

Land and Conflict Prevention

How integrated solutions can help achieve
the Sustainable Development Goals

FriEnt Study 07/2019



FriEnt

The Working Group on Peace and Development (FriEnt) is an association of governmental organizations, church development agencies, civil society networks and political foundations.

FriEnt aims to pool capacities, facilitate networking and collaboration, and contribute to conflict-sensitive development cooperation. FriEnt's members are committed to working together to promote a range of

approaches and highlight the importance of peacebuilding to policy-makers and the public at large.

FriEnt's members are united by their great commitment to peace and development. They vary, however, in their size, mandate, international partners, projects and approaches. They aim to utilize their diverse perspectives and experience as an asset for their shared productive work on peacebuilding in the context of development cooperation.

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Foreword

Linking land and conflict prevention for sustainable development

Almost four years have passed since all countries of the world signed the 2030 Agenda, the World Future Treaty. It sent a hopeful sign that, together, we could master the many challenges ahead of us. But we are now in danger of missing the Sustainable Development Goals (SDGs) by 2030. According to current forecasts, by the year 2030 more than 400 million people will be living in extreme poverty – most of them in fragile and conflict-affected states. Furthermore, the food security situation has worsened again over the last decade. In 2017, 821 million people were affected by hunger – 38 million more than in the year before.

We urgently need to raise our level of ambition. UN Secretary General António Guterres has rightly called for a decade of action and delivery for sustainable development. I would go even further and say that we need integrated action and collective delivery. It is not enough to focus on a specific SDG or target without looking left and right. The interlinkages and the integrated nature of the SDGs necessitate taking a closer look at underexposed interactions and synergies.

Among these underexposed interlinkages is the link between land, gender and peace related SDGs. Land disputes are often at the core of violent conflicts. Disputes over land are one of the key reasons for outbreaks of violence – and, with the effects of climate change, population growth and urbanization, land is coming under increasing pressure.

But conflicts over land are not always the precursor to violence. Indeed, they can act as a positive force for catalytic change—for example, when access is provided and secured for the previously landless poor. Improving food security can reduce tensions and contribute to peaceful societies. Gender equality and inclusive economic and social development that leaves no one behind are important building blocks for peaceful societies. With this in mind, land and agricultural policies can play an important role in promoting peace. However, these policies must avoid fueling existing conflicts and must focus on the prevention of violence.

I am grateful that the authors of this dossier offer concrete solutions, share best practices and lessons learned, and present first evidence of the benefits of integrated approaches towards land use, gender equity and peaceful, just and inclusive societies. The examples in this dossier clearly show that, with the creativity of local actors, progress can be made towards multiple SDGs and that integrated solutions must be anchored in local realities.

We also need renewed political commitment and leadership for integrated action towards land, gender and peace related goals. Embarking on local solutions is crucial. But we also need more global dialogue on the subject of land and land-related conflict, so that we can learn from each other's successes and failures and share experiences. The SDGs and targets around land, gender, peace and justice are profoundly interconnected. Let us use these linkages as a pathway to accelerate progress.



Dr Maria Flachsbarth
Parliamentary State Secretary
to the Federal Minister
for Economic Cooperation
and Development

Preface

by Michael Hippler and Dr Thomas Helfen, Co-Chairs of FriEnt

For most of the poor people in rural areas land is more than a resource: it represents home, cultural value and income. Staying on ancestral land or having access to land for agriculture is paramount for their existence and explains why issues of land become easily violent. The integrated framework of the 2030 Agenda recognizes the link between land issues and conflict prevention and calls upon all of us to advance SDG 16 (Peace and Justice) and land-related goals as mutually reinforcing processes.

But where are the inspiring success stories that are showing results and impact? What are the good practices that can be replicated and scaled up? What are strategies of civil society, research and international governmental actors to sustain peace and prevent violence? What needs to be addressed to deal with land conflicts in a constructive way and strengthen peaceful societies? What are the gaps and constraints and how should we address them? What steps should we take to accelerate integration on the global and the local level?

To help answer these questions, FriEnt has compiled a collection of 16 “snapshots” from the practice of our members, their partners and other organizations affiliated to FriEnt. It contains case studies from 22 countries, demonstrating how interlinkages between land and violence prevention work in the field and on policy level. The authors illustrate how progress on SDG 16 enables progress on gender and land related SDGs and vice versa. They highlight success factors that contributed to the prevention of violent conflicts over land and natural resources.

We are deeply grateful to the authors of the case studies for sharing their experiences and lessons learnt!

With the present dossier we also wish to build closer partnerships with those working on land, gender and conflict related SDGs. We need new ways of cooperating with each other in order to address the complex and interconnected nature of today’s conflicts. Isolated actions by individual actors will quickly hit a glass ceiling. Integrated solutions need multi-stakeholder partnerships across sectors and institutional backgrounds.

Therefore, we hope that the following case studies will inspire and encourage the readers and spark their motivation to accelerate integrated approaches towards land, gender, peace and justice. As diverse the situations in the different countries may be, we can always draw lessons from practical experiences.

The members of FriEnt are committed to explore cross-sector partnerships, to bridge policy and practice and to build closer relationships between state and civil society. Together, we want to strengthen conflict prevention as an essential part of inclusive and sustainable development. Addressing the land dimension will continue to play an important role in this endeavor.

Berlin/Aachen, July 2019



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Land and Conflict Prevention: Overview of the case studies and key messages

● **Sierra Leone:**

The prevention of conflicts, ecotourism and environmental protection can be elements which go together

● **Sierra Leone:**

Investors are strong actors in land conflicts – this requires strong civil society organisations, multi-faceted strategies and a good policy framework

● **Uganda, Madagascar, Benin, Burkina Faso, Laos and Peru:**

Local conflict resolution bodies have proven their success to reduce violence and prevent further conflicts at local level – in particular when anchored in the legal framework, and leaving no one behind. Mechanisms at national level are needed to cope with asymmetric power relations.

● **Niger:**

Farmer-herder conflicts require dialogue and clear regulations

● **Peru:**

The resolution of conflicts involving indigenous communities requires legal empowerment, changes in attitudes and communication skills

● **Nigeria:**

Farmer-herder conflicts are a major source of community insecurity and need to be addressed with greater urgency

● **Bolivia:**

Central and local governance must coordinate to prevent conflict escalation, while economic perspectives based on sustainable resource use are helpful

● **Democratic Republic of Congo:**

The protection of local communities from mining investors requires stronger laws and the observance of international principles



1

Land laws, policies and land reform



Land laws and policies can play a major role to achieve the SDGs related to peace (SDG 16), hunger (SDG 2) and the reduction of inequalities (SDG 10).

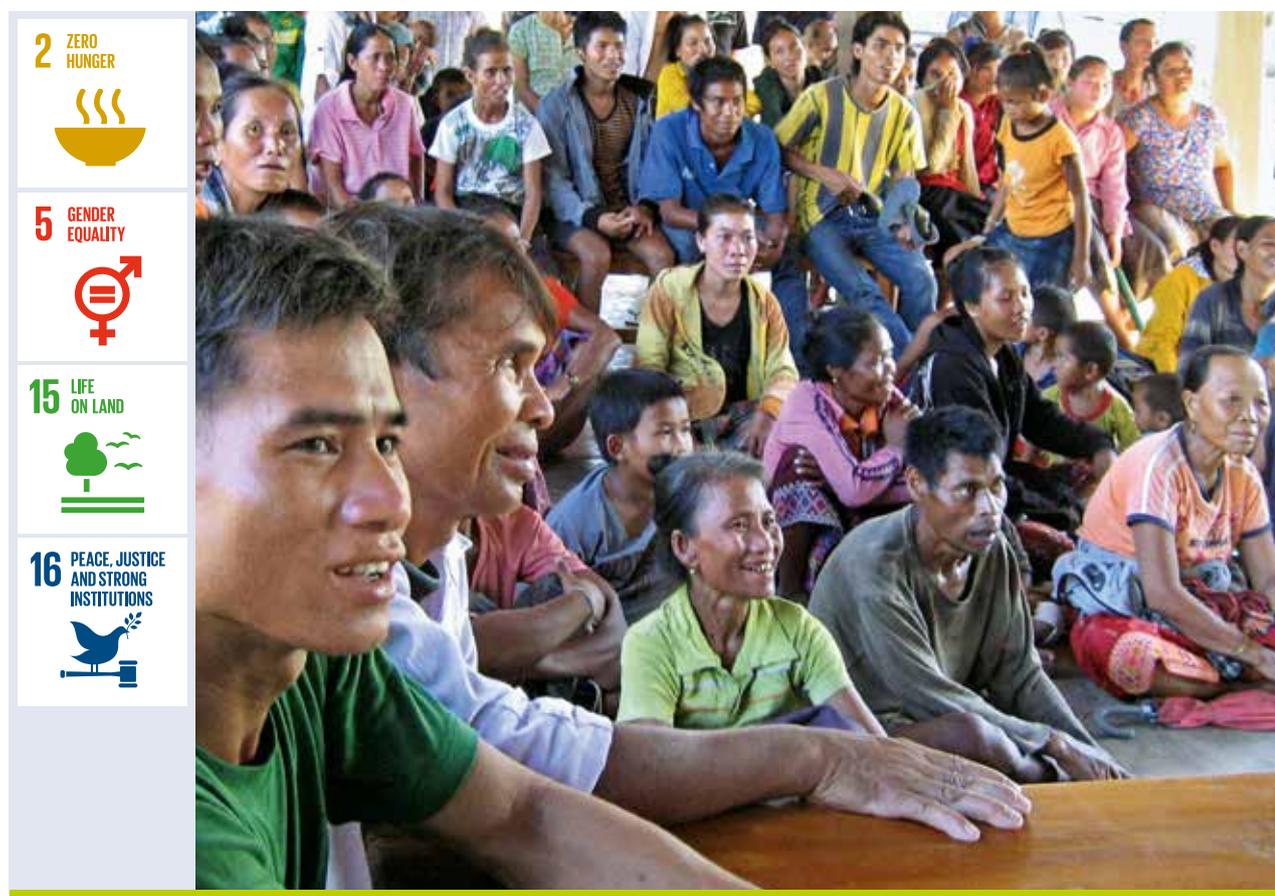
Florian Nitzinger, Marcella Sobisch and Babette Wehrmann present the approach of the GIZ Global Project Responsible Land Policy, which strengthens dispute resolution bodies involving government and society. If marginalized and vulnerable groups are involved, land policies can contribute to the reduction of inequalities and better livelihoods. In Indonesia, Konsorsium Pembaruan Agraria (KPA) highlights the chances of landless peasants to get access to land as source of livelihood through land reform.

On the other hand, land laws and policies can be causes of conflict. Ralf Symann describes the process of drafting a national land law in Myanmar and the need to

consider traditional land use. But laws can be changed to make up for past injustice. Rowshan Jahan Moni demonstrates how a discriminatory law in Bangladesh is corrected, leading to the restitution of previous rights. Almuth Schaub describes climate and land policies after a flood disaster in the Philippines, where laws did not respect informal land rights. Local fishermen having no formal land titles were relocated without compensation – for them losing their housing close to the ocean means losing their livelihoods.

Sexual violence, boycotts, forced relocations and loss of livelihood are manifestations of violent conflicts in these cases – peaceful solutions at the legal and policy level require time, enduring advocacy and dialogue with the affected people. In the Bangladesh and Indonesian cases this has been achieved, in Myanmar and the Philippines there still is some path ahead to reach peaceful solutions.

Facilitating peaceful mediation: establishment and strengthening of local dispute resolution bodies



Laos: dialogue of local land users

Issues:

- **Mediation units**
- **Innovative approaches**
- **Participation of stakeholders**
- **Individual responses**

All over the world, disputes over land cause severe conflicts, which put rural livelihoods at risk. Existing national laws and dispute resolution mechanisms are often dysfunctional and disadvantage marginalized groups and women. Local dispute resolution bodies bear the potential to consider interests and needs of the affected. No matter if the objective is to mediate between Peruvian communities or to support expropriated widows in Madagascar, improved land conflict resolution mechanisms bear the potential to consider interests and needs of those formerly unrepresented – as well as the potential to manage existing and emerging conflicts in a non-violent way. The GIZ Global Project Responsible Land Policy

(GPRLP) aims at improving land administration and land management with multi-level and cross-sectoral approaches. As an important measure, the GPRLP supports dispute resolution mechanisms at local level. Instead of interfering in specific situations and litigating between parties involved in conflict, the presented approach aims at empowering institutions, which can not only tackle existing disputes but also cushion emerging disagreements under future pressures.

Before deciding on individual strategies, detailed assessments were conducted in the targeted countries Uganda, Madagascar, Benin, Burkina Faso, Laos and Peru. In all cases, both present formal and informal land dispute resolution bodies were evaluated regarding accessibility, functionality and quality to identify the potential to improve existing structures or the need for founding additional ones. Instead of relying on literature only, innovative research designs also captured experts' opinions and



the people's perception of existing structures. Some universal tools facilitate the assessments, for instance the evaluation of land courts or their equivalents through a checklist regarding the existence and quality of its functions. For the identification of all structures involved in conflict resolution, interactive formats complete the mandatory investigation of the individual national laws and mandates. For instance in Peru, information was collected by accompanying a regional "mesa de diálogo" (dialogue board) process and analysing the "acuerdos de colindancia" (agreements of common boundaries) through

retrospective interviews. In Madagascar, existing structures were ranked in an interactive workshop by employing an interactive scoring-card method. In all cases, individual measures were formulated in response to the identified needs and shortfalls.

Strategies to strengthen local conflict resolution bodies

Based on the assessment, the GPRLD successfully employed strategies adapted to the specific context in strengthening local conflict resolution bodies or in founding new ones, mostly at village level. Here, civil society representatives and traditional authorities work as mediators to solve and prevent land conflicts between individuals. New structures can function in addition to formal institutions, be integrated in the state mechanisms or take on hybrid forms. They offer the opportunity to capture different perspectives and consider them in decision-making.



Key message

Local conflict resolution bodies have proven their success to reduce violence and prevent further conflicts at local level – in particular when anchored in the legal framework, and leaving no one behind. Mechanisms at national level are needed to cope with asymmetric power relations.



Village and municipal dispute resolution teams in African countries

In Uganda, the introduced village dispute resolution teams consist of five predefined members: A youth

representative, a women representative, a clan leader representing the clans in the village, an elder and a local council chairperson representing the formal structure in this alternative conflict resolution institution. This way, representation of vulnerable groups is guaranteed.

Other African countries, namely Madagascar and Benin, have additional resolution teams, which function not only at village, but also at municipal level. This integration of the civil society in a (partly or full) formally recognized process of conflict resolution is a good practice, as it has proven potential to adjust traditional law, which has often left minority groups disadvantaged. Although similar village-teams were targeted in most countries, each approach was individual and included innovative aspects. They all improved land dispute resolution at micro-level.

Empowerment of indigenous leaders in Peru

In Peru, most land conflicts are at meso- and macro-level. Therefore, the focus so far lay on empowering indigenous leaders in intercultural communication, conflict analysis and management as well as legislation and the relationship between the State and indigenous people. Now, similar trainings are foreseen for regional government officials.

Innovative approaches in formal committees in Laos

In Laos, formal committees function in addition to mediation units. These do not only incorporate innovative and participatory approaches in analysing land conflicts, but have also introduced digital technology for conflict resolution: The use of drones and participatory analysis in the field, training and provision of software and technical devices not only allowed to document conflicts but also to visualize hotspots on maps.

Creative solutions regarding aware- ness raising and implementation

Accompanying activities demanded the formulation of creative solutions. In Burkina Faso, for instance, new structures such as the new hybrid institutions at local level were not only promoted by radio broadcasts as usual but also by forum theatres – a kind of inter-active awareness raising drama performed by professional actors.

Cross-sectoral approach: Land, gender, peace and justice

Land conflicts are diverse and often context specific, as causes range from the political setting over the environmental situation up to the competing claims on the same area of land for diverse purposes and interests of economic but also traditional, cultural and spiritual nature and/or mere survival – and might as well be fuelled by ethnical or religious factors. While for example in Africa polygamy and inheritance-law caused conflicts over land request gender-specific mediation at household level, Southern American conflict resolution structures need to be capacitated in negotiating at community level. Hence, dispute resolution mechanisms must formulate context-specific responses to the needs and interest of all involved parties. Cross-sectoral approaches, which consider aspects such as gender, peace and justice, can successfully respond to this demand.

Success factors

To assure the sustainability of taken measures, it is essential to consolidate structures within different governance levels. New or reinforced conflict resolution bodies need to be embedded into the existing political framework. This can be facilitated by building on existing structures. In many African countries, dispute bodies have been included into national land law. National law often favours the foundation of village dispute teams, but the state lacks means to bring foreseen participatory approaches into being. However, it requires more sensibility in cases like Peru, where an “institutional vacuum” hardly offers any entry points.

In conclusion, conflict resolution bodies are an effective measure at local level, which demonstrate how

meaningful participation contributes to the peaceful arbitration of land conflicts. Boards involve women and marginalized groups. The bodies can take on informal forms or function as extensions of the state conflict resolution mechanism. Especially the introduction of hybrid forms, which replace traditional law or help to overcome the dualism between local solutions and state law, have proven effective. They are a useful tool, which has proven its success in a variety of contexts, including countries in Africa, Asia and Latin America. However, it is recommended to implement those bodies in addition to further measures at larger scale that help to deal with underlying asymmetric power relations (for instance between state authorities and or companies and local communities, local farmers and national and/or international businesses, different local ethnic groups, men and women, residing and moving groups, armed and unarmed groups, etc.) Many conflicts over land involve asymmetric power relations and their arbitration goes beyond the ability of local institutions.

Favourable conditions and limitations for conflict prevention

Although conflict resolution bodies are effective mechanisms for peaceful arbitration of land conflicts, their impacts are limited to their area of influence. Since inclusive boards function at village level, disputes between villagers or even between villages where power relations are symmetric can be assessed and managed effectively by these bodies.

However, it was also observed that conflicts which appear at macro-social level often go beyond the abilities

of those resolution mechanisms. Local boards clearly come to their limits when confronted with asymmetric power relations. These might include bigger companies (often mining or agro-business) and cases in which the state itself becomes an opponent to the local population. Likewise, disputes over land might form part of larger scale conflicts over resources, sometimes fuelled by ethnic or religious differences. Conflicts of these dimensions may demand for actions taken by the states themselves.

In summary, best conditions for local dispute resolution bodies exist at local level to settle disputes between actors with symmetric power relations.

Perspectives of expansion and replicability

The support of local conflict resolution bodies is a means to reduce the number of occurring conflicts and the approach is evidently applicable in a broad variety of contexts. To increase and expand the success of similar approaches, one can build upon the project's experience regarding the foundation, training and awareness rising of both formal and informal mechanisms. Alternative dispute resolution mechanisms present an alternative to costly court processes and lead to a consensus based on civil participation and social acceptance. The examples illustrate how international interventions can contribute with research and support of existing structures by equipping and capacity building. Innovative solutions like the involvement of digital dispute documentation and mapping can be adapted in similar programs.

In the end, only states can create the legal base necessary to tackle land conflicts at all scales. This concerns



Success factors contributing to conflict prevention

- ***Structures at different levels of governance***
- ***Building on existing structures***
- ***Dispute bodies anchored in national law***
- ***Introduction of hybrid structures to benefit from the advantages of customary conflict resolution while overcoming the discrimination enshrined in traditional (land) dispute resolution***

direct measures like the incorporation of international guidelines like the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) in land law and assuring public participation in decision-making on land. Clear rules need to be established that assure fair and timely compensation and benefit sharing and

that expropriation only takes place for clearly defined public purposes. Hence, conflict resolution bodies do not replace measures that favour social cohesion, fighting corruption and meaningful public participation, which are key for long-term conflict resolution, conflict prevention and strengthening of peaceful societies in line with SDG 16.

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Agrarian conflict settled through small-scale land reform



Thousands of farmers demand land reform in Jakarta, Indonesia to mark World Food Day.

2 ZERO HUNGER



10 REDUCED INEQUALITIES



15 LIFE ON LAND



16 PEACE, JUSTICE AND STRONG INSTITUTIONS



Issues:

- **Landless peasants**
- **Land reform**
- **Peoples' organisations**
- **Bottom-up approach**

Since the Basic Agrarian Law passed in 1960, Indonesia has allowed and protected access to land for commercial purposes such as mining and timber felling by big corporations at the expenses of peasants, small producers and indigenous peoples. The lack of a coherent legal framework and competing pressures over natural resources generated numerous agrarian conflicts. The Consortium for Agrarian Reform (KPA) recorded 369 conflicts in 2013 alone, which span an area of 1.28 million hectares, involving 139,874 households. Almost half of the conflicts were related to plantations (48.78 %). Furthermore, based on KPA's records, land conflicts in 2013 have tripled since 2009 and the size of the conflict area has

increased eight fold. Although infrastructure and mining developments have resulted in the largest number of agrarian conflicts, forestry covers the largest conflict area with 545,258 Ha, followed by plantation with 527,939 Ha, and mining with 197,365 Ha (Land Watch Asia, 2013).

