Research Question:

       How can we integrate conflict sensitivity into rural livelihoods interventions (esp. farming) to prevent conflict over land allocation?

Lund, C., Odgaard, R. & Danish & Sjaastad, E. (2006). Land rights and land conflicts in Africa: A review of issues and experiences. Denmark: *Danish Institute for International Studies.*

The authors discuss that in most African countries, formal mechanisms concerning land are still not in place. As a result, this creates unclear land rights which have a huge effect on vulnerable groups such as the poor, women, youth and indigenous peoples.   The authors however argue that while formalisation of land rights through land titling may be a solution in some contexts, such an approach may be problematic in other places, as there is no single cause of 'land issues' across Africa. Moreover, in Africa, land carries various meanings, not limited to merely a means of production. The various meanings attached to land are sensitive and include issues surrounding rights to land and territories. Yet there seems to be a lack of clarity why these various meanings given to land have been a source of conflicts, which information may be important to understand these conflicts (and likewise relevant to DCR).

Several types of land problems were discussed (increasing resource scarcity; conservation; migration; land commodification and markets; redistribution of land), but some also relate to solutions to resolve certain land problems. The discussion lacked examples in most cases, and it can be argued that there are other land concerns which were not considered, such as those relating to capabilities[1] of owners/occupants of lands and those who have no access to land but who seek or are entitled to be given lands. The various approaches to address certain aspects of these land concerns may be relevant to the conflict sensitivity theme. The authors mentioned that the unregulated efforts toward privatisation by both State and elite networks have been the cause of persistent and often violent conflicts, though privatisation is still not an official policy. Lastly, a tool has been adopted by the authors to understand these land issues, incorporating some of its relevant aspects and the suggested means to resolve these land issues. This tool may be of use to the DCR to understand problems affecting land and find the necessary strategies to address the same. Notwithstanding this, the matters listed are minimalistic and possibly do not cover the realities faced by different vulnerable groups. It would have been more straightforward if the authors did not attempt to deal with too many issues but concentrated on the most pressing concerns to land and how this are being addressed by the State and other groups. Moreover, the voices of the people affected were also not presented.

Publicly accessible at:

http://diis.dk/graphics/Publications/Andet2007/rod_landrights_SOA.doc.pdf

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[1] E.g. capabilities (or resources) to go through the administrative processes in acquiring ownership or other rights to land or in managing or transforming into productive uses these lands, or in defending these lands from outsiders.

Cousins, B. (1997). How do rights become real? Formal and informal institutions in South Africa's land reform. *Institute of Development Studies Bulletin* 28(4), 59-68. Brighton, UK: Institute of Development Studies.

This article may be relevant for this theme as it discusses South Africa's post-apartheid government land reform policies which dealt with ways to respond to certain conflicts over land. Many of the suggestions and discussions regarding land conflicts in this article provide valuable insights on conflicts to land and their possible solutions.

To begin, Cousins views that Africa's land reform programme seeks to address the "systemic insecurity of land tenure of black South Africans" brought about by past discriminatory policies (p. 61). In general, the previous tenure rights in South Africa were often overlapping and conflicting, which contributed to "uncertainty, disputes, land invasions, warlordism, and endemic violence". The author suggests for a "unitary system of registration which incorporates a diversity of tenure options, including group and traditional forms of tenure" (p. 62). He also recommends a detailed programme of land reform, with a detailed procedure for adjudicating competing and overlapping and conflicting rights. While his suggestions are more aimed at policy, Cousins also sees an approach where local stakeholders will devise and implement practical solutions to tenure conflicts with "on-land and off-land solutions" (p. 63). This, I argue, is where difficulties may lie, as many local stakeholders may lack resources and capabilities. Also, different stakeholders may have competing interests and values which could be an obstacle to meaningful participation or may lead to dismal results (Brett, 1996).

