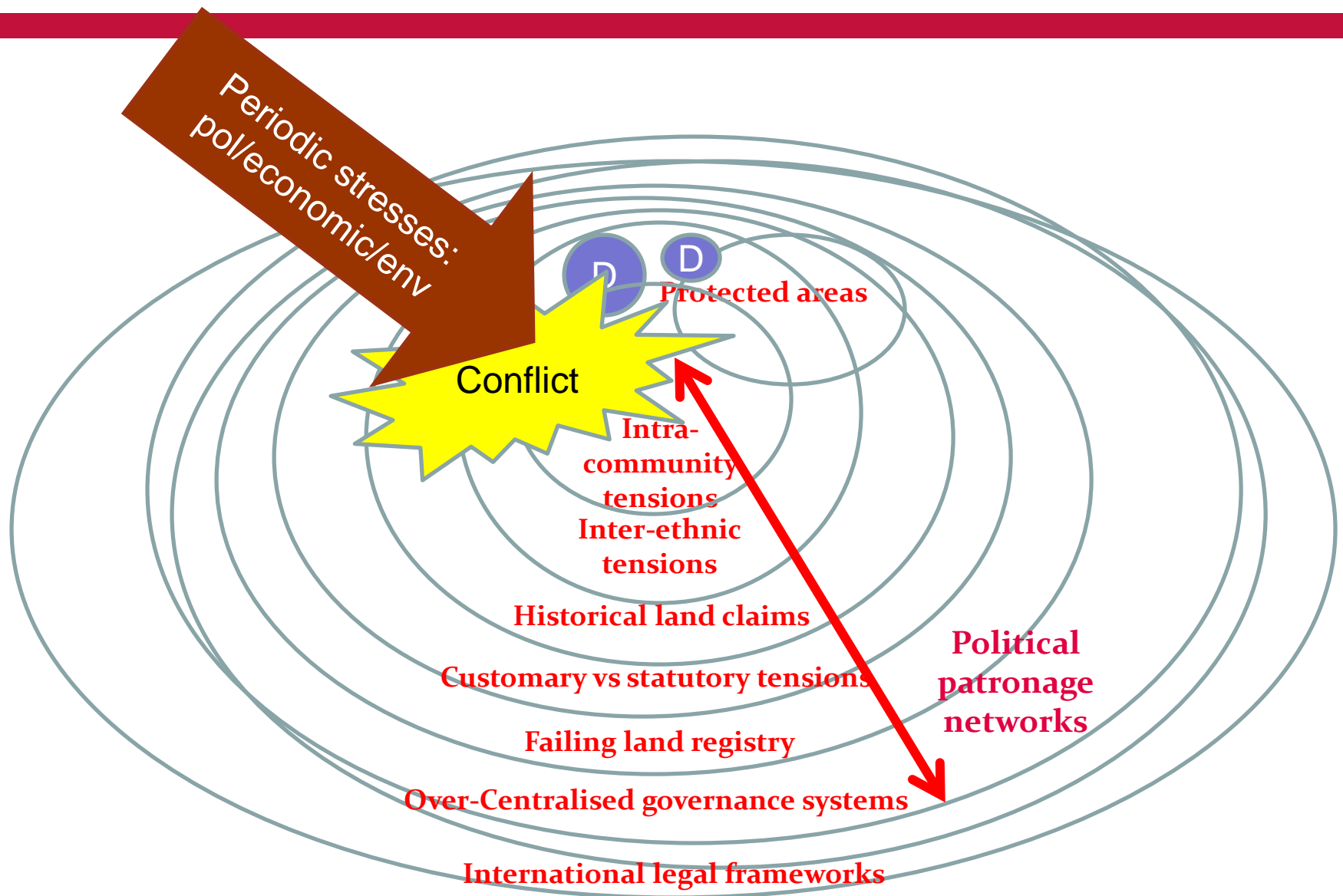- Field Cultivation
- Collecting Honey, Leaves, Dry Wood
- Fishing

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

Periodic stresses: pol/economic/env

Conflict

D D
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

Vulnerabilities to land-related conflict

What are some causes of land-related conflict from your experience?

