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LAND AND VIOLENT CONFLICT¹

Land has enormous socio-economic and symbolic importance. Livelihoods, wealth and power are often determined by the ability to access, use and own it. As both indirect and direct drivers of conflict, land issues need to be better understood by international actors.

This [issues brief](#) outlines key issues and programming options in respect to land-related tensions. Inter-connected with other issues, stresses or events, these may trigger or fuel local level violence which can spill over into wider-scale violent conflict.

Building on the overview of [the links between the environment, conflict and peace](#), it complements other environment-related issues briefs on [water](#), [forests](#) and [valuable minerals](#). Underlined words are hyperlinks to other topics at www.oecd.org/dac/conflict/issuesbriefs.

KEY MESSAGES

- Land issues cut across the sectoral and thematic categories used by the development community (e.g. governance, growth, agriculture, gender). Addressing them effectively demands a context-specific, integrated and inter-disciplinary approach.
- Connected with socio-economic issues and political power, tensions over land can lead to local violence with the potential to spill into wider-scale conflict.
- Potential for conflict is particularly high where actual or perceived grievances are fuelled along nationality, generational, and/or ethnic or tribal lines.
- These links between land and conflict are not limited by national borders and often exist across sub-regions. Regional organizations can facilitate information-sharing on national legislation and land reform processes, identifying what has worked and what needs to be improved.
- The effectiveness of governance and dialogue institutions and mechanisms and perceptions of their legitimacy are critical factors determining whether tensions can be managed peacefully.
- Negotiation processes to determine land tenure and access rights must be inclusive of all stakeholders and, to ensure attention to gender issues, must include women.

¹ The drafting of this issues brief was led by the United States Agency for International Development.

Land determines livelihoods, wealth and power...

and inter-connected with other factors, it may trigger or fuel local level violence, potentially spilling over into wider-scale conflict.

Land issues are also often critically important to peacebuilding and economic revival.

Tensions may occur (or recur) over tenure and access rights.

INTRODUCTION

Land is not only the most basic fundamental for the livelihoods of millions around the world, but it also has valuable sources of wealth built or growing on it and/or buried beneath it. It is a vitally important socio-economic asset which determines livelihoods, wealth and power. Land can also have enormous symbolic importance.

The relationship between land and violent conflict is highly complex.² Tensions over land tenure security, access rights and land distribution (among statutory authorities, large landowners, agribusiness, community elders etc.) are often inter-connected with other issues, stresses or events, which may trigger or fuel local level violence. Such violence can spill over into wider-scale conflict, particularly where there is widespread availability of [small arms](#). Tensions may arise in rural areas, as well as land-related problems and tensions in urban and peri-urban areas.³ Land issues can also indirectly affect the dynamics of conflict and peace, as they contribute significantly to [poverty](#) levels, population movements and to the social and psychological effects and tensions they engender.

In many post-conflict settings, land issues are also likely to be critically important in [peace-building](#) and economic revival. There is potential for crisis-response and post-conflict reconstruction measures themselves to negatively impact on peace and stability.

In all cases, the absence or weakness of governance [institutions](#) and dispute-resolution mechanisms increases the risk of the outbreak or recurrence of violent conflict. These need to be capable and effective in order to peacefully manage dynamics of agricultural change and other sources of grievance. Governance measures must be combined with a focus on improving and diversifying livelihoods. A context-specific, integrated and inter-disciplinary approach is, therefore, essential for positive results.

KEY ISSUES

Tenure, access and distribution

Tensions may occur (or recur) over tenure and access rights where they are:

- So limited in availability, length and scope as to hinder participation in the local and national economy or not allow investments to be recouped. (This links closely to issues concerning access to credit and other financial services.)
- Conflicting, such as where rights grounded in formal state law conflict with informal or customary claims, where overlapping rights were granted to parties under different legal regimes, or where overlapping and competitive rights exist for the use of the same land (e.g. farmers vs pastoralists).
- Unenforceable given the (lack of) availability and accessibility of [justice](#) and dispute-resolution mechanisms.
- Characterised by actual or perceived injustices in land-holding (e.g. due to gross inequities, a rejection of migrant rights or the exclusion of youth), which fuel a sense of grievance. Frustrations

² Conflicts are an unavoidable part of processes of social change in all societies. This issues brief deals with violent conflict but, from here on, uses "conflict" as shorthand for it.

³ On urban and peri-urban issues, see K. Kasanga and N. Ashie Kotey (2001), *Land Management in Ghana: Building on Tradition and Modernity*, IIED.

Feelings of grievance can be exacerbated by corrupt and non-participatory decision-making processes.

Land issues can be a major factor preventing women from playing key roles in the economy and society.