In 2007, the Indonesian Government launched the National Agrarian Reform Program (PPAN). However, the reform program failed to protect vulnerable rural people from private investors. Many landless peasants demanded an agrarian policy that allowed them to access land which was to be redistributed. In the district of Kulon Bambang a business corporation, PT Sari Bumi Kawi, occupied a large area resulting in unfair and unequal access to land.

The Consortium for Agrarian Reform (KPA) promoted small-scale land reform initiatives by engaging the

National Land Agency and local governments as alternative methods to tackle unfair land distribution. The land struggle of Kulon Bambang at local and national level went through the successive steps of reclaiming, mapping, location determination, civil census, land measurement and legalisation. This case illustrates the decade-long journey of local communities from exclusion and marginalization, to freedom and development.

Phases from conflict to peace

1 Phase 1: Struggle for land sovereignty since 1998

The PT Sari Bumi Kawi's right to use the land expired in 1998. Nevertheless, the company continued to use the land also after 1998. This inspired peasants in Kulon Bambang to fight for their rights. Land occupation by peasants increased in 1999 when villagers organized themselves into a peasants' movement known as *Paguyuban Warga Tani Kulon Bambang* (Pawartaku). Through this organisation, the struggle for land sovereignty (the right of working people to have effective access to, control over and use of land and the benefits of its use) was pursued through several collective actions: land occupation and sporadic cultivation in plantation areas; rallies and demonstrations at government offices and the Local House of Representatives; mediation and audience before several government offices, both at local and national level; and negotiations with plantation managers.

2 Phase 2: Moves towards expropriation of land in 2002

This processes coincided with the emergence of labour movements in plantations. The labour movement led to production boycotts on plantations because their demands were not met. The critical merger of labour and land tenure issues created an opportunity to address land sovereignty and remedy the marginalisation that plantation workers suffered at the hands of corporations.

In 2002, the authority governing the regional subdivision called regency, the Regent of Blitar, sent a recommendation letter to the National Land Agency in Jakarta, recommending the expropriation of 255 hectares of the former Kulon Bambang plantation as a redistribution object,



land which was claimed by the local peasants. In 2004, Pawartaku joined PPAB, a member of KPA in the Blitar area to work towards the registration of land. The land registration process was accelerated at national level through lobbying and advocacy.

3 Phase 3: Capacities of people's organisations to be actors in land reform

To develop the capacity of peoples' organisations in relation to the agrarian reform, KPA conducted a series of training activities in several districts. The Indonesian Network for Participatory Mapping (JKPP) gave training to members of Pawartaku and PPAB. Local farmers' unions' leaders were trained on how to conduct action



Key message

Peoples' organisations can achieve small-scale land reform to tackle unfair land distribution

research and assessment of land statuses in their local communities. To consolidate agendas and ideas for implementing land reform, an intensive discussion group was formed between KPA, the National Land Agency and the Pasundan Peasant Union.



Phase 4: Adjudication of reclaimed land in 2008

In June 2007, Pawartaku and PPAB carried out participatory mapping of the reclaimed land. Data was compiled via questionnaires and interviews with members of the local farmers' associations. Peasants of Kulon Bambang succeeded in mapping their land covering an area of 255 hectares. In June 2008, a Court of Land Reform Judgment Committee in Blitar was held and 255 hectares of land controlled by PT Sari Bumi Kawi were awarded to the peasants. In October 2011, after 13 years of struggle, the National Land Agency issued The Decree of Head of National Land Agency Nomor 45/Png/19/2011 on The Affirmation of Kulon Bambang land as a land reform object (*tanah obyek landreform atau TOL*), with a total of 280 hectares to be redistributed, which means 35 hectares additional to the land awarded by the Court.

Cross-sectoral approach: Land, gender, peace and justice

Before the implementation of KPA's project, there was no coherent legal framework for securing access to land for landless people, peasants, small producers, and indigenous peoples. Since many peasants and small producers lacked protection from the government, land and agrarian conflicts were recurrent. Agrarian conflicts claimed 21 lives, 30 people were shot, 130 people assaulted and 239 arrested by police officers, in 2013 alone.

The three major agrarian problems in Kulon Bambang were:

1. Unequal land control and ownership of agricultural land by big corporations,
2. Land conflict and criminalisation of peasant and indigenous peoples' land tenure systems, and

3. Environmental degradation. PPAN did not bring a positive contribution to the land sector because its processes were not transparent and participatory. Furthermore, there was no consensus within local associations about the concept of land reform, and peoples' organisations had little skills and knowledge about land reform.

The approach of KPA addressed these three problems simultaneously.

This case study supports people-centred land governance as it contributes to

- Respect, protect and strengthen the land rights of women and men living in poverty
- Ensure equitable land distribution and public investment that supports small-scale farming systems
- Ensure that processes of decision-making over land are inclusive

These commitments are contained in the Antigua Declaration of the ILC Assembly of Members.

Success factors

This case is a great example of a bottom-up approach that involves local communities in land reform and redistribution. KPA's work emphasized the role that citizens can and should play via peoples' organisations, to assist and oversee the State in developing and implementing policies and to present themselves as a resource for the government. Local communities were empowered to meaningful participate in the land redistribution process and to develop a culture of collaboration with civil society organisations.

The case illustrates a decade-long struggle for agrarian reform, which was done by peasant unions at local level. It also exemplifies a long journey from exclusion and marginalization, to freedom and development.

The land redistribution program can be seen as a learning centre for advocating for land reform in Indonesia. The partnership between KPA and ILC is an initial step to securing peasant land rights in Indonesia. Peoples' organisations and local government representatives who participated in the training on land reform have increased their capacity in dealing with land tenure issues.



Success factors contributing to conflict prevention

- ***Consensus within local associations, among leaders and members, about the concept of land reform***
- ***Advocacy from the national level down to the village level***
- ***Capacity building for local government and peoples' organisations***
- ***Peoples' organisations become actors in land reform***
- ***Strong cooperation and communication between national and local level***

With time, the associations were also able to capacitate local officials on land reform and how it relates to the needs and concerns of local farmers and communities.

Favourable conditions and limitations for conflict prevention

One of the main challenge was transforming peasant organisations from organisations that advocate for land rights into organisations that works towards economic growth and education for individuals and the membership as a whole.

The need for an umbrella law to create synergies between local governments and the National Land Agency to execute land redistribution remains urgent. This form of collaboration also requires more capacities on dialogue, lobbying, and advocacy. Capacity in the management of agrarian resources is also key to securing rural livelihoods.

There must be strong communication and cooperation between the National Land Agency and local governments in the context of land redistribution. It is equally necessary to maintain open communication between the government and civil society; this clarifies the needs of the people and fosters a bottom-up approach to land redistribution. The open communication channels allowed the government to understand that land reform is based on the needs of the people. Furthermore, it underscores and strengthens the regulatory role of government in agrarian reform. Functioning land reform processes are vital to prevent conflicts and violence rooted in unequal and discriminatory access to land.

Perspectives of expansion and replicability

Land reform lessons in Kulon Bambang show that the path towards solutions resulting in fair access to land can be a very lengthy process of 13 years. The National Agrarian Reform Program (PPAN) launched in 2007 increases chances that the successful fight for land and its distribution can be replicated in other regions such as Garut, Tasikmalaya, West Tanjung Jabung, and Sanggau. Pressure from peasants as well as political will of government is needed to accelerate the implementation of the PPAN. In the meantime, Blitar Kulon Bambang will continue promoting land reform and economic development. The rural economy reorganisation process triggered by the agrarian reform has continued to evolve after land redistribution, increasing the peasant community's incomes. Thereby it has the perspective to reduce conflicts in the rural area.

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Author



KPA, the Consortium for Agrarian Reform

is an open and independent organisation of people’s movements which is intended to fight for the creation of fairness of the agrarian system, and to ensure equality of allocation of agrarian resources for all Indonesian people. It works for the assurance of ownership, possession and use of agrarian resources for peasants, the fishermen and indigenous peoples and the assurance of prosperity for poor people. KPA a member of the International Land Coalition (ILC).

Web: <http://www.kpa.or.id>

Vacant land does not exist



A map of indigenous land in Myanmar elaborated by the community

Issues:

- **Ethnic minorities**
- **Overlapping laws and regulations**
- **Boundary disputes**
- **Land law amendments**

New land law amendments threaten to undermine the livelihood of family farms in the ethnic minorities' areas of Myanmar. The maze of land related laws, rules, regulations and responsible institutions is a severe development constraint.

„Actually, vacant land in the upland areas does not exist“, remarks Sai Sam Kham, the Director of the Metta Development Foundation, a leading civil society organisation in Myanmar. He refers to amendments to the Vacant, Fallow and Virgin Land Law that the Myanmar Parliament passed on September 11, 2018. Among others, the amendments demand that all farmers acquire a permit

to use their vacant land within six months until March 11, 2019. If, after that date, farmers use the land without permission, they will be seen as trespassers, who will be evicted and threatened with high fines or prison terms.

At first sight, the Vacant, Fallow and Virgin Land Law seems to be a good idea. The law aims to get access to underutilized land, change it into profitable agro-industrial land and therewith contribute to the economic development of the country. Unfortunately, especially in the upland areas, this vision does not really match the realities on the ground.

There is a long history of large scale land acquisitions for the benefit of private companies at the cost of small-holder farmers in Myanmar. Family farms that are well adjusted to the local agro-ecological conditions are replaced by often less efficient agro-industrial enterprises.

The majority of the land that the Vacant, Fallow and Virgin Land Law aims to utilize, is situated in ethnic minority areas. Most of this land is already used by upland family farms that rely on a highly diverse pattern of land use.

Upland farmers cultivate permanent fields in even areas that are naturally quite limited in the mountains. They grow vegetables and maintain orchards with fruit trees close to the settlement areas and raise livestock such as chicken and pigs. Additionally, many farmers rely on shifting cultivation on steep slopes. They cultivate the land for one or two years and then let the land lie fallow for several years. This rotational system enables the soil to recover, regain its fertility and ensure productivity in the long run.

The forest areas are of special importance for sustaining the livelihoods of upland farming communities. They are used for collecting firewood and non-timber forest products such as bamboo, bamboo shoots, edible roots and tubers that are processed by the farming communities. The forest also contains and sustains water resources. Protection of the forests, access to the forests and right of use for forest and water resources are essential for the survival of upland farming communities.

Upland family farms are therefore complex and highly diversified farming systems that reflect the knowledge of generations of farmers of how to sustain their livelihoods in the harsh mountain environment.

The Vacant, Fallow and Virgin Land Law and the implementing institutions do not really take these coping strategies of upland farmers and the diversity of their land use into account. This is why the recent amendments to the Vacant, Fallow and Virgin Land Law are so alarming. Strictly implemented, the law has the



potential to deprive upland farming families of important pillars of their livelihoods.

In 2016, the National Land Use Policy recognized the customary land rights and the rights of ethnic minority groups. The National Land Use Policy aimed to prepare the ground for a new National Land Law that would provide the country with a comprehensive land governance framework. In 2018 the National Land Use Council was established with the task to coordinate the drafting of the National Land Law.

Phases from conflict to peace

1 *Phase 1: Documentation of ancestral land by ethnic minorities*

Since the National Land Use Policy recognized customary land rights, many villages in ethnic minority areas such as in Kayah State started to document their ancestral land and their customary land use. They expected that a National Land Law that follows the guiding principles of the National Land Use Policy would enable their communities to secure the customary lands and protect them from encroachment by outsiders.



Key message

To prevent land conflicts, Myanmar needs a consistent land governance system that leaves no one behind

2 *Phase 2: Boundary disputes between neighbouring communities*

Documenting the customary land use is a time consuming process. It can only be identified through a thorough case by case investigation on the ground. This includes the participatory mapping of the customary land use by the farming community in close cooperation with the neighbouring communities and the local authorities. The participatory process ensures that all local stakeholders are involved. The mapping often discloses overlaps and disputes about the exact boundaries of the customary land within the communities as well as with the neighbouring villages. The following dispute resolution needs to be accepted by all local stakeholders to prevent future conflicts.

3 *Phase 3: Contradictory laws and regulations*

The Vacant, Fallow and Virgin Land Law is one of a raft of land related laws, rules and regulations that have been stacked upon each other since the 19th century. They are often contradictory and inconsistent. The institutional responsibilities for land management and land administration mirror the complexity of the legal landscape.

Potentially, the amendments to the Vacant, Fallow and Virgin Land Law add another layer to the land disputes that already exist. Granting land for agro-industrial business is not the only source of land conflict. There are disputes about land occupied by the army or ethnic armed groups, land confiscated for mining, infrastructure or special economic zones, land claimed as forest land, land claimed for dams, hydro power, coal power stations or cement production.

4 *Phase 4: Advocacy for consultation in formulating the new land law*

Until now a consultative process has not been established by the National Land Use Council. The lack of stakeholder participation is the main reason why the recent amendments to the Vacant, Fallow and Virgin Land Law backfired. The amendments did not only cause outrage among

upland farmers who fear that „alien entities grab their land“ but also mobilised upland farming communities to map their land use and claim their customary rights. The mapping of customary lands takes place in other projects while Metta is working on a wide range of topics. Together with other civil society groups Metta is advocating for more consultation and participation.

The organisation is part of a group of civil society organisations that are advocating against the vacant land law. They are demanding a consultative process for an agrarian reform strategy.

5 *Phase 5: Cooperation of civil society organisations*

This also energised civil society organisations. Now, civil society organisations that work with farmers on agricultural extension are brought together with others working on community development or on land rights. They look for a unified strategy to protect, preserve and promote the interests of small holder farmers and farming communities.

Cross-sectoral approach: Land, gender, peace and justice

Since a long time Metta Development Foundation integrates humanitarian and development approach in a multidimensional way. Metta is working on a wide range of topics but the mapping of customary lands takes place in other projects. Metta thinks inclusively and integrates ecological sustainable development in its humanitarian work with internally displaced people in Kachin State. This shows the integration of the SDGs 2, 15 and 16 in the foundation's work.

Favourable conditions and difficulties for conflict prevention

The unclear tenure rights contribute to land disputes and undermine the trust of the people in state institutions and the government. This is a challenge especially in the ethnic minority areas, where land administration is weak — at least compared to the lowlands of central

Myanmar that enjoy better tenure rights due to a well-established cadastral system.

This is why a National Land Law that integrates all land related legislation into a comprehensive land governance framework is so important. It would set binding and consistent rules and regulations in terms of managing land use and tenure rights in the country.

The National Land Law needs to be accepted by all stakeholders such as state, army, ethnic armed groups, business, farming communities and civil society actors. The National Land Use Council has the opportunity to create a participatory consultative process that involves all stakeholders in the drafting process of the National Land Law. Participation is essential because only a law that is widely accepted can be efficiently implemented and enforced.

Perspectives

Currently, there is no movement regarding the elaboration of the new National Land Law, but the Myanmar Parliament discussed and approved a motion to establish a new National Land Law on March 2, 2019. Aligning the new law to the integrated SDG framework can help to achieve peaceful, just and inclusive societies in Myanmar.

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Repeal of a discriminatory law and peaceful land restitution



Farmer in paddy field, Bangladesh

Issues:

- **Land confiscation**
- **Discriminatory land law**
- **Hostile environment for minorities**
- **Advocacy and lobbying**
- **Civil Society networking**
- **Regaining access to land**

Half a century back, in the aftermath of the India-Pakistan War in 1965, the Pakistani government promulgated Enemy Property Act. This law served to confiscate land properties of individuals and households belonging to Pakistani citizens who crossed the border to India from Pakistan during 17 days war between the countries, stayed over there for some time and hence were considered enemies to Pakistan. Right from the promulgation of the Act, it allowed the government to become the custodian of all the enlisted enemy or vested properties.

This single law continued as an instrument to blatantly usurp the properties of the country's religious minorities, mainly, Hindus, Christians and indigenous Peoples for the next three decades. When Bangladesh was liberated from Pakistan in 1971 and established as a secular country, unfortunately the government re-instated the discriminatory law with a different name: Vested Property Act (VPA). Its enforcement continued against the Hindu minority and almost in every case, this law served as an instrument used by the vested powerful quarters through corrupt bureaucracy to grab land and other properties of religious minorities.

Implications

Until 1947, before the partition of India and Pakistan, Hindus were about 33 % of the total population of Bangladesh (then Pakistan). The figure came down subsequently in mid-1990s to 10 %. At present, around

8 % (Census report, 2011). This percentage translates into a staggering figure of 6 million people of the minority communities, among them 5.3 million Hindus of 1 million households.

According to an estimate drawn from the study of Professor Dr Abul Barkat, 40 % of the Hindu families in the country have been affected by the Vested Property Act (VPA) since it was first decreed in 1965, threats and attack on them created hostile environment, continued with the displacement and forced migration to the bordering country, India. But also Christian and other minorities were affected: by one estimate, this single law alone might have aggrieved in total around, resulting in confiscation of 2.6 million acres of land from 1965 to 2008, 1.64 million acres of land of Hindus and almost one million acres of other minorities confiscated by the State.

The study recorded the incidences of sexual violence perpetrated against women, including rape and murder, kidnapping, physical harassment in a wider scale. The manifestation of the Vested Property Act (VPA) created a permanent vicious cycle of violence within the families and communities. For example women and girls in particular became increasingly affected as victims of cross border migration and arranged and early childhood marriages for economic and safety reasons.

Phases from conflict to peace

1 *Phase 1: Advocacy and lobbying leads to scrapping of the law in 2001*

In 1992, immediately after the emergence of the Association of Land Reform and Development (ALRD) as non-governmental rights based national networking and advocacy organisation, the network and its members took up the campaign for the repeal of the Vested Property



Act (VPA) as a challenge. It was, however, a largely lone battle that hardly anyone in Bangladesh was willing to face. It was easy to draw strong discouragement, if not hostility from the government. In these circumstances, ALRD commissioned a study by a group of researchers to ascertain the prevailing situation. Despite the very substantial political risks of confronting powerful interest groups, both within and outside the government, ALRD launched the battle, continued with all of its advocacy campaign and lobby with the legislators. Movement promotion involving ALRD's 220 network partners and allies, progressive front, and media continued for the next decade. ALRD's persistent advocacy and lobbying saw the scrapping of the law and the enactment of a new law, the Vested Property (Return) Act in 2001.

2 *Phase 2: New government delays redress – studies and pressure in favour of the victims*

ALRD undertook steps to commission two complementary studies by the same team leader Dr Barkat along with others to delve more in-depth into the issue of the VPA. Activism and campaign for amendments continued as the new law contained several serious loopholes. But far significantly, the political environment turned down

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Key message

Overcoming a discriminatory law on land and property ends decades of violent conflicts

with the party power changed in 2001 national election where the government had opted to bypass the implementation of the Vested Property Act (VPA) through an amendment.

ALRD re-strategized its efforts to combine more strength through coordinating other ongoing campaigns with the purpose of creating more pressure for the re-amendment in favour of the victims.

3 *Phase 3: New government and campaign – in 2011 an amendment to the Return Act passed*

After six years, in 2008, the country's political scenario changed again with the change of the political party, creating new hopes. ALRD facilitated a series of conferences and policy dialogues with high level of ministers, public representatives involving victims, leaders and representatives from all walks. It mobilized both print electronic and online media, and engaged civil society members to raise public awareness on the issues linked with the Vested Property (Return) Act.

Finally, the government passed the Vested Property Return (Amendment) Act in 2011, classified into two categories, named schedule "A" (ka) and schedule "B"(kha) of property to be returned. Subsequently tribunals and district committees were formed; about half a million applications seeking legal redress were submitted by the victims.

4 *Phase 4: Victims are supported to regain access to land*

However, the piles of applications filed with the tribunals remained mostly unheard. ALRD, facilitated the process to support the Vested Property Return Act Monitoring Cell to track the Implementation with a round-the-clock hotline to its secretariat, within ALRD' house. The victims could call and seek legal counselling, and obtain support and advice instantly. Afterwards, the government issued circulars specifying rules to clarify the implementation of the new law.

From 2011 to 2013 the parliament adopted four amendments, the last being the Vested Property Return Bill (Second amendment), which annulled the Schedule-B (means property enlisted as Vested Property but out of government custody and under illegal occupation), quashed about 250,000 cases and paved the way for regaining access to approximately half a million acres of land.

Cross-sectoral approach: Land, gender, peace and justice

The general debates stimulated by ALRD's two decades long advocacy and mobilization work for establishing land rights of minorities, added value to set a culture of tolerance and pro-poor land governance. It also led to an example of land justice, communal harmony, reduction of sexual violence, and showed how democracy and peace in Bangladesh can be achieved.

In order to achieve the SDGs, Bangladesh needs to reflect the linkages between land, sexual violence, conflict prevention and effective institutions in national laws, policies and planning strategies. Effective, accountable and inclusive institutions are an essential precondition to make progress towards multiple SDG targets.

Success factors

This struggle was an example of successful policy advocacy. And beyond that, through continuation of ALRD's efforts, successful in bringing the result at the implementation level.