The author also explores how this new land reform is being implemented. It was observed that most local communities lack information of the new program, causing disastrous effects on land holders. Cousins views that raising awareness of new land rights/policies is key to avoiding conflicts and critical to its implementation. Finally, he notes that South Africa's tenure reform policy framework acknowledges that conflicts over land rights are central and unavoidable as a result of past policies and practices (citing Claassens, 1995). Therefore, he sees that solutions lie with the creation of procedures for the resolution of these conflicts though rights-conferring laws and processes which allow for negotiation and compromise. But he also recognises that rights alone are not sufficient. Moreover, these new land policies have distinguished ownership and governance, which gives to local communities the power to choose their own structure and representations in the management of these lands. This new feature giving local authorities (chiefs) some power, according to Cousins, makes communal land administration highly contested and vague. This is because while the administration of communal tenure by chiefs was said to be "popular, functional and democratic", the author admits that it is subject to abuse (p. 65). Also, local government structures contests this administrative powers of the chiefs, since they want to exercise control over communal lands.

Publicly accessible at:

http://www.ids.ac.uk/index.cfm?objectid=0F7AE38D-BC4D-E9DD-4A95EC54B867D708

Van Leeuwen, M. (2010). Crisis or continuity? Framing land disputes and local conflict resolution in Burundi. Land Use Policy 27, 753–762.

This involves two case studies (Rumonge in Bururi province & Giteranyi) examining the characteristics and complexities of local land conflict, including some resolution mechanisms, which may be both relevant to the work intended by the DCR. Initially, the article talks about the role of Bashingantahe*,* a local customary institution with traditional roles of settling local disputes in Burundi including land transactions. The article then discusses case studies that show the Bashingantahe failed to guarantee the protection of vulnerable people due to costs, corruption, and lack of authority to enforce solutions. The author likewise notes that land disputes should not be understood as temporary problems but has a more continuous and structural character. Thus, he posits, assuring land-access and searching alternatives for agricultural livelihoods should be considered alongside the temporary responses to resolving land conflicts.

This research could be very useful to DCR, as it raises several key points on local land conflicts. DCR should take note that disputes often have their own local particularities, which therefore could give a local customary institution like Bashingantahe an advantage since it may come up with local solutions. However, as the case studies pointed out, legitimacy and accessibility of these local institutions need to be enhanced. In addition, while the capacity building of local institutions may be necessary, the article points out that this should be accompanied with action at the national level through long term policies. Lastly, given the various conflicts to land and the ensuing scarcity to lands, DCR may consider livelihoods outside agriculture, which is similarly echoed by Huggins (2004) – reviewed on the next page. On a different note, the author likewise validly stresses that interventions should be informed by the particular context, without however limiting the responses only to the present, but looking for long-term solutions.

Publicly accessible at:

http://www.sciencedirect.com.ezproxy.massey.ac.nz/science/article/pii/S0264837709001525

Huggins, C. (2004). Preventing conflict through improved policies on land tenure, natural resource rights, and migration in the Great Lakes Region. *African Centre for Technology Studies Eco-Conflicts 3*(1), 1-4.

This article deals with land issues in Rwanda, Eastern DCR and Burundi, and also provides some recommendations to resolve these issues.   The author stresses that a key element of conflict in the Region pertains to contested rights over land and natural resources. In Rwanda, the scarcity of lands puts subsistence livelihoods at risk.   Higgins argues that the frequency of disputes and historical value of land suggests that "effective land reform and land management is key to long-term peace in Rwanda" (p. 2). Conflict in Eastern DCR also involves many factors, but control over local economic structures by armed groups and the access to use or exploit natural resources are central to this conflict. Control over access to land is used as an instrument of political and economic domination by elites (from various ethnicities and nationalities) to dis-empower sections of the local community and guarantee labour for various "projects". Due to changes in land access as a result of violence, the author believes that issues of land tenure will only be solved through dialogue and negotiation between the people involved, accompanied with an assessment of political representations and land tenure systems. In Burundi, land fragmentation and environmental degradation has been identified as the main land problems, but other issues are crucial to long-term conflict prevention, i.e. internal displacement, the return of the refugees, the problems of land administration, controversial State expropriation of land and land grabbing by individuals. Land administration starting from the local up to the national level is seen as key to solving some of these problems.