Land scarcity: absolute, distributive, environmental

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

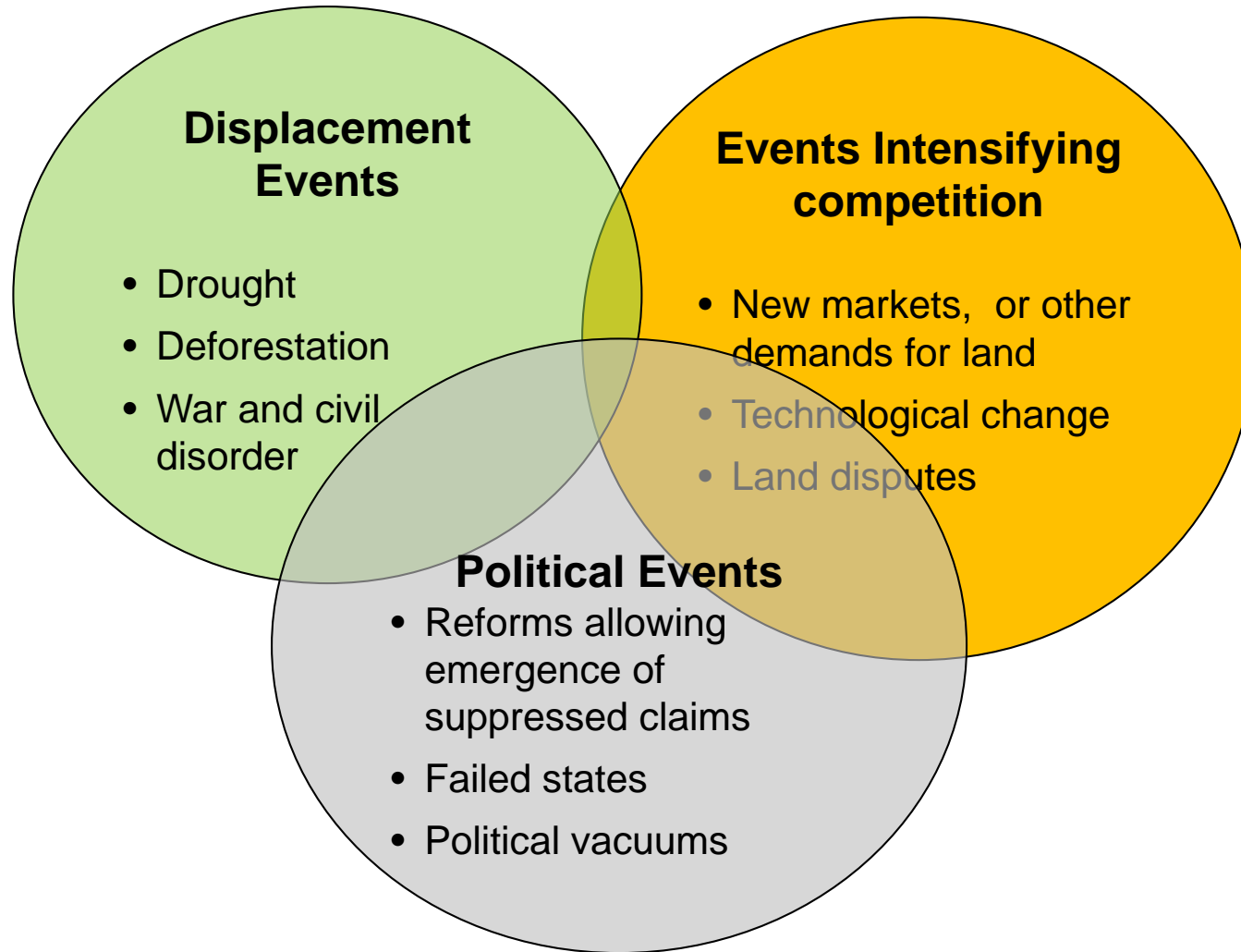**Grievance:** long-standing resentments, often over earlier displacements

Vulnerabilities are like kindling, and violence most often occurs when "trigger events" ignite the kindling.

Triggers of violent conflict

What triggers violent conflict from your experience?