A National Civic Coordination Cell, a coalition of nine national human rights and social activists' organisations with ALRD acting as its secretariat was formed to monitor the implementation progress of the Vested Property Return Act. The cell started its journey to cooperate with the Government. The various publications and guide books published by ALRD as part of the campaign have contributed to the creation of a knowledge and information bank on the issues. Extraction of the information from grass roots received by ALRD through phone calls, hotline and face to face interactions made the national level advocacy and lobbying more effective.



Success factors contributing to conflict prevention

- **Strong network of civil society organisations and groups**
- **Continuous and long term monitoring of the implementation of the law by civil society**
- **Information from the grass root level used for monitoring**
- **Publications as an information bank**

The final result of the process was the peaceful land return to the oppressed. This is a distinctive example of remedial justice to the millions of victims whose ancestral properties had been confiscated by a collusion of the state's land authorities and influential vested interest quarters.

According to annual report of the Land Ministry, Government of Bangladesh, 118,173 cases have been filed with Vested Property Return Tribunals. An estimated amount of 26,224 acres land were released following tribunal's verdict and total of 742,421 acres of land had been released from "B" (Kha) schedule of Vested Property.

Favourable conditions and limitations for conflict prevention

The process shows that the victims' chances to regain their land, ending violence and conflicts, depended

very much on the ruling government. While in 2001 the government made a first effort to enact the VP Return Act, the change of government in the same year meant inactivity of state institutions in this field until the next change of government in 2008, which finally led to the expected results.

In the described case the progress made towards peaceful, just and inclusive societies was favoured by the existence of organisations at grass-root level which provided data, campaigned for justice and against discrimination and supports the process towards multiple SDG targets when a government came into power which was open for this approach. An important learning from the case is that the existence and continuous work of NGOs favour the prioritisation of the SDGs in national policies as well as processes towards their realisation.

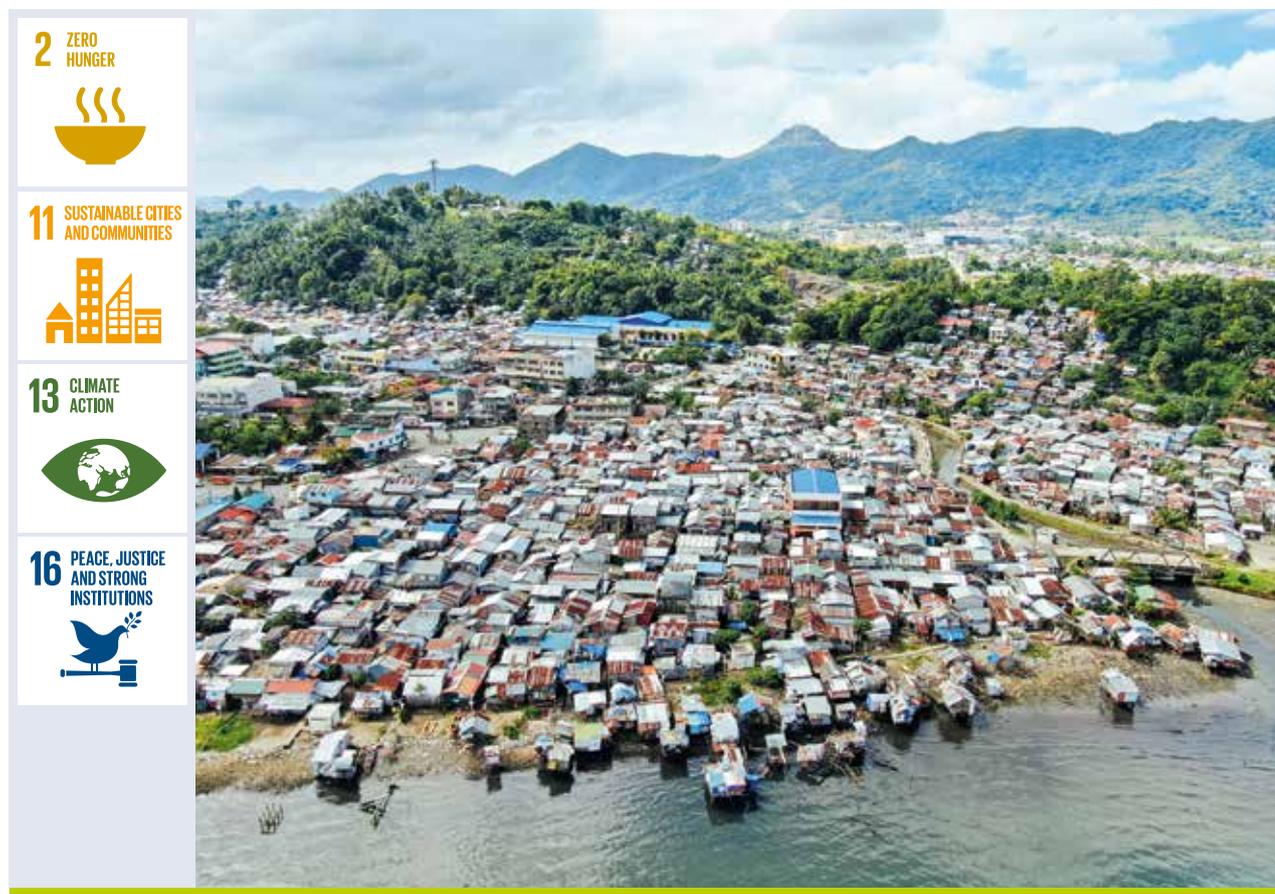
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Land rights in the times of climate crisis: The example of Tacloban



Informal settlements at Tacloban, the Philippines, which gave way to the construction of a flood dam after the typhoon

Issues:

- **Natural disaster**
- **Climate change**
- **Informal settlements**
- **Urban planning**

Today, 54 % of the global population lives in cities. The enormous growth of the urban population is creating social and ecological challenges for small and megacities alike. For already today they have to struggle with densely populated poor settlements that lack even the bare essentials whereas the middle and upper classes can retreat to wealthy enclaves. Cities are exposed to the hazards of natural disasters, which are increasing in frequency and force.

According to UN Habitat, 13 % of the world's urban population lives in low-elevation coastal zones, which are especially endangered by climate change. Typhoons,

storms surges, spring floods and the rising sea level will not only impact on the available land, but will also accelerate the impacts of natural hazards. How can the rights of the poorest in the city be protected and fulfilled in this reality and future scenario?

The rights of informal settlers are at stake

In developing countries and emerging economies, on average, around 30 % of the urban population lives in informal settlements. (Local) governments make a distinction between "citizens" with legalized access to land and people whom they consider being "urbanites", people who could not legalize the status of the land they are settling on.

Many of these settlements are located directly in hazardous zones, such as along the banks and mouths

of rivers, on the coast or on steep slopes. Exactly those areas which will be seriously affected by climate change impacts.

People do not voluntarily opt for to live in such hazardous areas without legalized access to land, access to basic infrastructures such as water supply and wastewater disposal, electricity and mobility or education and health facilities. These conditions as well as the status of permanent insecurity lead to discriminatory narratives of society against urban poor. What happens to informal settlers who are often not being served with basic services but are severely affected by climate change?

In the best case, they are entitled to and receive assistance before, during and after disasters. In a worst case scenario, they will not get any protection or support. In another worst case scenario, they are affected negatively by infrastructure measures which are supposed to protect a city against the effects of natural disasters.

What happens to informal settlers who live exactly on those lands very prone to natural disasters and whose rights to these lands had not been acknowledged before? Their access to land and their right to adequate housing is highly contested, even before climate change impacts or climate adaptation projects came into play.

The example of the city of Tacloban in the Philippines shall illustrate an additional dimension of the violation of the rights of informal settlers and show how further structural violence and conflict can be prevented and peaceful societies strengthened through inclusive institutions and good governance.



Key message

Climate change as well as climate policies endanger informal urban settlers – there is need to address these risks in order to leave no one behind



Phases from conflict to supporting peace

1 Phase 1: 2013 Typhoon Haiyan hits Tacloban

Tacloban is busy and colourful, like millions of other cities around the world. The capital of the province of Leyte in the Philippines, nestles closely along small and large bays. Everywhere on the coast people settle directly by the water. When typhoon Haiyan hit Tacloban in November 2013, the bustling harbour city recorded the highest number of deaths in the country. Especially the areas at the seaside were destroyed and are still called “Ground Zero”. The survivors have rebuilt their destroyed houses laboriously and by their own efforts; due to their informal status, they did not receive any support from government agencies for the reconstruction of their houses.

2 Phase 2: Population has to leave for a large tide-control dam

As part of the Philippine government’s Tide Control Project a four-meter-high and approx. 38 km-long dam financed by public funds shall protect the coast from

rising sea levels and the increasing frequency and severity of typhoons. A lot of space is needed to construct this dam. It turns out that the status of land on which people reside defines their rights again after they have to leave their land for the dam construction. House owners with a legalized land title are entitled for compensation. Initially, absolutely no provision was foreseen for the 14,000 informal households with approximately 100,000 persons, almost half of the population that used to live in Tacloban before typhoon Haiyan hit. In the meantime, a one-off financial compensation for informal households has been negotiated.

3 *Phase 3: No perspectives for displaced people*

Although some minimal compensation was set in place, key questions are not solved: where will the people live in future? What will be their economic basis? How to address the structural violence they suffer from? The income of the affected is linked to the sea, many are fisher families: “We were displaced by Yolanda [the local name for typhoon Haiyan]. We will be displaced by this project. And we even have to pay for it”, is the notion of the affected settlers. Many communities of informal settlers had elaborated plans to protect the coast while at the same time making space for their homes. They precisely showed how this is possible in their specific bay, for example by regrouping their houses. However, these plans were not taken into account by the authorities.

4 *Phase 4: Relocation*

In the aftermath of typhoon Haiyan, many initiatives offered housing to the survivors. However, these settlements are often far away from the original settlements and workplaces. As a consequence, people are forced to pay up to 50 % of their daily income on transport resulting in the fact that the breadwinner lives close to work and the family in a relocation area. After Haiyan, only one project pursuing at least “in-city”-relocation is known in the Philippines. These harmful mechanisms are now implemented in connection with adaptation measures on a broad scale.

What will happen to Tacloban and its society whose population – almost 50 % of it – will be uprooted by an infrastructure project like the planned dam aiming at the protection of the population, which leaves out the interests and rights of the poorest?

5 *Phase 5: Urban climate policies supporting peace in the society*

The harmonization of social and ecological goals is one of the key challenges societies face. So far, the coping with hardships caused by adaptation measures is often left to the individual level. To support peaceful societies striving for climate justice, aspects of human security (including both community and environmental security) must be part of the political dialogue, decision-making and policies. In this respect, urban land policies are key. In a consultation process, MISEREOR supports urban communities to strategically embrace the risks of climate change and urban climate policies to allow informal settlers to become actors in this scenario to avoid conflicts on land.

Cross-sectoral approach: Land, climate change, urban planning, peace and justice

Urban land is commoditized, urban land is not gold, it is platinum. The overall effects of climate change, for example rising sea levels in coastal areas as well as measures to adapt to climate change have an impact on the availability of this scarce, and most strategic resource.

Presently, decision-makers combine protection and infrastructural measures of adaptation to climate change with enhancement measures. In general, the idea of putting land in value is an important trigger. A typical mélange MISEREOR observes in many cities would be the construction of a dyke combined with the construction of a road or high-end apartments in order to “beautify” the city, or to allow for “urban renewal” geared to middle-class interests.

Hence, the key questions are: How best can urban climate policies support those who are strongly affected

by the impacts of climate change, whose ecological footprint is particularly small, and whose land use has not been acknowledged in the past?

Experience over the last few years shows that adaptation to climate change in urban areas and their tangible effects as well as climate change mitigation are exacerbating the issues of social justice, political and economic participation and the access to land. Interestingly, this is hardly discussed within respective local, national and international civil societies.

Favourable conditions for conflict prevention

Conflicts on land are existing for decades already: the right to adequate housing, which implies access to land, has not been sufficiently protected, supported or implemented by states and municipalities. This need to be changed: irrespective of the status of land, governments are responsible for providing affordable housing.

Firstly, the provision of adequate housing for informal settlers with a priority on on-site upgrading whenever possible should become a mandatory requirement of urban climate policies and respective climate finances. Irrespective of the status of the land, the rights of informal settlers are to be observed.

Secondly, it is important to prevent land being classified as hazardous for the sake of commercializing it. Transparency is needed about the overall measures taken and the interests respective projects pursue in addition to their protective function (e.g. in reclaiming land, transport infrastructure, housing for the wealthy, recreational facilities etc.).

Thirdly, social and economic disparities are to be addressed as an integral part of climate measures and, of course, climate finance.

Fourthly, civil society at all levels should engage in asserting the urban poor's right to adequate housing and the prevention of forced evictions. MISEREOR demands linking urban climate policies with poverty reduction, hence putting the rights of urban poor at centre-stage.

Perspectives of expansion and replicability

Despite the fact that urban agglomerations are a hub of climate policies and related measures, there is little attention to the effects of those measures on urban poor. The example of Tacloban is just one. Civil societies need to engage in urban planning; if they do not engage, they leave urban planning and urban land-use to technocrats and development banks who may follow-up climate policies as an additional option for their return on investments.

By 2050 almost 20 % of the world's population will be at the risk of floods. It is crucial to strive for adaptation mechanisms that are based on bottom-up approaches. In a warming global climate, protective measures against the risk of natural hazards and slow-onset will be a normal feature. Thus, analysing risks and the specific local situation with the affected is most important. They contribute local knowledge about their environment, the way their communities socially function, their priorities and what is needed to keep up their identity. This knowledge needs to be married with scientific knowledge about the effects of climate change in a specific area leading to informed and inclusive decisions.

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Land and external investors



Especially in Africa the run for land as a source of energy, food or minerals – a process also called land grabbing – continues. In the case from Sierra Leone presented by Santigie Sesay, the thirst of industrialized countries for biofuels leads to conflict with land and water rights of local communities, social and economic conflicts and environmental pollution. Elke Grawert shows in her article about Northern Kenya how violence flared up when an oil company stepped into the region and how the conflict was deescalated. In the Katanga Region of the Democratic Republic of Congo, the strive for copper, cobalt and other metals have left most of the

land in the hand of foreign investors, as Audace Manirahinyuza describes.

In all cases, national laws contain certain rights of local communities to participation, consultation and benefit-sharing, but companies neglect these regulations, if the states are too weak or not interested to enforce them. Consequently, local governments and Non-Governmental Organisations (NGOs) take the role of defending the rights of the local population, contributing to sustainable livelihoods and food security (SDG 2) and preventing the escalation of conflicts (SDG 16).

Land and conflict prevention, achieving SDG 16



Fish ponds near Makeni, Sierra Leone

Issues:

- **Land acquisition by investors**
- **Women's land rights and access to justice**
- **National land laws and policies**
- **Dialogue and advocacy**

Tension over land, alongside the highly unequal distribution of other natural resources, was a key reason responsible for the ten years civil war in Sierra Leone. As such, systemic land issues continue to be an underlying source of social conflict and political instability in the country, which, according to Moyo and Forray, 2009, could precipitate more intensive violence in the future.

In the past, Sierra Leone's land laws were causing problems and conflicts. Some of the laws include the Concessions Act, Cap 121 and Protectorate Lands Ordinance (now Provinces Land Act, Cap 122) which were enacted in 1927 and they are still in use. These laws do not

address the emerging land challenges in the country, but rather are further aggravating the problems. It became obvious that these obnoxious laws should be repealed and replaced if sanity is to be restored within the land sector of Sierra Leone.

Thus, civil society organisations, based on the insight that policy change is necessary, began to pile pressure on the government to come up with a policy that will guide the process of land acquisition and the effective and efficient land management in the country. Fortunately, this call was heard loud and clear and with support from the United Nations Development Programmes (UNDP), the government set up five Technical Working Groups guided by a Steering Committee comprising of technocrats, policy makers and Civil Society Organisations (CSOs). The Sierra Leone Network on the Right to Food (SiLNORF) is included in this structure as member of the Steering Committee.

After several years of sustained lobby and advocacy of various local civil society actors, groups and networks like SiLNoRF, a National Land Policy (NLP) was drafted and subsequently launched in 2015.

Coming to the community level, land has become a tool used to discriminate against women especially in the northern region of Sierra Leone. Here in the North, women are not entitled to owning land just because customs and traditions do not permit them to. The Draft National Land Policy (NLP) of 2015 described this situation as “Women are not only at a disadvantaged position as far as inheritance to land is concerned. Due to the prevalence of customary rules of succession based on the patrilineal system in Sierra Leone, they are also unable to access land due to the fact that they are, invariably, not economically or otherwise adequately endowed to acquire land rights in the open market.”

Moreover, in an article published on April 8, 2015, the Director of Namati, Mr. Sonkita Conteh argues that the application of rules of customary law in ordinary life has tended to affect women more adversely than men. He maintained that at least 95 % of its land in Sierra Leone is governed by customary law. This means that for the majority of citizens, the unwritten traditional rules and practices of tribes or communities determine who is able to hold, use or transfer land. In many ways, on important issues, women are often treated as minors – needing the agency of a man to act. In worse case scenarios, they are regarded as chattels.

It is clear that unfavourable customs and traditions also accounts for some of the violence and conflicts being manifested in the country. Research has shown that unequal treatment of women who are denied their property



rights could also be a potential source for conflict though it is normally at a very low key.

A bigger type of conflict according to Anthony B. Conteh presently manifesting in the country is land grabbing. Credible sources say that between 2009 and 2014, foreign investors had taken out long leases (50 years with possible extensions) on at least 1,154,777 ha, about 21.4 % of the country’s total arable land for large scale industrial agriculture (Bernard Koroma, 2019). The following case demonstrates how conflicts related to these land acquisitions have been handled by SiLNoRF.

Phases from conflict to peace

1 Phase 1: Large-scale land acquisition for bioenergy

The coming in and operations of the multinational companies in the country have either directly or indirectly fuelled conflict. The conflict is either between landowners or local communities against the company or amongst local community as a result of the divide and rule tactics companies use in their operational areas. One of such companies in Sierra Leone is Addax/Sunbird Bioenergy (ABSL). Addax/Sunbird Bioenergy started a Swiss based subsidiary of the Addax and Oryx Group (AOG). From September 2016 onwards a 75.1 % share was sold to



Key message

Investors are strong actors in land conflicts – this requires strong civil society organisations, multi-faceted strategies and a good policy framework

Sunbird Bioenergy, an investor with Chinese-British background that took over the management of ABSL. AOG kept a 24.9 % minority share of ABSL.

The project in Sierra Leone, near Makeni, was initiated in 2008 and commissioned in 2014. A total land area of 54,000 ha was originally leased for the project development but final designs eventually ended up with a land use of 24,600 ha. In 2014, the company leased 35,000 ha land as the total project area. At the moment, the total project area is 14,300 ha. 10'000 ha are sugarcane plantation, 4,300 are used for ecological compensation areas and rice production as well as the factory.

2 *Phase 2: Water scarcity in Tonka community*

Tonka community is one of the 53 communities within the Addax/Sunbird Bioenergy operational areas. This community continues to face numerous challenges as a result of the operation of the company. Though some efforts were made by the company to address some of these challenges, after been subjected to high profile pressure from SiLNoRF and its legal partner Namati, an NGO focussing on legal support to communities, yet the community is not economically okay and surrounded by risks posed by the activities of the company. Almost all of the communities affected by the Addax/Sunbird project are facing serious challenges to access water. According to WaterLex, an NGO working on the right to water and sanitation, access to safe drinking water after the company depleted traditional drinking water sources, water has become a nightmare in the communities. WaterLex confirmed that the ground water pollution by Nitrates and Phosphates which occur through the project and the lack of purification systems are unavailable to the local population.

3 *Phase 3: Community sensitization*

As part of its community engagement and dialogue, SiLNoRF held a meeting with the people of Tonka in March, 2017. At the height of the meeting, a youth representative (whose name is concealed for safety

purposes) rose up and openly stated that he will mobilize his colleagues to storm the premises of the company and disrupt their operations until their water problem is solved. The community people were mobilized into what we called the Affected Land Owners/Users and Association (AfLOUAs). This group comprises of people from all ages, sexes and backgrounds. They were given basic human rights trainings and thoroughly sensitized on their rights and responsibilities as a community and how they could take a lead in getting the company to do what they want. So this group became the advocate of and for the community. In all of the communities SiLNoRF works, the AfLOUAs are the contact persons and the channel through which grievances and issues of concern are communicated with SiLNoRF and vice versa. After the AfLOUAs of Tonka got the required training and knowledge, they approached the company and put forward a proposal that will get them a lasting solution to the challenges they were experiencing.

4 *Phase 4: Pressure on the company*

Instead of using militant approach, the AfLOUAs group was advised to write an official letter of complaint to the Environment Protection Agency (EPA) drawing their attention to their predicament. Adhering to the advice given by SiLNoRF, Tonka community in July 2017 filed a formal complaint against Addax/Sunbird Bioenergy to EPA copying the Office of National Security (ONS) and other MDAs about a number of environmental problems.

Immediately after the complaint was received, the Regional Officer of EPA, Bintu Keifala and Office of National Security together with SiLNoRF visited the community, but after that meeting nothing tangible was done.