As discussed above, this research presents a good discussion on land conflicts which tackles not only the factors to land conflicts in the three countries, but also the other issues that are important to long-term conflict prevention. This may therefore be relevant to the work intended by DCR on conflict sensitivity.   While the article considers necessary support for policy development as well as implementation, it also raises that land scarcity is likely to become one of the most significant issues affecting most of these countries, and will be worsened by environmental deterioration. Off-farm opportunities should likewise be considered. It may be useful for DCR then to consider analysing the land problems, by not only examining the factors causing the conflicts and devising immediate solutions but considering alternatives to these problems.

Publicly accessible at:

http://www.frameweb.org/adl/en-US/2304/file/206/actS_land_conflict_policy_brief_1.pdf

Pantuliano, S. (2007). The Land Question: Sudan's peace nemesis. Humanitarian Policy Groups. Overseas Development Institute.

Pantuliano (2007) begins with a thorough outline of the background to many of Sudan's land issues, this includes an examination of the key actors and associations that are involved. The interesting part of the paper is in the latter half when the author describes the key problems, risks and gives recommendations for future resolution of land conflict issues in Sudan. The paper identifies one of the main problems as being, "the absence of an overall framework to deal with problems deriving from land issues with any urgency" (p.4). The lack of coherent land policy, adequate legislation, functioning institutions and law enforcement are leading to the rampant commercialisation of land, seeing subsistence farmers being pushed to sell without being fully aware of the implications and 'land grabbing' becoming common practise. The paper warns of the dangers if the land issues in Sudan are not dealt with swiftly. With the rates of return growing rapidly to the south of the country, disputes will erupt as people return to find their land occupied by others. The author concludes by presenting four main recommendations that she believes would contribute to lessening of rising land tension. These suggestions include the freezing of long-term lease allocations until there is more clarity on land tenure rights, the *urgent* establishment of a National Land Commission, the securing of rights for local people through rural land registration and the complete harmonisation of all donors regarding land issues in Sudan.

This paper is relevant to the DCR Conflict Sensitivity group as it directly examines the situation in Sudan. The author recognises the total complexities of land conflict issues and seeks to dissect them in a methodical way. The paper does *not* follow the experiences of an NGO or donor programme that is already established and working on the ground. This may have some disadvantages as sometime the author presents somewhat dreamy solutions such as establishing a National Land Commission. Whilst these grandiose ideas are not going to be fulfilled over night and offer little guidance for people working daily at a local level, the paper is still valid as it offers a 'bigger picture' and provides long term plans to work towards. The final recommendation made by the author about all donors working harmoniously is achievable on many different levels. Pantuliano (2007) calls for urgent dialogue and co-ordination between all parties to develop a coherent and balanced support structure which builds on the different roles and capacities of national government and organisations. Through the creation of this support structure, real change and transformation can be enabled to take place. Realities may be different on the ground but this paper presents a professional and academic view on how to deal with the land conflicts of Sudan and the suggestions for their resolution which shouldn't be ignored.

Publicly accessible at:

http://www.odi.org.uk/resources/docs/4166.pdf

Van der Zwan, J. (2010). Conflict-sensitive land policy and land governance in Africa. *Strengthening the Economic Dimensions of Peacebuilding – Practise Note Series*. **International Alert: London.**

This paper outlines the importance of using a conflict-sensitive approach to land policy and land governance issues in conflict affected countries. It provides the reader with a set of practical guidelines and principles to follow to ensure they are promoting conflict sensitive land policy reform and programme implementation. The paper is divided into four main sections and the reader is taken on a journey, examining the extremely multi-dimensional issue of land conflict. Issues related to land are the root of violent conflict in many developing countries and early on Van der Zwan (2010) stresses the need for them to be addressed in a "comprehensive way that maximises the productive capacity of people and natural resources while also minimising the risk of violent conflict and further instability" (p1.). The paper stresses the need for deep analysis of the conflict actors, causes, profile and dynamics in a given context to ensure programmes do not inadvertently increase the likelihood of violent conflict. The author suggests that in the past, land conflicts have been 'resolved' in ways which suit the powerful and rich with often little or no consideration for locals and their customary rights. The author acknowledges the seemingly insurmountable challenge of carrying out truly conflict-sensitive land policy reform but believes steps can be taken to minimise the risks.