Land-based disputes can often surface in the aftermath of conflict.

are usually directed toward those people who are seen as having an undeserved (and often profitable) control of, or access to, land, possibly going back generations.

Access to land may be denied either as part of the historical status quo or as a result of a change in the political climate, which may be accompanied or driven by violence (e.g. in Cote d'Ivoire, the rights previously accorded to migrants from neighbouring states are one factor contributing to acute social tensions and conflict).

People whose tenure rights are insecure or not protected may be forcibly removed or excluded from land, often without fair compensation or due process. Lacking access to justice, they are likely to have no possibility of judicial recourse. Feelings of grievance can be exacerbated by corrupt and non-participatory decision-making. In these contexts, those with grievances may pursue and affirm power by threatening or using violence.

Tensions and the risk of violent conflict are significantly increased where land rights (statutory and customary) or government appropriation and resettlement schemes benefit, or are seen to benefit, certain social groups ("ethnic" or tribal, generational, socio-economic, new settler etc.), discriminating against others. Certain "conflict entrepreneurs" may politicise the issue(s), seeking to manipulate grievances to pursue, strengthen or consolidate power. Land issues have, for example, provided fuel for violent ethnic clashes in Burundi and Rwanda.

Specific gender considerations

The absence, weakness or traditional orientation of legal frameworks (statutory and customary) and institutional structures can also have significant negative implications for women and their ability to access and use land. For example, where conflict has left women alone as heads of households, the absence of formal rights to land and property, and little voice in governance, deprives them of the means to create stable and sustainable livelihoods (in countries like Burundi, women have little or no rights over land upon the death of their husbands). This contributes to poverty and prevents women from playing key roles in society, building peace and driving economic growth and development.

Post-conflict contexts

Tension and violence often cause and accompany population displacement and can arise when displaced people return to their place of origin, especially when others have since taken up occupancy. In such cases, the returning population may be forced to occupy alternative properties of which they were and are not the owners. This can instigate another set of disputes. One aspect of the 1999 war in Kosovo was the forced expulsion and displacement of ethnic Albanians, whose return led to reprisals against Serbs.

In addition, a range of other land-based disputes will be very likely to surface in the aftermath of conflict (e.g. Mozambique and Angola). Post-conflict settings often see dramatic shifts in political power, attempts to settle "old scores" and/or the establishment of new land laws; any of these can drive and precipitate land disputes.

⁴ See the [OECD Sahel and West Africa Club](#) (SWAC) Policy and Practice Brief on "[Land and Conflict in Mano River Countries and Cote d'Ivoire: Implications for West Africa](#)" (2003)

land issues often have cross-border implications.

The links between land-related issues and violence will often need to be assessed.

Sub-regional implications

Ethnic, socio-economic and commercial linkages, the emergence of informal land markets in cross-border areas, and the movement of migrants across porous boundaries mean that land issues often have cross-border implications (e.g. in the Mano River and Cote d'Ivoire region⁴, the Great Lakes etc.). They may also reflect dynamics that affect whole sub-regions. This can be seen, for example, in West Africa, where tensions over land are one aspect of a broader dynamic driving instability, in which emerging "horizontal" structures of social organisation may conflict with traditional "vertical" structures based on households and community elders.

KEY QUESTIONS TO CONSIDER WHEN GETTING INVOLVED

As part of a contextual analysis (of institutions, policies, stakeholders, vested interests etc.), there are a number of key questions that can, depending on the setting, help evaluate the risk of conflict linked to land.⁵ They can also help assess the degree to which land and land-related issues have contributed to violence, and at what stage of the conflict land became a key factor and why.

- Is land considered a critical resource? Does land have particularly significant socio-economic and/or symbolic value?
- What land tenure and access rights exist and how are they determined? How have land legislation and policies evolved to respond to the emergence of new opportunities and risks?
- Does the government have the political will to address the relevant land and property issues? Is corruption a factor?
- Are specific institutions particularly weak or lacking with the consequence that important governance and management functions are not being provided?
- Are land legislation and/or policies being applied in practice, particularly at the local level where their (non-)implementation has its greatest practical impact on the poor? How do they relate to customary rules and practice?
- Is there clarity among land holders as to their rights? Is there a common understanding that is contradicted or undermined by law or by other rights holders?
- How can land access be secured for involuntary migrants while respecting the needs and rights of host populations?
- Are rights equitable between men and women? What distinctions exist among social groups (ethnic/tribal, generational etc)?
- How are land disputes resolved? What formal and customary mechanisms exist? What is the inter-relationship between them?