So the community together with SiLNoRF continued to pile pressure on the company and finally the company succumbed to the demands of the community. This is a common approach SiLNoRF is using in all of its operational areas to prevent conflict and records could prove, from North, East and South, no conflict has been reported in the primary communities SiLNoRF operates.

5 **Phase 5: Threat of immediate relocation**

Another burning issue that is disturbing the people was when on December 25, 2018 their Paramount Chief, Bai Bairoh Ansenni II gave them 3 days to accept their relocation to already identified communities in cooperation with the company. This notice infuriated the people of Tonka describing such ultimatum as an insult and unfortunate. Since this relocation issue came up, about five meetings have already been held with relevant stakeholders with the aim of preventing conflict.

6 **Phase 6: Community meetings**

The National Coordinator of SiLNoRF, Mr. Mohamed S. Conteh, who attended one of the meetings told his audience of stakeholders about the working principles of SiLNoRF. The organisation is aiming at promoting food and land rights and this has been demonstrated in the interest of the people and therefore the National Coordinator urged the people to be cooperative with the organisation.

He noted that paramount chiefs are charged with the responsibility of protecting the interest of their people against others but the prevailing circumstance is a total opposite. He declared SiLNoRF's interest in the relocation issue of Tonka since the organisation has been responding to Tonka in more than one ways, referencing the water issue. He cautioned the people not to result into any violent reaction to the company officials since SiLNoRF is there to promote and to protect their human rights. He explained that Tonka relocation should send positive signals to other areas and attract international attention if the right procedures are not followed.

7 **Phase 7: Multiple strategies for conflict settlement**

In addition, Hassan Sesay working with Namati noted that SiLNoRF and Namati only play the role of the devil's advocate as a mediation mechanism and therefore would have to make several engagements with the people,

the chieftdom authorities, and the company before the relocation.

At the moment, SiLNoRF has adopted the following action points and recommendation:

- SiLNoRF to carry out an extensive sensitization in Tonka on relocation processes, and possible effects/ consequences on their livelihood.
- SiLNoRF to organize a cross cutting visit to other communities severely affected by relocation, this will ensure that Tonka community members themselves interact with other relocated communities in the country to share their experiences.
- SiLNoRF to carry out a quick research/survey (demographic) to ascertain the number of households and people living in Tonka who are likely to be evicted.
- SiLNoRF together with Namati to map out community resources including plantations.
- Hire a lawyer to support the community

Cross-sectoral approach: Land, gender, peace and justice

SiLNoRF believes in mediation and dialogue when approaching issues surrounding land and contentions between dispossessed landowners and displaced landowners and land users. Beside land being a source for conflict, it is also a very sensitive gender issue that is persistently used to discriminate against women in Sierra Leone. That is why at the National Secretariat of SiLNoRF, we used to have a Women's land rights department that was charged with the responsibility of accelerating the campaign for women to not just be land users but to be landowners. Successes made from that department, each member of the SiLNoRF was encouraged to mainstream women's land right campaign. One thing we have learnt in our work is that, working on land issues requires a multifaceted approach.

Success factors

SiLNoRF has been monitoring the Addax/Sunbird Bioenergy Project since its inception and until date, no major conflict had taken place as is prevalent in other parts of the country. According to the Deputy National Coordinator of SiLNoRF, Abass J. Kamara, SiLNoRF is succeeding in its peacebuilding approach because of the following common strategies the organisation is using in its advocacy drive:



Success factors contributing to conflict prevention

- ***Multi-stakeholder dialogue***
- ***Community mediation***
- ***Grievance redress and referral pathway***
- ***Media engagement and media advocacy***
- ***Awareness raising and sensitization***
- ***Do-no-harm concept***

Multi-stakeholder dialogue: In this context, many people who are directly connected to a case SiLNoRF is working on are referred to as stakeholders. Community people who are dispossessed of their lands by companies could hardly be granted the opportunity to meet with core managers of such companies. SiLNoRF created a platform to bring together these stakeholders to a roundtable so that the community people will have the opportunity to talk directly to those stakeholders and ask them critical questions. At the end, the Multi-stakeholder's forum was adopted and the University of Makeni was nominated and endorsed by SiLNoRF and the company to convene the forum on a quarterly basis.

Community Mediation: We mediate between communities and companies and others stakeholders and serve as independent arbitrators.

Grievance Redress and referral pathway: It is clear that lots of grievances exist in communities affected by multinational corporations. In our outreach, whenever we come across certain issues that cannot be handled by us, and since we don't want to leave such issue unaddressed, we will refer the matter to the appropriate authorities. This is a way of averting conflict and promoting peace and tranquillity in the country.

Media engagement and media advocacy: As a media strategy, we have a memorandum of understanding with major community radio stations in regions we operate and through this; we have been able to reach out to a wider audience with messages of peace, the Right to Food and land rights issues in the country. We also bring in community people to the radio and allow them to

professionally tell their stories so that those responsible for taking action will do so.

Awareness raising and sensitization: Our entry strategy into a community is to engage them in massive sensitization and awareness raising campaigns. This has yielded lots of dividend for us as after empowering them, community people could peacefully challenge some companies whenever they have a feeling that their rights have been trampled upon.

Do-No-Harm Concept: This is a very important concept that SiLNoRF has ever since adopted as part of its day to day activities.

Favourable conditions for conflict prevention

Sierra Leone adopted a new Land Policy in 2015, with the vision to, among other things, have an effective land tenure and management system that will provide for clearly defined ownership forms and rights, tenure security, effective and transparent land administration, and to ensure equitable access to land for all citizens and stimulate responsible investment for the nation's continued development.

In Sierra Leone, we have a consortium of peacebuilders called Civil Peace Service (CPS) Network. Members of this network are grantees of the German Donor, Bread for the World (BftW). Through this network, partners have subscribed their activities to upholding SDG 16, which urges partners to "promote peaceful and inclusive societies for sustainable development, provide access to

justice for all and build effective, accountable and inclusive institutions at all levels". The Sierra Leone Network on the Right to Food (SiLNoRF) is a key member of the CPS Network in Sierra Leone.

Perspectives of expansion and replicability

The approach, which has worked well in the ADDAX/Sunbird Bioenergy case, does not necessarily work well in other regions, depending on the openness of investors. In Pujehun, there has been a sustained conflict between the community people who belong to an association known as the Malen Affected Land Owners and Users Association (MALOA) and the SOCFIN Agricultural Company (SAC).

On January 21st, 2019, another bloody skirmish ensued between community people and state security personnel acting to protect the assets of SOCFIN. Unfortunately, two people were shot dead allegedly by the military while communities were raided by the police and soldiers. Because of the experience and success stories SiLNoRF had recorded in its primary operational areas, we were selected by a host of human rights defenders to lead a fact-finding team to Sahn Malen. Some of the key human rights issues directly related to the incidents of January 2019 were the death of two civilians, the protection and security of persons, unlawful arrest and detention, the right to property and the Right to Food.

However, the strategies elaborated and experienced by SiLNoRF have the potential to work in other environments and countries if conditions are favourable and actors are willing to engage in the process.

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Between “strong institutions” and the “political marketplace”: layers of land conflicts in Northern Kenya



Fenced land in Northern Kenya

Issues:

- ***Central and local governance***
- ***Land acquisition by investors***
- ***Conflicting laws***
- ***Communal land rights***

The Kenya Vision 2030, launched by President Mwai Kibaki in 2008, aims to rapidly transform Kenya into an industrialised middle-income country. In 2018, the chairman of the Lamu Port and Lamu-Southern Sudan-Ethiopia Transport Corridor (LAPSSET) summarised the achievements ten years into the Vision 2030 as follows: “Kenyans are now saving time and costs through modernized transport infrastructure, the once-regarded marginalized Northern frontier is opening up to investors’ wealth as tarmacked roads express places like Lodwar, Mararal, Moyale and Marsabit.”

Lodwar is the capital of Turkana County, a dryland area where pastoralists move with cattle, camels, goats and sheep in search of pastures and water depending on seasonal availability. Road building and oil production by the Irish company Tullow Oil have led to significant land use change since 2010. A field visit in the county in March 2019 in the context of the research project “Violent futures? Contestations along the frontier” provided insights into the interplay of land conflicts with the planning and implementation of large-scale economic projects, which may shed light on the causes of violence and its prevention.

“Opening up the marginalised Northern frontier” was the perspective that officers of the National Government of Kenya shared when talking about Turkana County. The perception of land as undeveloped or empty encourages attitudes, activities and behaviour towards the local population and their way of life that can be characterised

as a “frontier habitus.” This habitus usually involves violence as on the one hand, agents pushing the frontier often involve armed forces and, on the other hand, those living on the land that becomes contested due to the frontier imagination will resist. A recent incidence in Turkana County illustrates this pattern.

Phases from conflict to peace

1 Phase 1 | 2017: Local Development Plans clash with national interests

The incidence appears in a different light when considered from the perspective of the County Government. In accordance with the 2010 Constitution, which stipulates the obligation of the devolved county governments to establish their own development plans, the Turkana County Government had prepared an Integrated Strategic Urban Development Plan. The intended compulsory land acquisition by the NLC clashes with this plan.

According to Article 6 of the Community Land Act (CLA) of 2016, the County Government holds in trust all unregistered community land on behalf of the communities. Due to ambiguities in the CLA, the Council of the Governors (the elected representatives of the counties) and the Cabinet Secretary for Lands had suspended the operation of six sections of the CLA in 2017. These sections contained rules for the compulsory acquisition of community land for public purposes and specified cases in which the national and county government laws superseded community rights. The contentious issues are the requirement for consultation between the National and County Government authorities and the participation of the communities before compulsory land acquisition takes place.



Key message

Land conflicts between central and local government, investors and local communities may be resolved at court, but the dimension of power conflicts go beyond court decisions



2 Phase 2 | February 2019: Violence due to compulsory acquisition of land

A team of Tullow Oil and the LAPSET Development Authority visited Turkana East in February 2019 in order to inform the local community about the plans of establishing oil and gas blocks and building the development corridor containing pipeline, road and railway. Staff of the Kenya Police Service was present to protect the participants. However, the meeting escalated into turmoil; gun shots terrified the assembly and the Member of the County Assembly (MCA) closed the meeting before it had even started. The visitors were evacuated.

Subsequently the Turkana County Government filed a petition to the Kitale Environment and Lands Court demanding from the Attorney General to disclose the details of the drilling arrangement between the National Government of Kenya and Tullow Kenya B.V. and to provide full information on the plans and course of the LAPSET corridor.

The reason for the turmoil and the break-up of the meeting was the publication of two gazette notices, in which the National Land Commission (NLC) announced the compulsory acquisition of land in South and East Turkana.

In the notice of 8 February, 2019, the NLC informed the public about the intended acquisition of 6,348 hectares of land with oil deposits on behalf of the Ministry of Petroleum and Mining under the heading “Upstream Development, South Lokichar Basin Oil Project, NLC.” On 15 February, 2019, the NLC indicated the imminent acquisition of 20,618 hectares of land for the construction of the LAPSET corridor project and ancillary facilities.

The local population was shocked. Neither the elected County Government nor the affected communities had been consulted before the land was gazetted. The response was spontaneous violence.

3 *Phase 3* *The conflict is taken to court*

The conflict culminated in the Turkana County Government’s petition at the court stating that no agreement was reached between the National and the County Government about the intention to acquire land from Turkana County.

The petition asks why the NLC gazetted land for the LAPSET corridor project without consulting the Turkana County Government and community. The County Government claims all contracts and documents that have been made between Tullow Oil and the national government. The County Government also demands an official declaration that all land in Turkana County that is not adjudicated is community land according to Article 6 of the CLA and hence, cannot be compulsorily acquired by the NLC. Tullow Oil stopped its activities on the disputed land waiting for the court hearing.

Success factors and limitations

It was a success of the process that land acquisition has been stopped temporarily and solutions are sought at court.

Although this case reveals that justice institutions highly matter in northern Kenya, there are a number of limitations to peaceful conflict settlements. The conflict is less about land used for oil production or infrastructure

building than an escalation of a power struggle between the authorities of the National Government of Kenya and the County Government of Turkana.

The institutional reforms accompanying devolution have led to two parallel executive and legislative government structures that are in the process of striking the balance between their roles. Attempts by National Government authorities of circumventing institutions of the County Government should not only be seen in the light of a frontier habitus, but also as a deliberate strategy of testing the limits of side-lining perceived rivals. Consulting the judiciary thus has to be considered as one tier of this power struggle.

Parallel to this, the patronage system that has been shaping Kenya’s politics for many decades is still thriving. The means by which patrons carry out their power struggles are mobilising followers, arming some groups and inciting organised attacks to intimidate opposing groups, and making use of – or appropriating – resources including land to maintain their followers. Playing the tribal card has remained substantial. This appears like a counter-current to the use of institutions in conflict settlement. Some of its manifestations are outlined below.

On the other hand, the procedure disclosed a typical frontier habitus in which a National Government authority (the NLC) considered itself as superior and able to act in favour of the population that it regarded as ignorant and not in need to be consulted and treated on equal footing. With the same attitude, the office of the County Commissioner (the National Government representative in Turkana County) explained the incidence as the result of “misinformation of illiterates by opinion leaders telling them that they were not consulted ... the shooters were hooligans, bandits ...” This formulation expresses a high degree of disrespect of the concerns of the local population and a self-image of being superior over the “illiterates” that harbour violent “hooligans” and “bandits”.

The Turkana people consider themselves as one community moving throughout the county. Article 2 of the CLA defines a community as “a consciously distinct and organized group of users of community land who are citizens of Kenya and share any of the following attributes:

- (a) common ancestry;
- (b) similar culture or unique mode of livelihood;



Success factors contributing to conflict prevention

- **Strong role of the judiciary system**
- **Involvement of public institutions in conflict settlement**
- **Laws strengthening the rights of local communities**

- (c) socio-economic or other similar common interest;
- (d) geographical space;
- (e) ecological space; or
- (f) ethnicity.”

The right to register community land is anchored in Article 63 (2) of the Kenyan constitution. Customary rights of occupancy are protected through Article 14 of the CLA. On this legal basis, inhabitants of South and East Turkana currently discuss hotly about the distribution of the five % of oil revenues that should benefit the communities affected by the oil production (20 % will be taken by the county government and 75 % by the national government).

The revenue sharing formula linked to the CLA community definition consolidates the tribal identity concept among the Turkana people, which distinguishes them from immigrants and neighbouring tribes the Turkana tend to perceive as rivals. The Pokot in the neighbouring

Tiaty constituency (East Pokot) in Baringo County and in West Pokot County, also pastoralists, are developing a strong identity, as well, fuelled by political leaders striving to get access to oil revenues. Livestock raids across county boundaries between the Turkana and Pokot have acquired features of politically induced ethnic cleansing, aiming to shift the boundaries based on claims that the area is inhabited only by Pokot.

Favourable conditions for conflict prevention

The Kenyan case shows that it is a long way to achieve community participation and consultation of devolved elected government institutions when it comes to national interests in land acquisition for large-scale investment. Interests stemming from the prevailing patronage systems supersede and contradict institutionalised procedures of gaining rights and justice.

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Land grabbing for mining in the Katanga region



Bridging the gap in the Democratic Republic of Congo

Issues:

- **Land acquisition and compensation**
- **Extractive industries**
- **Corruption**
- **World Bank principles**

The Democratic Republic of Congo (DRC) is known as a country rich in natural resources. Therefore, extractive industry is preserved as core sector of the economy. However, the challenge is the trade-off between economic versus sustainable development under the search for natural resources. This being true especially in Katanga region, the survival of the local communities and respect of their socio-economic basic rights remain the main question.

After the End of Mobutu regime, Congo has known a boom in mining since 2003, one year after the publication of *Code minier de 2002*. DRC being known worldwide due to its tremendous natural reserves of cobalt, diamond,

uranium, coltan, copper ... where Katanga region has main reserves of those minerals especially copper and cobalt. However, the exploitation of natural resources has an important impact on socio-economic development of the country and for local communities. The meaning of that economic sector for the country and the population, *because of the earnings from taxes, leasing and concession or the interlinked economic spill over effects*, has led to different legislation in the spirit to improve the legal framework of extractive industry in DRC. It has to be said, that the long process of institutional and legislative reforms on mining with the core aim of liberalizing the mining sector leading to a public-private partnership (PPP) explains the increase of the number of mining companies in DRC.

But the main issue remains how this remarkable growth of mining activities has had an impact on living conditions of Congolese People and on local communities

particularly. Then, for some NGOs, the phenomenon of growing PPP in extractive industry correlates with environmental deterioration, increase of poverty and vulnerability of local communities because of the direct effects on their productive activities, habitat, pollution, land grabbing of arable land, lack of compensation for the displaced people ... etc.

In Katanga, also called also “Copper Region” because extractive activities are intense, the land grabbing or spoliation of arable land for peasantry is a real phenomenon that limits or deprives total access of communities to the substantial revenues and therefore creates a climate of rumours, frustrations and social tensions between the local communities, customary chiefs, local authorities and extracting companies. The question is how those people who believe to have the natural and cultural rights to use their land for agriculture, water ..., are being refused those rights in the name of the law with the complicity of their state-agents which have the obligation to protect them?

And in such circumstances the main challenge is how to put in place and enforce a legal framework to protect the interests of local communities, to enhance a fair transaction system in which a win-win situation is possible with real sustainable opportunities for all stakeholders and considering sustainable issues like ensuring resources for next generations and the protection of environment.

Therefore, it can be said that in DRC the progress on SDG 16 is very poor and many multi-layered actions have to be taken for improvement.

Phases from conflict to peace

The extractive activities and the challenges related to law arrangements have led to a context where three



stereotypes of the mains stakeholders emerge: the local communities see mining companies as their predators which seek only the benefits and plunder their resources, whereas the state is seen as corrupt and totally absent. Mining companies perceive local communities of being unthankful, disconcerting and unable to recognize their efforts to improve their social problems.

In such conflictual context SADRI has adopted a “Do No Harm” approach based on the promotion of human rights/dignity and bringing closer the three main stakeholders in considering the role of each actor for sustainable extraction of natural resources on local level. As the actors have divergent interests and motivation the taken actions are more focused on specific context and problems related in a tripartite framework where the challenge is to create/rebuild trust between the stakeholders. SADRI acts in various phases.



Key message

The protection of local communities from mining investors requires stronger laws and the observance of international principles



Phase 1: Capacity building

Reflection and context analysis workshops and production of tools, capacity building, and advocacy for local communities

2 *Phase 2: Dialogue and reflection*

Promotion of dialogue and reflection after mining activities cease; on mechanisms of conflict prevention and conflict management, sustainable management of extractive industries, environmental protection

3 *Phase 3: Support to the Sustainable Development Plan (PDD)*

Support to the elaboration of “Sustainable Development Plan” (PDD) which is obligation of the mining companies in order to share benefits with local communities. SADRI supports the interests of local communities, inclusivity and consultation in the elaboration of that plan (in 90 % of the cases, communities are not involved in the making and therefore are indifferent)

4 *Phase 4: Community needs in the local plan (PDL)*

Adaptation of PDD to communities’ needs in the so called Local Development Plan (PDL) which is elaborated by local communities, but also other stake holders such as state, local administration, civil society ... (companies at least are willing to do so for social appeasement, to avoid open violence and to promote their image as public relations strategy)

Cross-sectoral approach: Land, environment, peace and justice

Extractive industries in Katanga may present opportunities, but the state is considered as completely absent and has left its responsibilities towards its citizens. In compensation for displaced people for instance, the law arrangement obliges the companies to deal with the communities. Although extractive activities lead to the restriction or total destruction of means of subsistence or livelihood of the displaced communities, the state sees no obligation to support them. The

companies must compensate them, but no company since 2005 in Katanga has observed procedures of compensation.

There is a permanent violation of rights of local communities, violation of rights of information, consultation, participation, clean environment, rights of access to resources, right of compensation and repair, rights of restoration of means of livelihood of communities etc. The World Bank principles (World Bank, 2010) of respect of rights of local communities, real bargaining power of local communities, transparency in transaction, participation in decision making process, social advantages for local population are perpetually violated.

Some companies originating from OECD-countries like Kamoanga Copper SA or Tenke Fungurume Mining tend to abide to those principles, but non-OECD companies like Chinese ones do not respect this at all. In that situation, if nothing is done, the danger for explosion of the society in Katanga is real with unforeseeable consequences for security, agriculture, housing, environment etc. Thus, 72 % of 495,865 km² of the Katanga territory, which means 356,220 km², are given for extractive activities and only 142,814 km² (with 17,870 km² for national parks and 26,899 km² for water) remain for other uses like agriculture, settlements etc.

In that context the claims are huge: access to land and means of subsistence agriculture (the companies have property rights but population not), reduction of environmental degradation or pollution (there are no any activities or measures of attenuation) and as main question compensation. According to the regulations for compensation this can only be discussed between the communities and the new owner of the land.

The approach of SADRI therefore considers the complexity of these issues, especially the right to land and housing, risks of conflicts in the society and environmental degradation.