For all those involved in land-conflict resolution this is a must read. After digesting this piece of work by Van der Zwan (2010) I felt hopeful that with the appropriate tools and resources land disputes could begin to be resolved. The paper really stresses the importance of improving land policy and land governance for peace building and strengthening of the nation state, especially in post-conflict zones. Throughout the work, the author suggests that ensuring secure tenure land for all people should be the top priority for governments, as people will not invest in their land, build homes, grow crops or start small enterprises if they are uncertain about tenure. This has extremely detrimental effects for nations that are trying to develop their economies and leaves countries in a constant state of uncertainty. The resolution of land tenure issues has numerous benefits including enhanced investment incentives, reduced potential for violent conflict and the use of land as collateral. Given that large scale reform is an extremely difficult and complex process and puts people at risk of increased conflict, the author suggests that it would be more realistic to identify 'pockets' of potential reform areas and take a slow and incremental approach to reform. The extreme fragility of people and their livelihoods needs to be at the forefront of minds dealing with land-conflicts. The inclusion and full consultation (tokenistic consultations need to be left behind) of *all* parties involved is vital to the resolution of land issues. A thorough, clear, practical and inspiring paper.

Publicly accessible at:

http://www.international-alert.org/sites/default/files/publications/PracticeNote7.pdf

Bunte, T. & Monnier, L. (2011). Mediating Land Conflict in Burundi. *A report produced for ACCORD and the Swedish International Development Cooperation Agency (SIDA).*

This paper is presented in two parts. The first section reveals the multitude of challenges that are faced by the people of Burundi. The paper uses the term 'triple-R' which refers to repatriation and reintegration of refugees and reconciliation between different social groups. The importance of land tenure for 'triple-R' is expressed both in terms of economic security and cultural identity. The authors suggest that to achieve durable peace within the country, the government of Burundi needs to put a larger emphasis on resolving land tenure issues. They also suggest that the government should "take into account structural background factors to the cause of land disputes and encourage the development of alternative livelihoods to lessen land dependency" (p.71). The second part of this paper closely evaluates the contribution of ACCORDS Legal Aid Clinics in two different provinces within the country. The evaluation was focused on assessing the programmes effects on the sustainable resolution of land disputes and on the re-integration of refugees into society. Whilst land shortage, high population growth and large influxes of returnees have presented serious challenges to the programme and the retention of peace, the study found that the programme's mediation and capacity building workshops (CBWs) have provided "important social and emotional support for citizens, which has directly contributed to local conflict management capacity and provided a new mediation culture" (p. 71). The report concludes with recommendations concerning the 'triple-R' of Burundi's post-conflict land issues and suggested improvements to strengthen ACCORD's Legal Aid Clinics and their various activities.

This document is quite weighty and doesn't provide such a smooth read when compared to some of the other reports and articles that have been reviewed. However it provides some critical information as it is examining the practise of an organisation that is working on the ground with people seeking to resolve land conflicts. That in itself sets it aside from much of the literature on such conflicts, with many reports coming from the academic perspective, and providing prescriptions for resolving them with no [or little]practical basis or experience. In a much broader sense, this paper also seeks to examine how land conflict mediation addresses and relates to long-term challenges for peace. For the DCR Conflict Sensitivity group it would be particularly interesting to read some of the experiences had by the Legal Aid Clinics working directly with people. Their success is something to be proud of as they have managed to develop a programme that can effectively navigate the complexities of land issues and provide local people with a means to resolve them – without initiating civil war in the process. The report's recommendations are also very worthy of reading. They state that success and reconciliation will not be found until a '*truly*' integrated approach is seen between government, local and international partner organisations. This includes the formulation of a comprehensive nationwide strategy to resolve land challenges. Some interesting ideas for resolution from the field.