IMPLICATIONS FOR PROGRAMMING

Land issues are multidisciplinary, often cutting across the traditional sectoral and thematic divisions used within the donor community (i.e. [democracy governance](#), economic growth, agricultural

⁵ Example agency guidance on conflict analysis is provided on the DAC's CPDC webpage at <http://www.oecd.org/dac/conflict/analysis>. The DAC Network on Governance is looking at political economy analysis to identify good practice in using the different approaches being developed such as drivers of change (go to <http://www.oecd.org/dac/governance>). See also www.conflictsensitivity.org.

⁶ See the tip sheets on land and the environment produced by the [DAC Network on Gender Equality](http://www.oecd.org/dac/gender) (www.oecd.org/dac/gender).

will demand a context-specific, integrated and inter-disciplinary approach.

...which takes into account customary and formal institutions as well as challenges of implementation.

Livelihood opportunities must also be improved and made more sustainable.

development, [gender](#)⁶). While no single formula can guarantee success in addressing land issues to prevent violent conflict, several important elements can be identified. Addressing land issues effectively will demand a context-specific, integrated and inter-disciplinary approach. A particular opportunity to address land governance and other land issues can open up in post-conflict contexts. They should be integrated into transitional arrangements which begin wider [democratisation](#) and [reconciliation](#) processes.

Governance, dialogue and participation

Broadly, measures will need to focus on strengthening institutions and [dialogue](#) mechanisms to determine rights more effectively, as well as on improving accountability and participation in respect of decision-making processes concerning land. Often, given the importance of customary land rights and shortfalls in implementation, the primary level of engagement will need to be the local level. A "top down" approach to elaborate agreed [legislative and judiciary frameworks](#) is unlikely to be sufficient on its own.⁷

Objectives to help prevent and mitigate land-related conflict include:

- Addressing and reducing inequities in ownership and access rights (and facilitating equitable access to common land for different users).
- Increasing and protecting tenure security.
- Identifying and helping to resolve conflicting land claims (such as by improving the circulation of information between the national and local levels).
- Enhancing "legal literacy" and [access to justice](#) (including the effectiveness of formal justice institutions and informal dispute resolution mechanisms).
- Involving NGOs and civil society (for example training journalists to understand and better report on land issues).

Sustainable livelihoods

Improving and diversifying sustainable livelihood opportunities is imperative as these are a fundamental determinant of social stability among existing local populations, settlers or returnees etc. (see the [Overview of the Links Between the Environment, Conflict and Peace](#) issues brief). In addition to tackling issues relating to trade liberalisation, possible measures include:

- Facilitating access to, and the use of, agricultural innovation.
- Exploring the potential for private-public partnerships in developing agriculture.

The ability of women to access land and innovation, and thus participate more deeply in the economy, is indispensable to development. Likewise, demographic realities mean that sustainable rural work opportunities available to youth must be a key focus. Many young people work in the low-skilled exploitative labour in the natural resource sector (diamond mining, timber and rubber exploitation, and plantation labour). This often does not offer

⁷ Hussein, K. (1998), *Conflict between Farmers and Herders in the Semi-Arid Sahel and East Africa: A Review* (IIED Pastoral Land tenure Series No.10). This provides numerous contextual examples from semi-arid Africa.

⁸ See the DAC Guidelines [Helping Prevent Violent Conflict](#), part II (1997) on Regional management of shared natural resources.

⁹ In March 2005, the SWAC Agricultural Change and Sustainable Development Unit launched an initiative on Land, Agricultural Change and Conflict in West Africa, with a view to identifying regional issues and promoting debate on regional policies and approaches. See SWAC Information note 6: "Historical Review to Contribute to Future Debate and Action" (June 2005) at www.oecd.org/dac/conflict/env.

As there are cross-border implications to land issues, cross-border approaches are often necessary.

employment over the medium or long term. Development actors can facilitate the broadening of sustainable employment possibilities for youth, particularly in rural areas.

Regional approaches

Decisions taken in one country can have profound impacts on its neighbours.⁸ Where there are cross-border implications to land issues, sub-regional approaches are, therefore, necessary. To ensure region-wide coherence in land reform processes, for example, subsidiarity must be built up and clarified between rules, regulations and institutions at the local, national and regional levels.

Support can be provided to regional organisations to promote co-ordination among their members in addressing land rights issues. They can facilitate the sharing of information on national legislation and land-reform processes, identifying what has worked and what needs to be improved. They can also effectively address sub-region-wide challenges such as transhumant pastoralism, building on the creation of transhumance corridors and rangeland management initiatives in cross-border areas (e.g. Burkina Faso and Ghana).⁹

WORKING TOGETHER

Assisting the alleviation of inequities in land holdings.