Displacement Events

- Drought
- Deforestation
- War and civil disorder

Events Intensifying competition

- New markets, or other demands for land
- Technological change
- Land disputes

Political Events

- Reforms allowing emergence of suppressed claims
- Failed states
- Political vacuums

Land and natural resources and large-scale conflict

- Left to fester, *resource disputes end in violence*

- 75% of conflicts since 1980s were in agrarian states with customary tenure

- Large-scale conflicts linked to grievances: MOTIVE

- High-profile resource disputes trigger violence: OPPORTUNITY

- Resources in 'war economy' sustain violence: MEANS

Photo Tetra Tech ARD

Post-conflict disputes

Common issues in post-conflict disputes:

- Overlapping rights and claims

- Lack of relevant land/ NRM policies

- Dysfunctional land administration

- Land grabbing/encroachment

- Calls for compensation

- Ambiguous, controversial or unenforceable laws

Photo: Tetra Tech ARD

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

Case Study: Lamu Port and Lamu Southern Sudan-Ethiopia Transport Corridor (LAPSSET)

- **Sudan Early Independence Period:** Strong legal recognition for private land rights along the Nile and for customary rights elsewhere.

- **Post 1970**: Socialist government withdraws recognition of private and customary rights. Elites grabbed land through assignment of extensive leaseholds from the state.

- **Pre-Independence Southern Sudan**: Undermining of custom followed by state imposition of Islamic law on largely non-Islamic populations. Restoration of custom became a rallying cry in the struggle for independence.

- **Independent Southern Sudan**: Currently struggling to find the right balance between state and customary interests in land, while dealing with smoldering conflict over land in the oil-rich regions along its border with Sudan.

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.

Source: Drilling Info International

http://www.bbc.co.uk/news/world-africa-19748523

The Lamu/Manda Port

The plan…

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

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!

Land in the conflict cycle

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

- **Land is a structural cause of conflict**: Disputes over land can become a trigger of violent conflict.

- **Land sustains conflict**: Land of high-value sustains insurgencies and warring factions. Warring parties often compete for control of that land and its resources.

- **Land and post-conflict**: Prior competitions for land may remain unresolved. Restitution to returnees can spark new conflict, and land grabbing by new elites is not unusual.
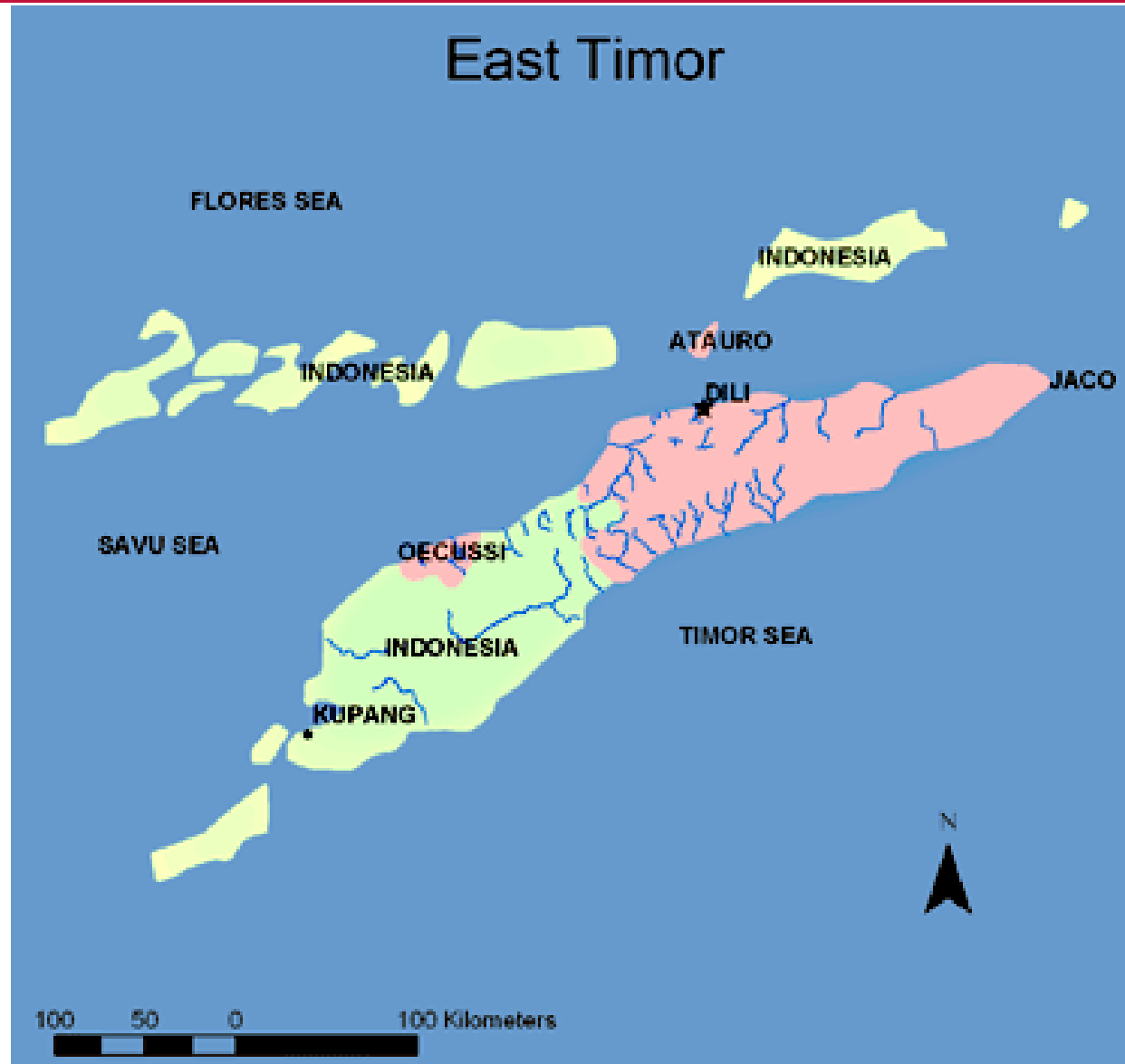
The Sad Truth