Success factors and limitations

Although SADRI has gained experience with some useful instruments, limitations to success are manifold. The rights on land in DRC have a colonial legacy. This can be explained through the state’s permanent and eminent sovereignty on land, subsoil, waters and forests over



Success factors contributing to conflict prevention

- **Capacity building in local communities**
- **Promotion of dialogue**
- **Involvement in private and public planning processes**
- **Access to justice**
- **Observance of the existing legal framework by some (OECD) companies**

local communities. In the law, the needs, participation and free choice of Congolese people are vague. But state authorities, holding the power over natural resources, have unlimited rights on those assets and over the people and this is very clearly stated.

It means that the state is the owner of the land and the population can enjoy user rights or is simply called “occupants”. The state can without any other restriction rent or concede land as a private property. It can also grant land to a person when needed and the new occupant receives only the right to use the land, but can lose that right at any time, causing insecurity of tenure. Thus, customary rights on land are for social appeasement, but do not give the ownership to communities. They can leave it at any time when the state sees the reason to do so.

Moreover, the state does not give any guarantee for the right to compensation for communities, because there is no abiding contract between the two parties which obliges the state to do so. The Congolese legislation on land rights obliges the State and the communities’ representatives/customary chiefs to realize consultations in form of investigations where the customary chiefs play a crucial role, especially at the beginning of extractive activities which is frequently the case in Katanga.

Customary chiefs are seen as intermediate between the ancestors and the living people and bless the earth so that it may produce more. But the same state does not conduct broader consultations with the concerned people and pays attention more to the chiefs which have limited information. These consultations aim normally to give opportunities to communities to express their

needs and interests, but state and companies limit the consultations or the social actions to customary chiefs and local administrations.

This leads to confusion and conflicts between the communities and their customary chiefs and representatives but also with the local authorities. Being weak and not informed enough, the customary chiefs are often manipulated and corrupted to the detriment of the entire communities. Such behaviour is violating the principles of sustainable development, because communities are uninformed on relevant information relative to mining and extractive activities, so this is at the same time a violation of the right of information.

When people are informed to leave their land at the beginning of cadastral activities, this leads often to tension and even physical violence may erupt between local communities, extractive companies and local state authorities. Of the 45 companies engaged in extractive industries in Katanga, 90 % did not observe this weak arrangement of consultation.

Favourable conditions for conflict prevention

There is a huge gap between national/international legislation on land use, rights on land and social development for concerned local populations. Although there are positive aspects of the DRC’s legislation especially on Social Responsibility of Companies and the involvement of local communities on consultations for compensation, the main challenge is the inability of the Congolese State and foreign mining companies involved in extractive activities of natural resources to abide on

laws and obligations which protect the Congolese citizens for their access on land and ensure that they enjoy freely their socioeconomic rights.

Favourable conditions could be created by overcoming the weakness of the state as main stakeholder in law enforcement. The legislation in matter of land adjudication, land use and social economic development of local communities living in the resource-rich Katanga region would lead to positive outcomes respected by international companies and the state.

Perspectives of expansion and replicability

At present, the state is not engaged in the elaboration of local development plans (PDL) and is passive in relation to local communities. On the other hand, the mining sector is the most important source of income for the region. In 2018 45 companies in Katanga have paid 348,000,000 USD to the state and according to the law, 15 % was to be given to improve the livelihood of communities. This situation creates an opportunity for SADRI to improve the bargaining power of local communities in elaboration, implantation and monitoring of compensation measures. Communities can gain if the 15 % share is useful for communities, supporting their development.

This approach can be successfully expanded by sensitizing communities on their rights and on the law governing mining, on rights to land, environment, and agriculture. The other element is to build the institutional capacity of communities to increase their bargaining power in PLD, supporting them to identify and analyse the development problematic, defining and validating that PLD are based on their basic needs as communities and make a document which will serve as basic tool in consultation with mining companies.

The role of SADRI in this process will also be to monitor and support communities during the consultation and use monitoring sheets to guarantee the accountability in the period of implementation. Sustainability may be achieved if communities are strengthened to do advocacy themselves, putting in place a local monitoring committee and significantly participating in monitoring the implementation of compensation measures.

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3

Land and gender



Women are suffering most from land conflicts, also because their land rights are weak. If laws and culture promote progress towards equal access to land and economic opportunities, more peaceful and stable societies are possible and gender-based violence is reduced, as Carsta Neuenroth explains.

Karin Gaesing and Jana Herold have collected successful strategies, approaches and challenges which are employed in African countries to guarantee women's access to land, even after divorce or the death of the husband, preventing the violent escalation of conflicts at

family or community level. However, the path towards equal land rights of women may also be conflictive in the case that men don't accept the empowerment of women and their new role. Therefore, the sensitization of men and the search for win-win situations are equally important as conflict sensitivity of projects and the inclusion of conflict management in processes of empowerment. The presented approaches aim at SDGs 2 (hunger / food security), 5 (gender equality) and 16 (peace, justice and strong institutions) and show how these are interrelated.

Women's land rights and peaceful societies



Nigerian women threshing rice

Issues:

- **Gender inequality**
- **Women's use of common land**
- **Gender relations and power structures**
- **Gender-based violence**
- **Statutory and customary tenure systems**

Equal access to and control over natural resources is a precondition for women's economic empowerment and self-determination, particularly in the global South. This needs to be considered also in fragile regions or states affected by conflict, post-conflict, crisis and/or natural disasters. Land is a key asset for people's wellbeing, including refugees and internally displaced people (IDPs) because of its importance for food and nutrition security and income generation. Not surprisingly, the demand for the realization of women's land rights has been high on the agenda of women's and farmer's organisations for a long time.

Land, however, is a highly contested resource within families, communities and countries as well as between countries. Land and natural resources play a crucial role in many of the violent conflicts around the world. More often than not, violence is embedded in the social and economic structures of societies resulting in human rights violations, gender inequality and exclusion of specific groups and their rights to land and natural resources. Thus, the successful implementation of SDG 16, calling for building peaceful societies and, amongst other targets, aiming at preventing violence at all levels, must address the structural violence resulting in the marginalization of specific groups of people, amongst them women and girls.

Securing land and property rights, particularly of the marginalized population, represents an important step in this direction. Women are generally at a greater disadvantage than men in realizing their land rights. Prevailing gender inequality prevents equal access to



and control over land and property through patriarchal power relations, social values and norms that exclude women and girls from land ownership, for example through inheritance systems that favour men and boys. Lack of access to economic resources such as land reduces women's possibilities for political and economic participation in general and in peacebuilding and reconstruction in particular.

Policies for promoting women's land rights, gender equality and peace



Gender policies for building peaceful societies

Gender equality contributes to peace. By no means, however, is gender inequality the predominant source

for violence and conflict. Still, its relevance for building peaceful societies should not be underestimated. Donors and governments must pay attention to this and be aware of the gendered dimension of land policies.



Gender equality as a societal issue

Gender equality, including equal land and property rights, are not a women's issue but a societal one. Not only women and girls but also men and boys must support these rights and become aware of their importance for peace and stability.

Furthermore, sensitization must include male and female politicians, government officials, land professionals, surveyors, lawyers, notaries, judges, and the media because a broad alliance and consensus is needed in society to change discriminatory land systems in a non-violent way. Strong human and women's rights organisations are important advocates in this context.



Key message

Equal access of women and men to land and natural resources contributes to peace



Laws and regulations

Land policies which aim at gender equality must be based on the formulation and implementation of laws and regulations that ensure women's land and property rights, including those to public and common land, both *de jure* and *de facto*. Coherence between statutory and customary tenure systems must be established and inheritance laws that discriminate against women and girls must be abolished.

Women's rights must also be taken into account in the context of regulating large-scale land based investments. Their effects on women's land rights need to be carefully monitored, considering that they are generally implemented through patriarchal institutions not concerned about gender equality (Wehrmann, 2015).



Land and property rights in post-conflict situations

In post-conflict situations, land and property rights for potential returnees, especially for women and girls, have to be negotiated, secured and protected. They are important for women's economic recovery and contribute to building their resilience against further violence.

Cross-sectoral approach: Land, gender, peace and justice

Land and property rights for women contribute to realizing their human rights and achieving gender justice. On one hand, the rights to land and property foster women's economic empowerment and self-determination while on the other hand they challenge patriarchal power structures and male hegemony. How does this friction affect gender-based violence which is rampant all over the world? According to existing research, a correlation between gender-based violence and women's land and property rights can be established. It can be positive or negative. There is evidence that women's land rights and related economic gains result in a decrease of interpersonal gender-based violence, be it economic, psychological, physical or sexualized.

However, there are also contexts where the opposite is the case; for example when men feel threatened by women's growing economic independence and empowerment (Hughes, Richardson, 2015). Thus, the relation between women's land and property rights and interpersonal gender-based violence is complex and very much dependent on context and culture.

Gender relations and their inherent power structures and values promote structural (gender-based) violence of different types and degrees. Therefore, patriarchal power relations, discriminatory social practices, values and norms must be challenged and finally abolished to achieve gender justice. The structural causes for gender inequality have to be addressed and the consequences that images of masculinity based on dominance and hegemony can have on the spreading of conflicts and violence must be carefully analysed in order to prevent or transform conflicts. This represents a contribution to building peaceful societies and preventing violence at all levels as stated in SDG 16. Conflict and do-no-harm analysis represent useful instruments in this regard.

Unfortunately, gender-based violence is not explicitly mentioned in the context of SDG 16. SDG 5, however, calls on ending all forms of discrimination against women and girls and on eliminating all forms of violence against them in the public and private spheres. Here, a clear link can be established between SDG 16 and SDG 5, also considering that gender equality is supposed to be taken into account as a cross-cutting issue of all SDGs.

This link is important since research on women, peace and security has found varying levels of evidence that gender equality and women's empowerment result in more peaceful and stable societies (Herbert, 2014). Gender-based violence represents an obstacle in this regard and might be considered as an indicator for a society's susceptibility to violent conflict. However, there are still many questions unanswered and more research is needed to better understand the complex links between gender-based violence in all its forms and the outbreaks of conflict.

All negotiations and policy processes regarding land and property rights in the context of conflict prevention or peacebuilding require information and transparency and the equal participation and decision making power



Success factors contributing to conflict prevention

- **Land policies aiming at gender equality**
- **Information and transparency in negotiation processes related to land**
- **Equal participation and decision making power of women in land issues**
- **Consideration of written and customary law and de facto situation of women's access and control over land**

of the concerned women, for example through consultations. Thus, policies for promoting women's land rights, gender equality and peace through informed participation of those concerned can be considered a further corner stone for preventing violence and building peaceful societies as laid down in SDG 16.

Favourable conditions for conflict prevention

At present, in most countries women's unequal access to and control over land are no favourable conditions for the prevention of conflicts related to this situation.

Not surprisingly, more men than women own land. Analysis based on the FAO Gender and Land Rights Database show that women constitute a significantly smaller share of all landowners. In about 20 countries for which data about the distribution of landowners by sex is available, the share of women landowners range from less than 20 % for example in Honduras, Nigeria and Peru to slightly over 50% in Malawi (FAO, 2018). These figures do not consider if land is owned jointly or solely by men or women. If sole ownership is taken as an indicator for the gender gap concerning land, available data show that the percentage of women who own land solely is generally lower than the percentage of men who own land solely. When women own land, their rights are often weaker than those of men. They generally own smaller plots and, more often than men, do not possess legal documents which prove their ownership (FAO, 2018). Gender inequality also prevents women from having full control of and decision making power over the output of the land.

Especially for women, however, land ownership of a particular piece of land is not all that counts. Many women depend on public or common land for water, fuel, animal feed, herbs and fruit for their livelihood. Their right to use such lands is usually based on customary tenure rights. These generally favour men and put women at risk in the case of divorce, desertion, migration or widowhood. Women's rights to such lands, however, are equally important as their rights to jointly or solely owned land. If women's land rights are to be improved and secured those areas require special attention, also because of the probability that they get into the hands of foreign investors (Wehrmann, 2015).

Perspectives of expansion

Under SDG 5 (gender equality and empowerment of all women and girls) a target is established calling for undertaking reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws. With this, SDG 5 echoes various human rights instruments which over time have emphasized the equal rights of women to land and property. It is their realization which remains a challenge.

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Peacebuilding starts at home – Gender-just access to land for escaping hunger and for peaceful and inclusive societies



Rice producers in Burkina Faso

Issues:

- **Women's access to and control over land**
- **Economic empowerment of women**
- **Gender-just land policies**
- **Land certificates**

There is widespread agreement that women are reliable guarantors for development. What they produce and earn is mainly used for their families' benefit. However, while the importance of women's contribution to a household's income, food security and resilience is undisputed, there are many obstacles that render their efforts and ambitions to enhance development difficult. One of their main constraints in the rural areas is the problematic access to and control over land.

Land tenure is gender-sensitive in most African countries and women's access to land is still highly restricted. Access to land has become an issue of conflict in

many African countries. In times of accelerated population growth, pressure on land has strongly increased due to land acquisitions and even land grabbing by non-residents in the rural areas. Whereas land grabbing takes the greater share of the debate, there are also conflicts at the local level.

Therefore, conflict prevention has to start at the household and community level to achieve peaceful and inclusive societies/SDG 16 and increase gender quality in the land and food sector. Based on extensive field research, we demonstrate the importance of this by discussing land-related problems and challenges and presenting attempts to solve these issues.

In Burkina Faso, for instance, we have recently witnessed an increasing crisis of confidence in the population due to an increasing demand for land and insecure land rights. Burkina Faso's traditional land rights are

very community-oriented. New non-residents were usually lent (“prêt”) a piece of land to produce food for their families. However, given the increased demand for land and a growing urban expansion, landowners do not want to lend their land to outsiders anymore. They are afraid that the land user could sell the land to someone else, even though this is illegal. There are many interested people such as bureaucrats from the urban centres, who offer sufficient money in order to build their houses on the land. This development particularly impacts men, since women are traditionally not able to sell land. However, this development is alarming, since it risks producing conflicts in the long run.

In this general context of land scarcity and tenure insecurity, the relation of women and land is also a matter of dispute. In most African countries, women spend as much time as men working in the fields, if not even more. In Benin and Burkina Faso, for instance, women usually have their own “women’s fields” on which they grow peanuts and legumes for the sauce of the daily meal as well as staple crops such as rice and maize. The harvest serves for home consumption and for sale. Contrary to what men say, women need to generate income in order to pay for the school and health expenses for their children (especially in polygamous marriages), for the ingredients of the sauces of their daily meals and for other consumption items.

Men tend to minimise the importance of women’s expenses by calling them “ses petits besoins” (her little needs) and rank their fields as being less important than the so-called family fields, for which men are responsible. Generally, the empowerment of and respect for women is still at a very low level. Many conflicts within families though, stem from the lack of money



for their needs, such as food, education of the children, housing, clothes, ceremonies and the like. If these conflicts are dealt with, there is a good chance that peace is re-established within the families and conflicts are prevented from spilling over into the community.

Strategies from conflict to peace

We encountered different strategies to solve land problems at the household and community levels. These approaches directly and indirectly provided women with access to land via quotas or legal frameworks while also taking social aspects into account. While some strategies have proven successful under certain conditions, others are still in the process or show how conflict sensitivity and conflict management must be integral parts of activities aiming at women’s improved access to and their empowerment.



Key message

Women’s secure access to land empowers them economically. If well managed this can create win-win situations without challenging the role of men.



Strategy 1: Quotas for women in land management

One approach is to directly or indirectly allow women access to land, for instance by setting quotas for female participation in land management practices. We found this approach in Northern Benin, where we did research on a soil and water conservation project that promotes a number of techniques to restore or increase soil

fertility and thus increase agricultural production. The gender-sensitive, experienced project manager insisted on setting a quota for including female farmers and their fields. In a highly male-dominated society, setting a quota for female participation may be the only means to meaningfully assist women.

In the project region, a woman usually receives around one hectare of land for cultivation from her husband at the time of marriage. Whereas the women of the ethnic group Fulbe (locally called Peulh) receive their plot for a lifetime, the Bariba women in the same region have to leave the land they cultivate in the event of divorce or death of the husband. Hence setting a quota for the inclusion of women's fields does not always seem to provide a sustainable solution – at least not for the Bariba women.

2 *Strategy 2: Lifetime guarantee for women to use their land*

Some women told us that they had invested a lot of work in making their fields fertile by building water-conserving stone bunds, mulching or sowing leguminous plants like mucuna, only to see that at the end of the season their husbands took those fields for themselves. When the men saw that their wives produced very good yields from the now fertile fields, they wanted to have them back for themselves. By arguing that the family fields are more important than the women's fields, they claimed their land back and gave their wives another infertile plot to be cultivated in the next agricultural season.

This type of conflict was openly discussed between men and women in our presence and community facilitators co-operating with the project encouraged women to speak their mind. In addition, they tried to convince the men of the importance of women's fields and thus their contribution to the family's livelihood. In the end, a lifetime guarantee for a woman to cultivate her land would lead to a win-win situation.

The discussion in the community will continue and probably lead to a change of mind on the part of the men. A project can only stimulate the process and put forward arguments. The change has to come from the people themselves.

3 *Strategy 3: Improving women's agriculture*

Besides quotas, women's access to land can also be indirectly strengthened. For example, in Burkina Faso, we visited a project that aimed at strengthening the rural people's resilience to climate extremes and disasters. In this project, women received improved seeds to be used in their fields. While women are often provided with a piece of land by their husband, this is not the case in all households. Through the women receiving enhanced seeds, however, men were practically "forced" to give their wives a piece of land. Coupled with trainings that addressed both men and women, men soon realised the importance of granting their wives access to land. Women particularly highlighted this social impact of their land access that had strongly improved their standing in the family and the relation to their husbands.

4 *Strategy 4: Land certificates in the names of both women and men*

In addition to these interventions at the micro-level, innovative changes of the legal framework can likewise contribute to the promotion of women's access to land. In Ethiopia, for instance, we found two good practice examples to address conflicting issues concerning gender-just land policies and women's access to land. Here, married women do not usually have their own fields, but they work side-by-side with their husbands and children on the family's plots. Two conflicting issues arise in this case.

One issue concerns women's rights in case of divorce or death of the husband. In the past, divorced women or widows lost all claims on the land that they used to farm together with their husbands and that had earned their living. Even though modern law gives them the right to inherit land in those cases, women in remote rural areas are often not aware of their rights. In addition, people tend to push women to refrain from their right of land. Husbands' and wives' families tend to dispute over inheritance and compensation for many years. In the



Success factors contributing to conflict prevention

- **Economic empowerment of women**
- **Long-term tenure security for women**
- **Social status and bargaining power of women**

meantime, women are left without a means to make their living.

A couple of years ago, the Ethiopian government embarked on a countrywide initiative for land registration. The land certificates are issued in the names of both husband and wife, including photographs and fingerprints of both. The certificate does not only provide the family with tenure security and bargaining power *vis-à-vis* their neighbours or the government, which is the sole owner of all land in Ethiopia and can claim any land at any time for infrastructure or investment projects. It also ensures that women are not left without any means after the death of their husband or after divorce. It legally entitles them to half of the family land.

Although the government is implementing in a top-down way a legal measure contrary to the local traditions, it bears the opportunity to restore peace over an issue that many families dispute over for years. In addition, it gives women more standing, bargaining power and security in land issues which results in a better treatment of women within the families.

5 Strategy 5: Income-generating activities for female-headed households

Another issue concerns female-headed households. If they do not have grown-up sons living with them, they usually do not have enough labour force to cultivate their land. Very poor women also do not have the means to host neighbourhood groups who work on people's land in exchange for food and drinks. This fact forces them into unfavourable sharecropping arrangements, where they provide the land and the inputs for planting

and the other partner provides his own labour and a pair of oxen for ploughing. The harvest is most often shared equally, leaving the woman and her small children with not enough to survive on. This means that women de facto have the right to their land; however, the circumstances do not allow them to fully profit from it.

During our research in Ethiopia, we encountered several projects that put a focus on including women in small-scale irrigation schemes in order to provide them an income-generating activity. In addition, some projects enhance sheep and goat breeding, poultry keeping for egg production and other income-generating activities that provide women a living. The money women gain from these activities allows them to hire labour for ploughing their fields, make a decent living and be independent from sharecropping arrangements or from renting out their land completely.

Cross-sectoral approach: Land, gender, peace and justice

Access to land and land tenure security are important determinants of conflict prevention, particularly in the light of the current challenges. A growing world population faces an increasing scarcity of (fertile) land, which threatens its food security and potentially its existence. Our examples have demonstrated the importance of preventing conflicts already at the household and community levels by actively including women in land management. In the cases presented, the approaches to tackle land tenure conflicts lead or can lead to win-win situations, in which the women are able to earn their living due to their access to land.

Favourable conditions for conflict prevention

Besides project interventions which favour women's economic empowerment, gender-just land policies and processes favouring women's access to land are vital elements to contribute to the promotion of women's access to land and to reduce the potential of conflicts at family and village level. However, it is not only top-down measures such as inclusion via quotas or laws which are important. Continuous awareness-raising is also necessary in order to make men understand and realise the importance of women's access to land for the wellbeing of their families and thus of the whole community, transforming laws into gender-just land situations on the ground.