Publicly accessible at:

http://www.accord.org.za/downloads/reports/Mediating_Land_Conflict_Burundi.pdf

Adams, M. Sibanda, S. & Turner, S. (1999). Land Tenure Reform and Rural Livelihoods in Southern Africa. Overseas Development Institute (ODI). *Natural Resource Perspectives.39: 1-15.* **(cited by 73, Google Scholar).**

This paper provides the reader with an overview of land tenure issues that have been experienced in Southern Africa. While the article is mainly looking at the allocation of communal land it provides insights into the issues faced during this process. The complex and uncertain nature of land reform is stressed throughout the paper, this is exemplified by some of the Southern African governments neglecting tenure reform completely. The resolution of land conflicts and the addressing of tenure issues is a time-consuming process, which requires thorough public consultation and careful preparation. "The necessary institutional development is likely to take decades. Long-term budgetary commitment is needed from governments and (political sensitivities permitting) from donors. External support is likely to be conditional upon appropriate constitutional and legal frameworks" (p.1). The paper discusses some of the challenges in effectively implementing land conflict programmes — budget restrictions and States with institutional weakness significantly hinder progress. Case studies from eight southern African countries are presented to give the reader an insight into how other countries are resolving land conflict issues. The case of Botswana is interesting and is a notable exception in southern Africa. Considerable progress has been made in the country through the integration of traditional tenure with a modern system of land administration for both customary and commercial forms of land use. Through the entire reform process the livelihoods and well being of people need to be remembered, and similar to other reports this one too makes reference to the need for citizens to take up non-land based activities.

This article provides more of an overview of land tenure issues rather than a practical, field based analysis on how to mediate issues and move forward. However the source has been heavily cited by many others and provides a good reference point for professionals wanting to familiarise themselves with land issues in other countries. The country overviews really show the reader how traditional and western forms of land allocation can work together for success without reigniting conflict. The paper provides a good link to many other resources through the reference list, and through documents which cite it.

Publicly accessible at:

http://www.odi.org.uk/resources/docs/2883.pdf

Gaigals, C. (2000). Conflict Sensitive Approaches to Development Practice*. International Development Research Centre.* International Alert.

This paper takes a different view point on the issue of 'conflict' from the other papers that have been reviewed. It draws on the findings from SaferWorld and International Alerts research on peace and conflict sensitive development. In recent years there has been growing awareness of the direct links between conflict, peace, external assistance and the role which development can play in both improving and exacerbating the root causes of violent conflict. This awareness highlights the need for a reflection on donor practices and how they can be improved to prevent conflict. Throughout the paper there are numerous examples of foreign aid or assistance that has contributed to the escalation of violence between locals. NGOs are becoming more aware of operating in a conflict sensitive manner and a Peace and Conflict Impact Assessment (PCIA) approach has been established for organisations to monitor their work. The paper examines some of the tools that have been developed for the PCIA and identifies some key issues to be addressed if conflict-sensitive development is to become mainstream.

This reading could be of use to the DCR Conflict Sensitivity theme group as it outlines how to go about aid delivery with conflict sensitivity in mind. The notion of completing a PCIA for all programmes carried out has been criticized for putting too much stress on already stretched budgets, but for the DCR organisations it could be vital as they are working in volatile post-conflict environments where violence could escalate rapidly. The frank way in which the authors criticize previous western development interventions which had clearly led to the creation of more conflict was useful. The development of tools and indicators for the PCIA is still at the early stages and currently consists of checklists that the organisation can use to examine a variety of conflict indicators and make a judgment on the likelihood of conflict arising. It appears NGOs are responding to the need to address conflict issues and their work is being supported by academic research and in-house experience. Oxfam, Christian Aid, CARE-US and Merlin are some of the organisations that are attempting to operationalise concepts of peace building and conflict prevention in country strategies and programmes. Although the approach is not yet a part of common development policy and planning, in post- conflict states it could prove to be very worthy.

Publicly accessible at:

http://www.conflictsensitivity.org/sites/default/files/ConflictSensitive_Approaches_to_Development.pdf