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 but are expressed through many forms of passive and active resistance.

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Case Study of Best Practice: Timor Leste

Timor Leste Land Tenure Challenges

History of Violence and Forced Relocation

- **Portuguese colonial period relocation policy for agricultural projects (coffee, sandalwood)**

- **Indonesian "Transmigration" program: relocation of Indonesians into Timor-Leste and reshuffling of villages within Timor-Leste**

- **Displacement by civil war in 1975 (pre-decolonization)**

Multiple Tenure Regimes

- Portuguese colonial era titles

- Indonesian titles

- UNTAET permits

- GoTL titles

- Customary tenure rights

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Land Tenure Disputes – The Common Challenges

Land Dispute Dynamics

Displacement, secondary occupancy, illegitimate sale, lack of transaction records, statutory v. customary law, overlapping titles form past property regimes

Limited Land Administration Capacity
- Lack of qualified local lawyers, judges, surveyors, registrars, drafters and policy specialists
- Land registry still under development
- Lack of appropriate legal framework

USAID Property Rights in Timor Leste (SPRTL)

Central Feature: Registering and Mediating Property Rights Claims
Three person field teams (team leader, land dispute resolution specialist, and mapper) involved in a claims process free of charge to participants and decentralized.

Results:
- Proto land registry in place – over 50,000 claims/2,000 transactions recorded
- Land bill approved by Parliament, awaits promulgation
- Land decree already in force allows for issuance of ownership titles (in undisputed cases)
- Low levels of recorded land disputes (10%) diminished "fear factor"; Only 5-7% of cases have gone into the formal dispute resolution process.
- Increasing Government of Timor Leste, civil society buy-in and understanding of complex land issues
- Strong support by government to promote gender equality

A best practice case study: Timor-Leste

Timor-Leste provides an example of **land conflict mitigation** in a post-conflict context, in the absence initially of clear policy and law.

- In 2007 USAID launched project focused on policy/law reform, communications and consultations, land dispute resolution, creation of National Land Commission.

The policy/law reform and institutional work has lagged, but the public education program has been creative and effective, and the land dispute resolution activity has achieved impressive results.

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.

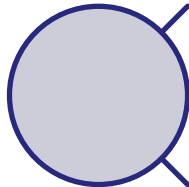- **External actors** can only facilitate sustainable change, not force it.

Weapons of the weak expressed through fire – a sign of resistance with underlying roots in unresolved conflicts
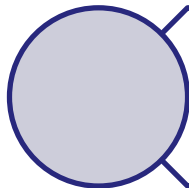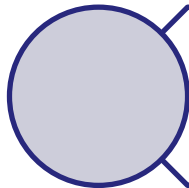
Take Away Messages
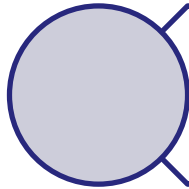
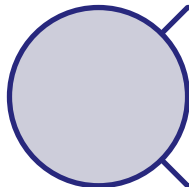Land and natural resources have multiple meanings for different actors

Contested governance of land and natural resources is a major source of conflict

Conflict is rarely 'local': look for connections

Environmental fluctuations and long-term changes make governance more challenging

Improving governance of resources can reduce conflict, secure livelihoods, and protect the environment

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