References and further reading

- The research project "Ways out of poverty, vulnerability and food insecurity" analyses good practice projects that identify measures to reach the very poor, the vulnerable and food-insecure people and to assist them in a sustainable and efficient way to overcome poverty and food insecurity. A strong focus of the research lies on access to land and tenure security. One of the main outcomes of the research is that in the rural areas of Africa, land matters a lot with respect to making a living and being rich or poor. The research was carried out in Benin, Burkina Faso, Ethiopia, Kenya and Cambodia between 2016 and 2019.
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4

Indigenous peoples, land and conservation



Land is the livelihood basis of indigenous peoples. In some countries their territories are recognized legally, in others, they dwell in conservation areas or enjoy no specific protection. The pressure on this precious resource is increasing and in various cases violent conflicts escalate when indigenous territories become areas for resource exploitation (timber, minerals and other natural resources) or vice-versa are transformed into conservation areas, when migrants from other regions occupy land that is considered as unused, or when boundaries between neighbouring groups or peoples are disputed. The following cases show that in order to avoid conflict escalation in and around conservation areas and indigenous territories, dialogue, negotiation and planning processes involving the relevant and interested stakeholders have been successful instruments in Asia, Latin America and Africa.

Arianne Gijzenbergh outlines the participatory land use planning in a conservation area in the Philippines, while Kristina von Stosch describes negotiation processes in a Bolivian conservation area that is subject of migration pressure. Claudia Christine Wolf shows the sensitization and dialogue of stakeholders in a conservation area of Sierra Leone which started after a natural disaster raising the awareness of the local population. In this process, it became clear that conservation is not directed against people, but can create win-win situations when conservation protects settlements from landslides and creates income opportunities through ecotourism, even considering that ecotourism may itself become a source of conflict with other uses. Finally, Mechthild Bock, María José Muñoz and Sondra Wentzel explain how the strengthening of conflict management capacities of indigenous leaders in Peru can contribute to peaceful solutions.

Planning for peace and justice – Preventing violence through participatory land use planning in Mount Balatukan



Participatory mapping in Mount Balatukan, the Philippines

Issues:

- **Indigenous land rights**
- **Conservation area**
- **Multiple landowners**
- **Conflicting laws and policies**
- **Participatory land use planning**

“We were ready for war”, recalls Datu Romeo Lindahay as he recounts an incident from 1995. Armed with machetes, Lindahay and his fellow community members were gathered in front of a tract of land, blocking government contractors from entering the area. A long-term tenure agreement had been issued to migrants without consulting the local indigenous communities, who considered the land as part of their ancestral domain. Outnumbered, the contractor’s security forces retreated without a fight, but tensions remained high and many more land-related incidents took place in the decades that followed.

Datu Lindahay is a tribal leader of the Higaonon, the main inhabitants of the remote, forested interior of the Balatukan Mountain Range in Northern Mindanao. The Higaonon have long struggled to establish their lawful presence in the area and claim ownership over their lands, an issue that strongly affects indigenous communities throughout the country.

From 2011 to 2018, GIZ’s Conflict Sensitive Resource and Asset Management (COSERAM) Program supported an integrated approach to poverty reduction and peacebuilding in conflict affected areas in Mindanao. In Balatukan, the program started in 2016 to pilot conflict-sensitive dialogue processes and participatory approaches to reduce tensions and harmonize plans and actions towards peaceful, sustainable and inclusive governance of land and natural resources.

Phases from conflict to peace

1 Phase 1: 1997 Indigenous People's Rights Act conflicts with other laws

In 1997, the Indigenous People's Rights Act (IPRA) was signed into law, recognizing the rights of indigenous peoples (IP) to their ancestral lands, self-governance, social justice and cultural integrity. However, an implementation gap remained between the rights of the IP to decide over their lands and the realities on the ground. In Balatukan, three Higaonon ancestral domains overlap almost entirely with a 11,000-hectare protected area – under the administration of the Department of Environment and Natural Resources (DENR) –, as well as with the political territories of four municipal local government units (LGU). As a result, multiple landowners are responsible for managing the same parcel of land, under conflicting land laws and policies.

2 Phase 2: Tensions due to overlapping rights and multiple land users

This complexity of overlapping laws, rights and mandates became a source of tension between the Higaonon communities and the concerned government agencies. Land use plans for the area were developed independently, often without respecting the indigenous people's right to Free Prior and Informed Consent (FPIC), leading to conflicts in the implementation.

Furthermore, the Higaonon were largely excluded from the management and use of natural resources in the protected area. "The DENR prohibited our traditional practices, like hunting cloud rats and wild pigs and



collecting wood and rattan. We ran out of livelihood options", explains Datu Lindahay. Neglected and deprived of their rights, the IP communities became vulnerable for recruitment by armed guerrilla groups, further worsening the prospects for durable peace and stability in the area.

3 Phase 3: Building confidence of local communities to negotiate planning decisions

As a first step, the COSERAM Program initiated community-based action research to identify and document the indigenous knowledge systems and practices (IKSP) which have allowed the Higaonon to use their natural resources while maintaining high biological diversity in their ancestral domains. Documenting these IKSP helped to build confidence among the IP to articulate and assert their role as conservation actors in the area.

The identified IKSP served as a basis for drafting Ancestral Domain Sustainable Development and Protection Plans (ADSDPP) for each of the three ancestral domains in Balatukan. GIZ empowered the IP communities to take the lead in formulating these plans in accordance with their traditional collective decision-making procedures,



Key message

From confrontation to cooperation through dialogue and equitable participation of government and multiple land users

while capacitating the National Commission on Indigenous Peoples (NCIP) as mentor of the process. Equipped with these plans, the IP communities were better prepared to negotiate with government planning officers.

4 *Phase 4: Participatory land use planning through constructive dialogue*

With the conditions for a participatory planning process in place, GIZ supported the NCIP in organizing a five-day multi-stakeholder platform in July 2018 to interface the draft plans (ADSDPPs) of the IP communities with the overlapping Protected Area Management Plan of the DENR and land use and development plans of the LGUs. The platform was centred around a large map of Bala-tukan, showing the boundaries of the ancestral domains, the protected area and the LGU territories. The stakeholder groups took turns presenting their proposed projects and activities for the area and pinpointing these on the map using color-coded stickers. This allowed to visualize all intended land uses and identify potential tension hotspots, which formed an entry point for dialogue.

A range of tools and instruments were introduced to encourage conflict-sensitive and constructive dialogue between and among the different groups. The participants were given the opportunity to exchange their development perspectives, propose ways to resolve contradictions between the different plans and discuss avenues for cooperation towards common goals. These interactions were critical to diffuse existing tensions and build mutual understanding, laying the groundwork for peaceful cooperation.

5 *Phase 5: Integration of local communities' visions into government plans*

The planning officers of the Municipality of Balingasag used the venue to discuss how to integrate the projects in the ADSDPPs into their own land use and development plans. One of the projects discussed was a housing project, which the LGU committed to support. The planning officers and IP representatives agreed on the location for the project on the map and devised a unified vision for developing the area. A funding proposal

was submitted to the National Housing Authority, which has approved the allocation of 20 million Philippine Pesos for the project's implementation.

The DENR reviewed their reforestation plans with the IP representatives, who advised changing some of the proposed planting locations and using tree species more suitable for the local conditions, based on their indigenous knowledge as well as their own plans for the area. The DENR further committed to involve the IP as partner in their National Greening Program, which will ensure greater inclusion of the communities in decision-making processes as well as benefits in the form of trainings and employment opportunities. The platform also allowed the DENR refine its plans for enhancing and expanding a community-based biodiversity monitoring and patrolling system, which involves IP communities in the management of the protected area.

6 *Phase 6: Tensions are reduced, cooperation instead of confrontation*

Datu Lindahay welcomes the outcomes of the two-year intervention. Tensions have noticeably subsided and the IP are more involved in decision-making in projects that affect their ancestral domain. "I see a lot of changes in the behaviour of the LGUs and the DENR", he said, "they now ask us for advice instead of telling us what to do." The communities' plans for the area have been harmonized with overlapping government plans, which will help to prevent conflict in the implementation and offers avenues for collaboration and support. Lindahay says he feels better prepared to handle potential future disputes, because of greater rights awareness and because of the improved relationships with government officers.

The DENR has loosened its restrictions regarding the collection of forest products using traditional methods, and agreements have been reached for more structural inclusion of IP communities and their IKSP in the management of the protected area.



Success factors contributing to conflict prevention

- **From confrontation to cooperation through participatory land use planning**
- **Meaningful and equitable participation of all stakeholders**
- **Sufficient time to prepare processes and stakeholders**
- **Mutual respect between government and land users**
- **Building confidence of local communities to negotiate land use planning decisions**
- **Conflict-sensitive and constructive dialogue**

Cross-sectoral approach: Land, poverty, conservation, peace and justice

Eden Pajaron, representative of the Municipal Planning and Development Office, underlines the importance of tackling inequality (SDG 10) in peacebuilding efforts (SDG 16): “Conflict has to do with poverty (SDG 1). The people felt left behind. Through these activities they are able to see they are given more attention by the government”.

Liza Requiña, environmental specialist of DENR, highlights the importance of peaceful dialogue and relation-building for achieving conservation objectives (SDG 15): “It is important to establish peaceful coordination with the local community before implementing protected area management projects. If they don’t support you, your project will not be successful.” At the same time, improving the governance of land (SDG 2) and natural resources is also treated as an investment in violence prevention. Promoting effective co-management mechanisms, which ensure community participation in decision-making over access to and use of land and equitable distribution of benefits (SDG 10), addresses some of the key drivers of land conflicts and plays an important role in the wider process of peacebuilding (SDG 16).

Success factors

Participatory land use planning has been recognized as a key tool to reconcile competing interests in land. If done right, it can help to manage existing land conflicts, ease tensions and harness commitments towards peaceful cooperation. A precondition for achieving this

is meaningful and equitable participation of all stakeholder groups. Top-down approaches, lacking transparency, risk to exacerbate structural patterns of exclusion. In Balatukan, initiating a participatory planning process without ample preparation would put the IP in a disadvantageous position vis-à-vis the experienced planning officers of the DENR and the LGUs. GIZ dedicated considerable time and effort to creating a level playing field, which provides equal opportunities for all stakeholders to negotiate land use planning decisions.

“The government listened to us and understood us, but the process also allowed us to understand them. Now we know we have to respect their responsibilities as they have to respect our rights”, said Datu Lindahay.

Although documenting the Higaonon IKSP for biodiversity conservation was a lengthy process, over two years, it is one of the ingredients which contributed to the success of the intervention. It helped to build confidence among the IP in what they can contribute to conservation and it enabled the communities to formulate land use strategies that reflect their strengths, cultural traditions and aspirations as a people. Structuring these strategies and ideas into formal plans offered a means for the IP to interact and negotiate with government planning officers on an equal footing.

Favourable conditions and limitations for conflict prevention

Important strides have been made, but concerns are emerging that the change is too slow. Bureaucratic hurdles, inflexible government budgets and the difficulty of changing ways of working, are delaying the effective

implementation of some of the agreements and commitments on the ground. The main challenge will be for the government actors to maintain the dialogue and trust-building with the communities and demonstrate meaningful efforts towards reducing structural inequalities in order to sustain the success of the intervention on the long term.

In other words, unbureaucratic structures, flexible budgets and working modalities as well as a trustful relation between government and land users can contribute to prevent conflicts.

Perspectives of expansion and replicability

GIZ's pilot intervention in Balatukan offers a practical, field-based approach for addressing land-related conflicts in a peaceful manner and lay the foundation

for inclusive and therefore more responsible land governance. Local capacities have been strengthened and knowledge products have been produced, which enabled the NCIP of Northern Mindanao to replicate the approach in other conflict-affected areas, aiding in the formulation of 41 IP-led ADSDPPs, of which 14 so far have been interfaced and harmonized with the plans of concerned government agencies.

The key elements of the approach have been recognized as effective instruments for conflict resolution in the regional peace agendas for Northern Mindanao and Caraga, which will help to mainstream the approach region-wide. GIZ's new Responsible Land Governance in Mindanao Program will continue working with the DENR and other agencies involved in planning to further refine the approach and scale it up to the national policy level.

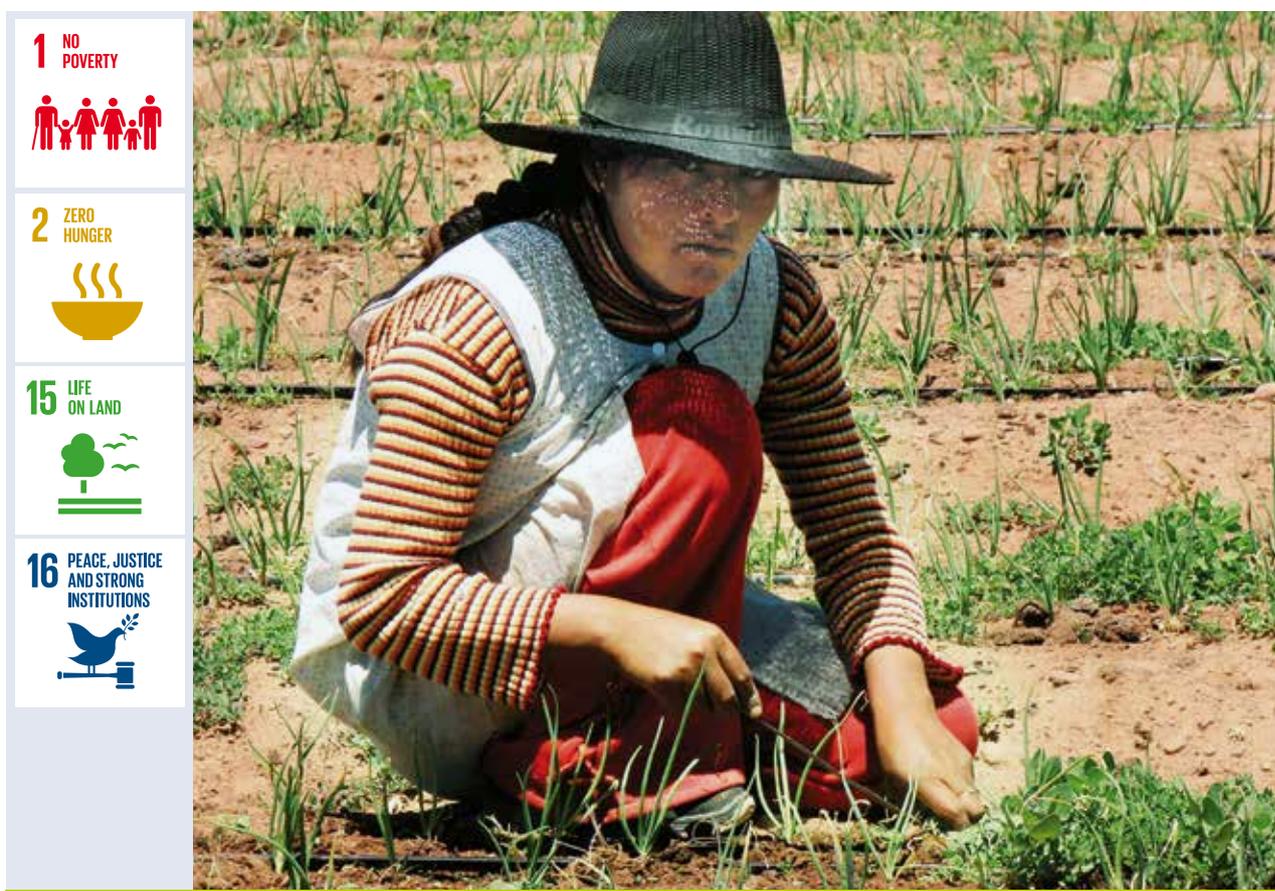
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Copaibo and how to combine resource protection and settlements in Bolivian lowlands



Woman weeding onions in Bolivia

Issues:

- **Conservation area**
- **Migration and settlements**
- **Local and central government**
- **Value chains for sustainable production**

Copaibo Reserve is a local protected area with a vast biodiversity and with a highly complex pattern of land management that involves both government and local actors. *The Municipal Reserve and Cultural and Natural Patrimony Copaibo* is located in eastern Bolivia, as part of the Municipality of Concepción in the Chiquitanía Region. It was established in 2011 by the local government due to its biodiversity value. It is part of a biological corridor, connects two protected areas and ecoregions: the Chiquitanía and Amazonian ecoregion habitat. It gives life to more than 650 species of birds and other fauna and flora, especially Copaibo. The Copaibo is a local tree with enormous medicinal value, formerly called

“the Balsam of the Missions” in times of Jesuit Missions in the 18th century. The entire Chiquitanía region is home to the indigenous people of Chiquitanos. Many indigenous communities are based just next to Copaibo Reserve.

Its enormous dimension of 350,000 hectares makes Copaibo Reserve difficult to manage. Continuous land disputes and interests in its local natural resources make it an ongoing point of conflict and an issue on different policy levels including a wide range of stakeholders. The process of managing this socio-environmental conflict was accompanied by the Foundation of the Chiquitano Forest Conservation (FCBC) and was documented by the Núr University and integrated into the Atlas of Environmental Justice (ejatlas.org). Both organisations are local partner organisations of the Civil Peace Service Program (CPS) as part of the German Society for International Cooperation GIZ in Bolivia.

Phases from conflict to peace

1 Phase 1: 2011 Creation of COPAIBO reserve

COPAIBO reserve was founded by the local government of Concepción in 2011 after a productive initiative had found great amounts of Copaibo reservoirs. After an investigation was undergone, it uncovered that this was the largest reservoir of this species of Copaibo trees in South America. Local authorities asked FCBC Foundation for technical support in the creation of their new protected area. In 2012, just one year after the establishment of COPAIBO Reserve, its management plan was elaborated and ready for implementation.

2 Phase 2: 2012 Settlement of population from the highland areas

In 2012, a group of so called *interculturales*—a population originally from Bolivian highland areas which settle in lowland areas arrived and settled in Copaibo Reserve. Some of them were supported by central government initiatives: They were leaving a big straight cut in the forest, right in the middle of the protected area. It turned out to be a settlement with legal governmental resolutions to settle in the area, even though the Protected Area had been previously established there.

This was how tensions began to rise. Local governmental authorities tried to protect and control their municipal territory, while the national government gave permission to others to settle within the protected area, creating a legal contradiction.



3 Phase 3: A local NGO (FCBC) support the local government and other actors, negotiations take place

The local NGO, FCBC collaborates with the local municipality and local population to protect their territory and natural resources in and around Copaibo Reserve. The local government wanted to get rid of the new population as they considered the settlements an intrusion to their territory. But it did not need deep reflection to see that this would be a long and complicated process, which would definitely foster conflict escalation.

Long and complicated negotiations between the local government of Concepción and the new settlers took place. They managed to relocate the settlement group, which had been located in the middle of the Reserve, to the southern part of Copaibo Reserve before they had finally settled there. A new management plan was elaborated by 2014 to adapt the conservation status and allow settlement and agriculture in the southern area.



Key message

Central and local governance must coordinate to prevent conflict escalation, while economic perspectives based on sustainable resource use are helpful

4 **Phase 4: FCBC assesses different stakeholders and provides technical information**

FCBC assessed legitimate local authorities (mayor, responsible authorities for land and resource issues, municipal councilors) in how to install and manage their protected area. It also assessed legitimate representatives of civil society (“control social”, civil society committee to control authorities) in how to manage COPAIBO Reserve and the importance of conservation. It assessed municipal authorities in who and why to create the protected area’s management committee, assessed in who to integrate into the committee and how they could get organized. Finally it assessed various actors on how to deal with land and resource conflictivity, and collaborated with conflict analysis and monitoring.

At the same time FCBC provided technical information on conservation needs, ecosystems, geographical information (GIS-mapping), governance of natural resources, sustainable development and sustainable forestry, especially the management of COPAIBO trees and its oil. It provided information and contacts to develop a supply chain for COPAIBO oil.

5 **Phase 5: Networking and economic perspectives**

FCBC created networks between the different municipalities within the Chiquitanía region. It supported the exchange of experiences with management committees of protected areas, on a local level (Chiquitanía) and on an international level (Model Forest). It connected local actors, producers, authorities, forestry entities and the private company to get to a sustainable use of local natural resources.

6 **Phase 6: 2015 New settlers cause new conflicts**

Even though settlement was limited to the registered group of *interculturales* in the southern area, the migrating population within the protected area started

to grow and expand beyond the permitted area. New settlers arrived on an informal status hoping to find fructiferous land for agriculture.

The local municipality made clear to them the limitations of settlement in this area and that measures would be taken to address any violation on the limitations. In September 2015 the new settlers showed their annoyance about the regulations on land use and settlement through a 2-day road block and occupation of the municipality.

All these measures were aiming to entirely dissolve the status of Copaibo Reserve as a protected area. Negotiations took place and technical information was provided resulting in deescalating the conflict development. But as FCBC suspected, the conflict had not been finally resolved.