- In a land-transfer program following El Salvador's civil war, land was purchased and resold to beneficiaries, as defined by the peace accord (such as demobilized fighters), with land titles given to groups of families for expediency. Subsequently, an initiative was established to facilitate community decision-making and dispute resolution to determine which lands would be subdivided and which would remain communal tenure. Parcel boundaries, land titling and registration were delineated through interaction with community groups. Local NGOs were trained to facilitate the process. The program brought tenure security to almost 30,000 families who had resettled after the civil war. The United States Agency for International Development (USAID) is the key donor for the program.

Helping increase and protect tenure security.

- In Angola, rural communities establish, demarcate and title important common property used for dwellings and crops as well as for common pursuits such as cattle grazing, to protect these customary holdings from government-issued land concessions, commercial interests and other communities. Local officials and elders from the target and surrounding communities reach consensus about the land's boundaries, size and use. The tract is mapped, titled and registered with the local agriculture ministry, pending new land legislation, without national legal authorization. The newly registered maps and titles serve as formal notice to those who seek to encroach upon the land or usurp traditional land rights. The United Nations Food and Agricultural Organization (FAO) is the coordinator of this project.

Identifying and helping to resolve conflicting land claims.

- The multi-country "Community Radio Initiatives to Stop Conflict" programme addresses competition over land resources. In Mali, community radio has helped quell a dispute between cattle

grazers and farmers. The community radio station produced public service announcements that reminded competing users about the area's traditional practice of cooperative land use, and also urged farmers to post radio bulletins when harvesting was finished so that grazers would know they could cross the farmlands without trampling crops. This grassroots conflict prevention approach prompted groups to cooperate in their use of a limited and fragile resource. The Canadian International Development Agency (CIDA) is the key donor for this program.

Helping develop out-of-court conflict-resolution mechanisms.

- The Multi-Donor Program "Land Management and Administration Project" (LMAP) in Cambodia provides solutions for land disputes in a post-conflict situation. The objective of the German component is to strengthen mechanisms for land-dispute resolution. Land disputes are endemic, and the court system is incapable of dealing with them. LMAP supports the development of an administrative dispute-resolution system by the Cadastral Commission (CC), provided for in the 2001 Land Law. LMAP is supporting the CC dispute-resolution system at the national level as well as at the provincial and district levels. Multipliers and trainers are being trained to facilitate this process (including installing mediation mechanisms) and to carry out sensitization workshops among the population. The coordination and harmonisation of donors (BMZ/GTZ, World Bank) and different national institutions involved in the resolution of or treatment of conflicts about land is a major impact of the project.

Addressing population displacement and return issues.

- In Bosnia and Herzegovina, a property-assistance program for internally displaced people and returnees counteracted harassment and security issues faced by minority populations as they attempted to return to their homes, which were often illegally occupied by others. A network of legal aid and information centres assisted with property claims and related restitution matters. The network also educated returnees about their rights and obligations, helped prepare claims, and helped push the claims through a confusing and slow restitution process. The United Nations High Commissioner for Refugees (UNHCR) is the key donor for this program.

Assisting with post-conflict land issues.

- The Program "Culture of Dialogue: Development of Resources for Peacebuilding" (OAS/PROPAZ) in Guatemala works to build government and civil society capacity to promote dialogue and the peaceful resolution of disputes. The program focused heavily on resolving land conflict issues, which are prevalent in Guatemala. To help create conditions and processes to enable a transition from confrontation toward a culture of greater dialogue, the program provided training in communication and conflict resolution skills, negotiation, mediation and conciliation to a variety of Guatemalan actors working on land issues at different levels of society, including government and peasant and indigenous groups. Key donors for the project included the Organization of American States (OAS), Government of Guatemala, and various Guatemalan social sectors.

FURTHER INFORMATION

Websites and reference documents can be found through www.oecd.org/dac/conflict/themes.

Links

The following is an illustrative list of organisations developing conceptual and practical knowledge on land-related conflict:

- [CDR Associates](#)
- [Centre de Recherche en Economie du Développement](#)
- [Consultative Group On International Agricultural Research](#)
- [Global Rights](#)
- [International Institute for Environment and Development](#),
- [International Land Coalition](#)
- [International Development Research Centre](#)
- [Land Tenure Centre](#)
- [Natural Resources Institute](#)
- [OECD Sahel and West Africa Club](#)
- [Programme for Land and Agrarian Studies](#)
- [Social Science Research Council](#)
- [School of Oriental and African Studies](#)
- [The Terra Institute](#)
- [The North-South Institute](#),
- UN-HABITAT – [Regional Office for Africa and Arab States](#)
- [GRET - Research and Technological Exchange Group](#)

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