7 **Phase 7: 2018 The conflicts sparks up again**

In spite of the continuous support to local government, the creation of a local Copaibo Reserve Management Team, and the formally approved management plan, three years later, in 2018, the conflict emerged again and stronger than before. Pressure over land in Copaibo Reserve grew as land disputes in the whole Chiquitanía region grew stronger. Massive governmental relocations started to take place in the region and conflicts over land and resources sprang up like mushrooms.

At present, a considerable group of *interculturales* is threatening with new road blocks in Concepción, stronger measures and new uncontrolled settlement groups are about to arrive. Meanwhile the local government is distracted with internal disputes, legal processes directed at the mayor and conflicts over power.

Cross-sectoral approach: Land, gender, peace and justice

At the same time, FCBC wants to find a way so that the *interculturales* could settle without destroying natural resources and respect the needs of local indigenous



Success factors contributing to conflict prevention

- **Acting only through the local legitimized entities**
- **Combining sustainable resource use and economic development through organic production and marketing based on an agreement with a private company**
- **Strengthening regional and international networking**
- **Functioning local governance (during the initial phases)**

population, all the while promoting understanding and a harmonious cohabitation among the people of the Municipality of Concepción. This required economic perspectives for the settlers which were not familiar with the agroclimatic conditions of the Bolivian lowland.

To achieve this objective, a very successful intervention was to connect a private company with the settlers and the local government. AGROSELLER was contacted, as it was known to be a company that works with organic agriculture, so the settlement could be made eco-friendly. In 2017 an agreement was signed between the local government of Concepcion, the settlement communities, FCBC Foundation and AGROSELLER. The company offered to buy all the production of organic products grown in Copaibo Reserve. The new settlers were instructed in organic farming, the local government took territorial control, and FCBC Foundation assessed settlement communities in manners of sustainable forest use. Although the company wasn't able to buy the whole production and to meet all the expectations, the agreement allowed FCBC to establish relationships with the *interculturales*. This had not been possible before. FCBC had been considered as an enemy that limited acting through installing Copaibo as a reserve category.

This shows that conservation of natural resources (SDG 15) and the prevention of violent conflicts (SDG 16) over these resources require economically viable strategies to use these resources sustainably for livelihoods and income (SDG 1 and 2).

Success factors and limitations

Compared to neighbouring Municipalities, land disputes that involve national government settlements

could be kept less violent in Copaibo Reserve and different moments of participatory decision-making could be realized.

All interventions took place through the long-term assessment of local legitimized authorities including representatives of the civil society and *interculturales*. FCBC focused in participatory decision-making and creating impartial technical information. So different solutions could be found and positions could be made more flexible.

The issues in this Reserve were discussed in regional Model Forest network meetings, as the Chiquitanía region is the biggest Model Forest area in the world. In 2017 a network meeting in Concepcion managed to establish a new committee as *Defence Committee for Land and Territory*, where mayors and councillors of more than 10 municipalities signed to participate. These partnerships strengthened the local government and the settlement of conflicts were taken more seriously on a national level.

This process shows us again the crucial role of local governance and functioning institutions. Copaibo Reserve could be well managed and land conflict issues could be treated in a non-violent manner as long as local government was operating and taking on its role independent from national interference. From the moment local authorities were weakened due to powerful national policies favouring migration to the lowlands, the process went down.

The main limitation was the fact that the conflict manifestation took place within the local municipality while the conflict source might have been addressed

far away in how land distribution was managed from central government. Local communities had to stand a conflict they did not originate. FCBC decided to take the settlement resolutions as a given condition that they would not try to change.

Officially, the relocations of population from the highland to the lowland area are due to land scarcity and population overload in the altiplano (Bolivian highlands). Unofficially, it is well known that land tenure and distribution is used as a power mechanism and the national agrarian reform institute INRA is subordinated to political clientelism. Land distribution is a mechanism to change political power relations, especially this year with presidential elections in Bolivia.

Favourable conditions for conflict prevention

Quite important was the role of central government. The management of land and natural resources is a responsibility of central government in Bolivia. A transparent process of land distribution or resource use and coordination with subnational policy levels is required to prevent that land and resources will continue to be strong factors of conflict.

Perspectives of expansion and replicability

In conclusion we consider interventions on local level in land and resource issues are limited as long as there is no transparent integral mechanism to treat these conflict factors including grievance mechanisms. We consider an integral approach must combine climate change, environmental justice and economic aspects. If we make efforts to combine these factors into a long-term land and resource management strategy which is coherent on national and local level, conflicts are more likely to be treated in a non-violent manner.

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A Chance for Change



The landslide at Sugarloaf Mountain in the Western Peninsula of Sierra Leone

Issues:

- **Conservation area**
- **Disaster risks**
- **Ecotourism**
- **Trust building**

The tragic landslide in Sierra Leone's Western Area Peninsula Forest opened people's eyes to the importance of land use planning and conservation. If nature and wildlife are protected, the country can develop into an attractive tourist destination.

The trekking trail through the Western Area Peninsula Forest ends close to Sierra Leone's popular River Number Two Beach. Behind us, in the heart of the rainforest, lies the majestic Guma dam, which provides water for the growing population of Sierra Leone's capital Freetown. Before us the earth is smoking. Hot ashes and burnt remains of trees cover the ground. "People continue to

encroach the forest and build houses in the National Park," says Environmentalist Momoh Bai-Sesay. "There is logging, mining, and hunting. But the country is at a turning point. People are sensitized. They have learned from the landslide in 2017."

Now, as we cross the National Park's boundary, heavy drops of rain start falling from the sky. They mark the beginning of the rainy season – a season that is awaited with fear by many since the year the rain washed away hundreds of lives at Sugar Loaf Mountain.

Phases from conflict to peace

1

Phase 1: 2017 A landslide kills more than 1000 people

In 2017, in the early morning of August 14, a hillside of Sugar Loaf Mountain close to Freetown collapsed after

heavy rains and killed over 1000 people. The landslide was mainly due to heavy deforestation: people had cut down trees within the boundaries of the Western Area Peninsula Forest National Park in order to expand their settlements. After the tragic event such illegal activities were banned in the area the landslide had occurred, but they continue in other regions.

2 **Phase 2: People wake up: protection of the environment is useful**

Changes do not come fast. Changes usually come, when it already seems too late. The landslide was a wake-up call for Sierra Leoneans. People finally began to listen to the voices of environmentalists and organisations like Conservation Society of Sierra Leone (CSSL), an NGO that had advocated for the protection of the environment and the wise use of natural resources since over three decades. “We need the Western Area Peninsula Forest,” says Charles Showers, Board President of CSSL. “It serves as a water catchment area, and it is inhabited by endangered species, such as chimpanzees and birds. The park is safe, which makes it a great destination for tourists.”

3 **Phase 3: Fear remains in rainy season**

But heavy rains – possibly at least partly due to climate change – continue to threaten the Freetown Peninsula. They can trigger further landslides. There are many deforested hills with settlements on the Freetown Peninsula, some of them even steeper than the hillside that collapsed at Sugar Loaf Mountain.

In a survey CSSL conducted in disaster-prone communities of Freetown one year after the landslide, 50 % of questioned women and men said that rainfalls affect their community negatively. In each area, 70 women and men had been interviewed. The majority of people in each community reported that they observed an increase in the frequency or amount of rain when thinking back over the past ten years. On average, 93 % reported this change. People also said they are afraid of the rain, and that they do not easily sleep during rainy nights.



4 **Phase 4: Insufficient compensation after landslide**

Many victims of the landslide of August 2017 complain that they never received the full financial compensation of five million Leones (less than 600 US-Dollar) the government had promised. The international media reported about the government's inability to fulfil its promises, and the disappointment of the victims of the landslide who had hoped for help. This was also reflected in CSSL's humanitarian aid project: out of 14 women and men, which CSSL supported with basic support and seed capital for businesses, only one man had received the full compensation. All others had received nothing, or just a part amount. None of them has access to the housing the government promised a few days after the disaster



Key message

The prevention of conflicts, ecotourism and environmental protection can be elements which go together

5 *Phase 5: Trust building by CSSL*

To build trust, CSSL made sure not to raise expectations that could not be fulfilled when supporting the victims of the mudslide. A trusting atmosphere was built by continuous conversations, by providing individual support, and by explaining to the women and men which amount of financial support they would receive. The people were also informed that the project would end after providing seed capital for businesses.

CSSL used the same approach during the community survey in disaster-prone areas of Freetown: at the beginning of each questioning, the interviewers stated clearly that the purpose of the survey was to create awareness and influence stakeholders, and that CSSL would neither pay interviewees nor help reconstruct structures that had been destroyed by the rain. Providing explanations and communicating on eye-level may sound obvious, but is the exception rather than the rule in Sierra Leone.

6 *Phase 6: 2018 stakeholder dialogue*

“We want to make sure that such a disaster never happens again,” says Edward Sesay, Program Manager at CSSL. “We held a stakeholder symposium for land use management on the Freetown Peninsula by the end of 2018, and together with the government we organized a conference on land use early this year.” The absence of urban planning is the main reason for the encroachment of the Western Area Peninsula Forest, and conflicts about land ownership are common. Until this day, people get building permits for areas that are not safe or lie in the National Park.

7 *Phase 7: 2019 Ecotourism as new economic perspective*

In February 2019, Jane Goodall returns to Sierra Leone. The renowned primatologist and anthropologist had been instrumental in founding Sierra Leone’s flagship ecotourism resort, Tacugama Chimpanzee Sanctuary 27 years ago. “I am impressed by Tacugama’s achievements”,

Goodall said at Sierra Leone State House. Ecotourism is seen as a way to escape from poverty while conserving precious natural resources.

Indeed it seems like Sierra Leone’s new government, elected in March 2018, recognizes tourism and specifically tourism as a powerful means to boost economic growth. The government facilitates and promotes tourism in the country. Others move in the same direction: Tacugama is working on an ecotourism resort in Gola Rainforest National Park. CSSL has launched an extensive ecotourism project to develop its project areas in Gola Forest, the Western Area Peninsula Forest, Kambui Hills and at Lake Sonfon into attractive destinations for travellers.

Cross-sectoral approach: Land, natural resources, economic development, peace and justice

According to a report published by the UN World Tourism Organisation (UNWTO), tourism is a driver of sustainable development, and it can improve quality of life, diverse cultural heritage and world peace. In Sierra Leone, the development of tourism and the protection of the environment must go hand in hand: the country’s beauties are its beaches, wildlife and rainforests. Importantly, as shown in a study by Tourism Watch and Bread for the World, stakeholder groups within the tourism sector must be sensitized to the need of avoiding risks of tourism-related land grabs and involuntary relocation.

The prevention of deforestation and the conservation of biodiversity and wildlife needs to be combined with sustainable concepts for the rural and urban population, income generation and food and housing. Applying this approach, the promotion of ecotourism can contribute to conflict prevention and the reduction of inequalities, avoiding always the risks mentioned above which may trigger new conflicts if not properly addressed at early stages of planning ecotourism.

Success factors and limitations

Civil society organisations, the government and Freetown’s communities need to collaborate in order to protect the Western Area Peninsula Forest, secure its biodiversity and Freetown’s water supply. CSSL’s



Success factors contributing to conflict prevention

- **Sensitization through disaster**
- **Trust building by transparent communication**
- **Economic perspectives by ecotourism and seed money for businesses**
- **Inclusive governance and dialogue between actors**

activities mark milestones on the way. But collaborations need trust, and trust takes time to build in Sierra Leone. This is not surprising: a decade-long civil war, massive corruption and fraud, misuse of Ebola funds – but also unfulfilled promises – created a culture of distrust.

Favourable conditions for conflict prevention

Peaceful dialogue and collaboration requires trust which has to be built up in a long lasting process, especially in the case of post-conflict countries and corruption. Anti-corruptions measures have to secure that the new economic dimension leads to reduction of inequalities and bears perspectives for life on land that leaves no one behind. Land use plans have to be elaborated together with the affected communities in a gender- and conflict sensitive manner.

Inclusive governance at local and national level has to guarantee environmental protection and simultaneously generate decent work and income for all, creating chances also for marginalized and poor people. Land grabbing and forced displacement have to be prevented, sustainable housing and income generating have to be secured, economic benefits have to be shared equally and food security has to be secured.

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More peaceful and inclusive communities through empowerment and training of indigenous leaders on conflict and gender



Workshop with indigenous leaders in the Amazonian region of Peru

Issues:

- **Indigenous land rights**
- **Communication skills**
- **Cultural and gender sensitivity**

"I'll be more patient and understanding, and I will listen to both sides." These were the words of a female indigenous leader of the Shawi people, who recognized in herself a change of attitude after participating in a training course on local conflict management. This course was organized by the Regional Government of San Martín in Peru and *ProTierras Comunales* and implemented in coordination with the regional and local indigenous organisations in 2018.

ProTierras Comunales is part of the Global Project "Responsible Land Policy", implemented since late 2015 by German development cooperation in six countries in Africa, Asia and Latin America to promote the Voluntary

Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT, 2012). In this context, SDG Indicator 1.4.2 "Proportion of total adult population with secure tenure rights to land ..." receives special attention, but the project also contributes to several other SDGs of the 2030 Agenda, especially to SDG 16.1 (prevention and reduction of violence).

In the Peruvian Amazon, the approximately 50 indigenous peoples face diverse and complex obstacles when they attempt to secure collective rights to their ancestral territories. First of all, since the 1970s, they have had to organize in currently about 2,150 *comunidades nativas* (native communities) which are the only legal entity which can receive a collective land title. This has fragmented their territories. Also, the Amazon has been made accessible by road construction and airports, leading to settlement processes and extractive activities. Many of the current obstacles faced by

native communities during the titling processes are of a political-administrative nature due to the overlap of, for example, protected areas or timber concessions with indigenous land claims.

In the project's conflict classification, these overlaps are considered "structural conflicts", since they fall within the responsibility of either the national or regional government and are not necessarily visible on the ground – until they slow down or prevent land titling. At the same time, there are diverse "local conflicts", be they in or between native communities, or with their usually more powerful nonindigenous neighbours (squatters, migrants or villages), which sometimes escalate and even become violent. Comparisons with other countries in the Global Project, supported by studies conducted by Center for International Forestry Research CIFOR (Monterroso and Larson, 2018), show that while the diversity and frequency of conflicts during the titling of indigenous territories in Peru are high, there is a legal and institutional vacuum with regard to conflict prevention and management in the land sector which for a long time hardly received any government attention.

Working on the structural conflicts requires intensive policy advisory processes. For this reason, *ProTierras Comunales* at the national level collaborates with the Ministry of Agriculture and Irrigation, especially with the unit supervising land titling. At the regional level, the project cooperates with the Regional Directorates of Agriculture in the Amazonian regions of Ucayali and San Martín which are in charge of implementing the demarcation and titling of native communities.

At both levels, *ProTierras Comunales* works together with indigenous organisations as strategic partners,



supporting their role as political actors and working towards their active involvement in all relevant decisions and processes. While there has been some progress with regard to solving the overlaps between production forests and native communities, protected areas and timber concessions still constitute serious obstacles to the titling of native communities.

From conflict to peaceful and sustainable solutions



The course on conflict management focused on preventing and finding solutions to local conflicts, especially those within and between native communities. Therefore, the participants were female and male indigenous leaders belonging to the Kichwa and Shawi indigenous peoples delegated by 5 of the 8 indigenous federations in San Martín with the highest incidence of conflicts in ongoing land titling processes. Despite a participatory selection process according to jointly established criteria, some of participants had difficulties in reading and writing and/or fluency in the Spanish language, which demanded challenging methodological adaptations.



Key message

The resolution of conflicts involving indigenous communities requires legal empowerment, changes in attitudes and communication skills

The course, offered in the second half of 2018, had three modules (each lasted 3-4 days, with a total of 80 teaching hours):

1. Conflict, interculturality and communication;
2. Legislation and the relationships between the State and indigenous peoples; cartography;
3. Conflict analysis and management.



Communication skills

Fostering relevant knowledge and abilities, reflection on their own conduct and the ability to change attitudes were the main goals of this capacity development process. Strengthening communication skills was a thread throughout the three modules, especially in case of women, some of whom needed to overcome their fear to speak in public. Listening actively to the others, reframing what the others say and understanding their interests and needs were important instruments. Role playing “to put oneself in the others’ shoes” was a challenge but also a positive learning experience for the participants.



Legal framework and participatory mapping

Equally important was to get to know the legal framework, learn where to place complaints and how to get relevant information. Participatory mapping and a practical session on the use of GPS were instrumental to map community territories and their boundaries.



Analysing and addressing existing conflicts

All these were steps to come to a better understanding of land conflicts and their possible solutions and reach the core topic of the course: conflict analysis and management. The last module worked specifically on conflicts that currently exist in the participants’ communities. The cases were analysed with tools like participatory mapping and actor analysis and addressed through mediation,

negotiation and some elements of indigenous justice, i.e. legal concepts existing among the two indigenous peoples.

Cross-sectoral approach: Land, culture, gender and conflict transformation

The project is currently analysing its training experiences with indigenous peoples and communities which pose specific challenges not only with regard to the logistical issues, but also because of tensions between the two important principles of cultural and gender sensitivity: male indigenous leaders in San Martín often still argue that supporting indigenous women’s rights and interests is against indigenous culture or can divide and weaken its organisations (see also Larson et al., 2019). They give a lot of reasons why women will not or cannot participate in organisational and land titling processes, starting from obligations at home and with the family, or the travelling costs which women allegedly would not be able to afford. Indigenous men also argue that it would be too hard for women to walk in mountainous terrain during land titling processes – arguments that indigenous women increasingly reject. The course also attempted to involve people of different generations. The Shawi included several young people while the majority of the Kichwa participants were mature adults. Overall, the course contributed to strengthening the role of women and young people.

Success factors and limitations

There is still a need for a better understanding of and support for learning processes of indigenous adults. The facilitators used examples from indigenous daily experiences and were sensitive to cultural differences among the participants. The challenge was to understand and adjust to these different ways of learning, in view of the course objectives and several rather complicated topics that needed to be covered in the syllabus (laws, institutions, conflict management concepts and methods etc.).

Role-playing proved to be a promising instrument, especially when indigenous participants had to step into the role of non-indigenous actors or other opponents. Also, participatory exercises and visual instruments like time lines, sketch maps and conflict mapping could be



Success factors contributing to conflict prevention

- **Working on real conflicts and based on indigenous experience**
- **Role-plays as a useful tool in training: learning to put oneself in an adversary's shoes**
- **Focus on attitudes and communication skills, starting from the ability to listen**
- **Integration of elements of indigenous justice**

adapted for the course and were useful tools. Nevertheless, the project team recognizes that in the endeavour to strengthen indigenous peoples' capacities there is still a lot to be learned and improved.

Perspectives of expansion and replicability

The course was a first and important experience in which male and female indigenous leaders learned how to conduct a constructive dialogue, act more strategically and use simple tools to analyse, prevent and manage conflicts or "impasses", as they prefer to call them. Between the two groups, 36 participants, among them 15 women, finished the course. The trainees will be "multipliers" and pass on what they learned in their own cultural terms to their communities, contributing to the search for peaceful solutions to local conflicts as a precondition to increase tenure security. ProTierras Comunales will accompany them in this process.

From 2019 onwards, ProTierras Comunales will also work with – male and female – regional government officials to deepen their knowledge about indigenous peoples

and relevant legislation and to increase their skills in intercultural communication and conflict management. This will be a contribution to fill the institutional vacuum mentioned above, which slows down the solution of structural conflicts and the serious local conflicts between native communities and non-indigenous actors. In this context, government officials should facilitate rights-based, peaceful and equitable solutions that contribute to indigenous land tenure security. But to be able to do so, they will also have to learn to listen to all sides.

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5

Farmer-herder conflicts



Land is becoming a scarce resource. Population pressure, climate change and resource degradation make it even scarcer and lead to disputes over land, pasture, water and forests which at times become violent and can turn into tribal wars if not managed properly. Especially in semi-arid regions, resource conflicts between farmers and nomadic or sedentary pastoralists are frequent. The transformation of former pasture land into fields and the destruction of field crops by animals are often the spark of violent conflicts. Climate change and the availability of weapons are increasingly heating the violence of these conflicts up. These conflicts can be additionally aggravated by different religions of the involved ethnic groups and by the fact that extremists tend to use religion as a fuel for conflicts, as is the case of Northern Nigeria. Roger Blench shows how farmer-herder conflicts are managed in Nigeria, while Alhassane Younfa

presents the solution to a farmer-herder conflict in Niger which is additionally complicated by woodcutters and other forest users.

As in the case of conservation areas, working with an integrated approach towards SDG 2 (hunger / food security), SDG 15 (life on land) and SDG 16 (peace, justice and institutions) requires to consider land degradation, agreement between resources users, rural livelihoods of different groups and factors fuelling conflict. This helps to prevent land and water conflicts and violence at grassroots level. Although these dispute resolution mechanisms cannot resolve underlying causes of these conflicts such as climate change and inadequate land and resource laws, they can succeed in establishing a peaceful coexistence of different groups.

Towards a peaceful coexistence between herders and farmers



Nigeria: Gboko cattle and herders fleeing from conflicts

Issues:

- **Farmer-herder conflicts**
- **Stakeholder dialogue**
- **Enforcing land use regulations**
- **Anti-pastoralist land laws**
- **Climate change**
- **Demographic pressure**

Since around 2000, Nigeria has experienced an accelerating series of communal conflicts around the issue of herder/farmer violence. The International Crisis Group indicates that many more people have died as a result of this than in the insurgency in the Northeast attributed to Boko Haram. However, a limited response from government has allowed the crisis to continue largely unchecked.

The intervention consisted of a series of consultancies funded by MISEREOR, working with the Justice, Development and Peace Committees (JDPCs) formed by the

Catholic Church in various dioceses in Nigeria. The objective was to establish the incidence, severity and probable causes of herder/farmer conflict in the various states/dioceses, to train local staff in the analysis of such conflicts, to link proposed action to broader advocacy strategies and to assist them in thinking through the preparation of proposals to fund programmes aimed at reducing levels of conflict. The consultancies took place during 2016 and 2017 and in 2018 a booklet was published to provide a brief synthesis of the results.

Phases from conflict to peace

1 Phase 1: Increased farmer-herder conflicts due to land degradation

The genesis of herder/farmer conflicts is much disputed and is often attributed to climate change. However, it is certainly the case that there has been massive

environmental degradation due to demographic increase. Farmers are expanding into more marginal land, and herders under pressure are overgrazing semi-arid regions and pushing ever further south into areas where they have no tradition of interaction and complementarity with farmers. In addition, the cutting of economic trees to feed the international markets for timber and charcoal has accelerated soil erosion. However, this takes place within a context of broader civil insecurity, including banditry and the Boko Haram insurgency which intensifies the mortality when clashes occur.

2 Phase 2: Convince local partner groups

The consultancy worked with many different local partner groups, and it is fair to say that their capacities were extremely varied. Many had no experience of this type of analytic work because typically they deliver pre-designed packages. Moreover, because the staff of partner organisations are entirely composed of resident farming populations, their sympathy with nomadic peoples and understanding of the pastoralist livelihood systems was either limited or they were partisan. The primary task was thus to convince the JDPCs of the validity of this approach.

3 Phase 3: Workshops on conflict analysis and analytical surveys

It was found that running workshops to develop analytical skills and thus practical solutions could be extremely effective in some partner organisations, depending on local



Key message

Farmer-herder conflicts are a major source of community insecurity and need to be addressed with greater urgency



staff capacity. In Ekiti and Oşun States, for example, initial training resulted in the local partner organisation conducting their own survey, preparing local analyses and making proposals for more extended work base on this evidence. The JDPC in Benue State, one of the states most affected by violent communal conflict has had a successful proposal funded to approach these issues in greater depth.

4 Phase 4: Communication between different interested groups

Partner organisations have little or no experience in contacting a wide range of stakeholders and in almost no case were in active communication with local pastoralist leaders. Part of the consultancy was to establish lists of local leaders/organisations and to arrange preliminary meetings. However, for a sustainable impact this needs regular follow-up.

5 Phase 5: Regular stakeholder meetings

Some local successes had been achieved by bringing together regular committees of local stakeholders in

advance of potential conflict. For example, in Benue State, where there has been extremely high mortality in some areas, the consultancy found that in Otukpo, the initiative by a local traditional ruler to convene regular meetings between herders' leaders and the Idoma community had almost eliminated clashes in the immediate area. A similar strategy has been adopted in the areas of Pankshin and Shendam in Plateau State.

6 Phase 6: Enforcement of land use regulations

Nigeria historically had a system of grazing reserves (gazetted areas only for use by pastoralists) and stock routes (official routes for transhumant pastoralists on which it was forbidden to farm). These were intended to keep apart farmers and pastoralists and were initially effective. However, increasing demographic pressure has resulted in cultivation of many of these reserved areas and consequent conflict between the two groups. A study of the situation in the northern states of Katsina and Sokoto, where the JDPCs do not operate, showed positive examples of where policies initiated by more enlightened state governments could have positive effects. The governments have taken action to enforce the regulations in relation to Grazing Reserves, to maintain the integrity of stock routes and to institute a system of identifying the origin and movement of transhumant pastoralists. All parties testified these strategies had reduced conflict compared with a decade ago.

Cross-sectoral approach: Land, environmental degradation, climate, peace and justice

Root causes of the conflicts in Nigeria are climate change, environmental degradation, demographic pressure and weak government. The described approach seeks synergies between different stakeholders to agree on the use of more disputed natural resources. However, this requires also a stronger state enforcing regulations on resource use and the observance of international conventions by abolishing discriminatory anti-pastoralist legislation. Therefore local level initiatives have to be complemented by state and national level lobbying.

Success factors and limitations

Overall, the prognosis in Nigeria is very negative; despite massive investment by NGOs, CSOs and international aid agencies as well as the national government, levels of violence have if anything increased since these conflicts began to accelerate after 2000. Since Nigeria is plagued by a terrorist insurgency and rural banditry in addition to herder/farmer conflicts, and there is no formal record-keeping of any sort, measuring the impact of any intervention is virtually impossible.

The characteristic movement pattern of the transhumant pastoralists, typically the Fulani people, is a movement from north to south in the dry season to seek pasture and water for their herds. Formerly, the whole family moved with the herds, which was a strong incentive to maintain peaceful relations with farming populations. However, social change has meant that most herds are now managed by unaccompanied young men, assisted by hired herd boys, whose skills may be limited. The young men are now typically armed, and prescription drugs such as Tramadol are widespread, which inevitably increases the level of tension.

In spite of these limitations there are some factors which have favoured positive outcomes in reducing violent conflicts.

Reduction of conflict requires constant communication between affected parties. The consultancy drew up lists of trusted interlocutors at the local level, and made initial contacts with each group, often bringing them together in a room for the first time. In the era of the mobile phone, often a call made when there is a perception of an increase in tension makes possible pre-emptive action. However, for such communications to be sustainable, lists like this have to be kept up-to-date.

Although it is a popular strategy, holding peace-making meetings after conflict has occurred was found to be completely useless. Similarly, the government approach to security, involving moving armed forces of civilian militias into an area after a clash, only increased the resentment of local populations.



Success factors contributing to conflict prevention

- **Constant communication between affected parties**
- **Work through local grass-root organisations**
- **Regular stakeholder meetings convened by local actors**
- **Political will of the government to enforce land use regulations**

Favourable conditions for conflict prevention

The Nigerian constitution and indeed the Economic Community of West African States (ECOWAS) convention provides for free movement of people and this should apply to nomadic pastoralists. Indeed many pastoralist subsistence strategies require cross-border movement, and this takes place annually on a large scale between Niger Republic and Nigeria. However, within Nigeria, there is a widespread rhetoric that the country is being invaded by 'foreigners' and at the state level that 'non-indigenes' are settling in the state. It is essential that there is a greater focus on the human rights aspect of this type of language as well as the legislation increasingly being used to block pastoralist movement.

Governance in Nigeria is weak at best and existing laws and policies are rarely enforced. Individual states have considerable legislative power and are often controlled by populist politicians whose policies are not evidence-based. For example, a number of states in Nigeria have passed anti-pastoralist legislation which appears to flatly contradict human rights as enshrined in the Federal constitution. Yet these have not been challenged. International conventions are thus largely irrelevant to the ground situation.

At the level of the state and the local government, more enlightened policies can make a genuine impact. However, these are often the consequence of a few thoughtful individuals rather than being based on central policy ideas. Even then, the success of these policies is not measured with evidence, nor is it disseminated to neighbouring states. The challenge is therefore to disseminate these strategies more widely. The failure to learn from

positive experience argues that NGOs and CSOs can have a significant role in helping draw out the lessons from these policies.

Perspectives of expansion and replicability

At present the analyses and the lessons from these positive experiences are contained in downloadable reports and a booklet published by MISEREOR written by the present author. Nigeria is a vast country (the most recent estimate puts the population at over 200 million) and the problem is national. Even so, the level of documentation is minimal. It cannot be underlined too strongly that without consistent record keeping, databases of conflict, and reports and analyses of strategies that have or have not worked it is effectively impossible to apply such approaches in the future. Moreover, co-operation at different levels of administration is low, i.e. even where records are kept at a local level, they are not passed upwards, so that a broader national picture can be established.

To expand the success of positive approaches requires an extensive programme of dissemination and familiarisation of all sectors of society. Reaching a much greater proportion of the potential audience will require an intensive programme of workshops, powerpoint presentations, written materials in languages other than English, posters, internet films. At present, for example, few Nigerian NGOs, including the JDPCs, have an effective internet presence, even though Nigerians are enthusiastic social media users. Given that social media have been very effective in spreading hate speech and anti-pastoralist propaganda, it can also be used to spread more positive messages. Moreover, given the operation of

government through networks of personal patronage, it will require personal visits to government officials, aid donors and influencers such as large NGOs. There is currently no sign that any of these agencies are willing to make this sort of investment.

The process of lesson-learning even from positive experiences, such as those in Katsina State, remains weak and political actors are not necessarily committed to reduction of violence, especially where such conflicts play to their political advantage. Related to this is weak leadership among pastoralist CSOs, are often dominated by elderly men chosen for their piety rather than a capacity to lobby government or provide effective secular leadership. Short-term causes include rhetoric drawing on religious differences, and a general climate of civil insecurity, such as kidnapping and banditry. Governments typically treat this as a security issue and provide military responses. While these are evidently required on an immediate basis they do not address underlying causes of conflict such as the competition for scarce resources, land and pasture degradation and climate change.

Similar issues are relevant across the semi-arid regions of West-Central Africa, and only the lesser intensity of

demographic pressure has meant that the incidence of violence is not yet as high as in Nigeria. Therefore, lessons from the Nigeria situation need to be taken into consideration in other West African countries. A large number of bodies, including international agencies such as UNOWA (United Nations Office for West Africa) have begun to focus on this as a matter of concern, which has multiplied the amount of reports on the matter. Unfortunately, the vast majority of these are literature reviews and thus tend to repeat one another. However, the scale of consequent action has been slight because of a lack of funding and ground personnel. For action a wider trans-national level, there will have to be substantial funding as well as a willingness to work through more grassroots organisations.

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is a consultant specialising in development in Sub-Saharan Africa, with a particular emphasis on pastoralism and environmental issues. He has been working in Nigeria since the 1990s, and has followed the evolution of pastoralist /farmer relations over three decades.

Preventing violence over the use of land in the Farrey Forest: dialogue secures livelihoods



Niger: peasants transport their harvest from the field by donkey carts – both animals and field crops are part of rural livelihoods

Issues:

- **Farmer-herder conflicts**
- **Multiple stakeholders**
- **Collective land use**
- **Land laws and regulations**
- **Dialogue and consultation**

In the Sahel, “agro-sylvo-pastoral” activities based on the exploitation of natural resources is the main occupation of the population living in rural areas. Given the effects of climate change, human activities and demographic factors, land claims related to land ownership appear between different users. Pastoral areas are reduced due to increasing agricultural activities. Violent conflicts occur regularly between different users, particularly between pastoralists and farmers.

The Civil Peace Service of the GIZ is implementing the regional program “Support of dialogue and conflict

transformation in the context of cross-border Transhumance” since 2011 in Niger, Burkina Faso and Benin in order to support local actors in finding solutions to conflicts related to the use of natural resources, especially those involving transhumant pastoralists. This is done through capacity building of the conflict actors on inclusive dialogue, negotiations around litigious resources, the respective legal context in relation with natural resources and policy influencing.

In 2018, the National Federation of Niger Breeders (FNEN-Daddo) as partner organisation of the GIZ-ZFD in Niger, conducted a mediation process to solve a land conflict between farmers, woodcutters, pastoralists (all men) and some women who collect dead wood taking place in the Farrey forest, Dosso region of Niger since 2003.

Phases from conflict to peace

1 Phase 1 | 2003: Violence between farmers and breeders

This forest has a total of 140 00 ha and is used by breeders as a pastoral resource (young men, members of the Peulhs community), woodcutters to collect and sell wood (men, members of the Djerma community), farmers (mainly young men and some women, members of the Djerma community) who cultivate their fields in the periphery of the forest and women (also Djerma) who collect dead wood for cooking purposes. In 2003, the Farrey Village chief cleared a part of the forest for agricultural use without consulting the pastoralists – living there more than 100 years – who he considered to have no rights on the land located in the forest. Since the pastoralists did not accept that, the conflict escalated and the farmers burned the houses of the pastoralists. Tension remained high for a longer period of time. At that time, the civil society organisations were not strong enough to engage in the conflict and the governmental authorities were not willing neither.

2 Phase 2 | 2018: Risk of new violence

In 2018, the same village chief together with some farmers cleared another part of the forest to expand their crop fields. Pastoralists opposed it again and the risk of turning into a violent conflict became very imminent.



Key message

Farmer-herder conflicts require dialogue and clear regulations



3 Phase 3: Dialogue between actors

The partner organisation FNEN-Daddo worked with municipal, administrative and customary authorities to find a solution to the conflict before a new outbreak of physical violence.

4 Phase 4: Consensual solution

After several meetings between the various actors, a consensual solution was found. It consists of dividing the forest into 3 parts for different uses: a portion of 28 ha for agricultural use, a portion of 888 ha for pastoral use and the rest for forestry activities, which include woodcutters and women collecting dead wood for cooking.

5 Phase 5: Violence prevention by marking of zones and regulatory act by the authority

The delimitation of the zones has been marked with paint. The Prefect of Dosso issued a regulatory act



Success factors contributing to conflict prevention

- *The organisation of various dialogues and consultations between farmers and pastoralists*
- *Large involvement of administrative, municipal and customary authorities*
- *Strong civil society actors with good relations to key governmental actors*
- *Strong political will of the authorities combined with the acceptance of the existing legal framework*

confirming the vocation of these 3 parts of forest thus agreed and delimited by the actors. Violence between farmers and pastoralists has been prevented.

Cross-sectoral approach: Land, gender, peace and justice

The Farrey Forest allows practicing agricultural, pastoral and forestry activities. These activities can only be done in a condition of peace and social justice. Since 2003, the respective authorities have not been implicated in resolving the ongoing conflict. Women and young men actively participated in the dialogue process. An important fact was that the agricultural zone had not been limited – and consequently its excessing prohibited –, and thus farmers were not capable to know where they could practice their activities. If the zone had been limited right from the beginning and the key governmental authorities had been implicated, the farmers would not have been looking for another extension of land in 2018. Another fact plays an important role: Every land not purchased by individuals is considered as public land, which means that nobody can occupy and use public land without having an agreement from the governmental authorities.

Success factors and limitations

The success factors mentioned below made it possible to find a called “win-win” solution and prevent avoid a community conflict between Djerma and Peulhs. The following indicators proved the success of this approach:

- Until present, the agreement of 2018 has not been put into question.
- The farmers (men and women) and woodcutters joined the breeders to carry out a pasture regeneration action in the degraded part of the forest for 78 ha, reserved for the pastoralists but degenerated.
- Pastoralists and male farmers and woodcutters have jointly appointed people to control the boundaries of the various parts of forest agreed in a consensual manner.

FNEN-Daddo made the Governor of Dosso move to the forest to confirm the occupation of public land by the farmers. Only in this moment, he became aware of the danger of escalation and mentioned the public character of the land. Everything must be done within the existing legal framework in land matters. At the beginning, each of the actors thought he had the monopoly over the contested land. Here, the public character of the contested forest land was put forward to make everybody understand that no private activities are allowed without the consent of the government. That helped even farmers to understand and accept they were wrong.

Favourable conditions for conflict prevention

The conflict and violence prevention related to land use, needs very clear regulations on the rights exercised over different types of lands, the modality of acquisition of these rights and a recognition of these rights by all actors. Public land like the Forest of Farrey falls under the domain of the state authority. It is the same for the pastoral land which is called a “collective user land”. There

is private land consisting of land appropriately cultivated by people in customary or administrative ways.

One of the reason of Farrey conflict is because the state authority did not clearly explain to the people the conditions under which they could exploit or not the public land taking into account the other users. Most of the village chiefs are farmers and thus they are not neutral when it comes to conflict with pastoralists. It is important to have neutral instance who oversee whether people respect the law. Governmental actors can play a key role, if they are willing to do it and have a strong civil society who advocated for the application of laws.

Perspectives of expansion and replicability

To maintain and expand the chances of success, we must continue inclusive dialogue and consultation

among the main conflict actors. In addition, it is necessary to monitor the application of the agreements by the actors themselves. Good conflict analysis, implication of all conflict actors and the early and active implication of governmental actors is important and should be extended to similar conflicts.

States and local authorities need to develop participatory and inclusive land laws and regulations that safeguard the interests of all stakeholders. Land regulations must be applied in a fair and equitable manner to avoid frustrations that lead to conflict. The politicization of land issues should be avoided and inclusive dialogue and regular consultation among natural resource users must be facilitated. This will contribute to the achievement of SDG 16, which is “to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”.

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Key lessons and the way forward for accelerating joined-up implementation of SDG 16, gender and land related goals

Marc Baxmann and Caroline Kruckow, FriEnt

According to the joint UN/World Bank report “Pathways for Peace”, access to land, water and extractives is among the key risk areas for violent conflict – which is coming under more stress with the effects of climate change, population growth, urbanization, and the expansion of large-scale agriculture. However, conflicts over land and resources do not necessarily have to lead to violence. Struggles can be a positive force for catalytic change – for example, if the demands of previously landless poor are heard and, as a result, land is re-distributed without triggering large-scale violence.

The intention to reduce and prevent violence at all levels (SDG 16.1) needs to be cross-sectoral and linked to the access to land and natural resources as highly relevant factors. Embracing the indivisibility of the SDGs means to recognize these interlinkages and encourage the identification of synergies and the development of integrated approaches and coherent policies.

The case studies in this publication demonstrate how cross-sectoral, integrated and inclusive approaches can help to advance SDG 16, gender and land-related goals. We have asked the authors to share inspiring success stories with repeatable results and a real impact. The findings provide key lessons to better link land, conflict prevention and related SDGs in the future:



Land related policies and legislation must ensure access to justice for all

Frequently, national land policies and laws require modifications in order to adapt to international guidelines and conventions, reducing the escalation potential caused by inadequate and discriminatory legal frameworks.

Florian Nitzinger, Marcella Sobisch and Babette Wehrmann propose that international frameworks, such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT), need to be reflected in land policies and land laws. Clear rules can help to ensure fair compensation and benefit sharing.

Roger Blench demands to review anti-pastoralist legislation, which in various countries contradicts human rights and international conventions. In addition, Alhassane Younfa points out, that participatory and inclusive land laws and policies and the application of land regulations in a fair and equitable manner are key to prevent farmer-herder conflicts. Political will and strong advocacy networks from civil society are success factors for conflict prevention and especially important in contexts of cross-border transhumance, increasing desertification and land degradation.

Elke Grawert argues that long-term engagement is necessary, as especially along large-scale investment plans interests stemming from prevailing patronage systems supersede and contradict institutionalised procedures of gaining rights and justice.



Pursuing integrated and coordinated approaches for inclusive results

As many of the presented cases illustrate, conflicts related to land rights are frequently related to other issues and sectors, which all have to be taken into account if sustainable solutions are sought. The root causes of conflicts, as for example environmental degradation, exclusion or horizontal inequalities must be addressed. The affected groups have to be involved in political processes following international standards of meaningful participation and Free Prior Informed Consent (FPIC).

Especially in and around conservation areas, peaceful solutions are only possible if the livelihood of the stakeholders is secured – without destroying natural resources, which are the basis of local livelihoods. Indigenous peoples are more aware of these interrelations, but they are equally valid for the global community. Arianne Gijsenbergh shows that inclusivity, mutual respect between governments and local indigenous land users as well as responsible land governance are effective instruments for conflict resolution in regional peace agendas and can be replicated elsewhere.

Rowshan Jahan Moni argues that only with strong networks of civil society organisations and groups advocating for justice, anti-discrimination and the support of multiple SDGs progress towards peaceful, just and inclusive societies can be achieved.

Kristina von Stosch recommends that governments at national and local level should elaborate long-term land and resource management strategies in an integrated approach combining climate change, environmental justice and economic aspects. These strategies should be implemented inclusively, so that no one is left behind and sustainable land tenure can be adapted to the particular local contexts and the needs of the people.

Claudia Wolf argues that in post-conflict contexts and after natural disasters, eco-tourism can bear opportunities to promote peaceful societies. Peaceful dialogue and collaboration between the different stakeholders need trust that has to be build-up in long lasting processes. Anti-corruption measures and inclusive governance have to guarantee environmental protection, decent work and income for all, creating chances also for marginalized and poor people.



Effective conflict prevention requires land actors who are informed about their and other actors' rights, who have acquired experiences in conflict management and transformation and are sensitized to include interests of other actors, even those with opposed views.

Audace Manirahinyuza writes that in order to ensure accountability of investors in the case of large-scale land acquisitions and concessions for mining, agriculture, tourism and other uses, it is necessary to establish binding regulations for the investors – but also to prepare the local communities that will be affected by the investment respectively. Important here is to inform, sensitize and build the capacities of communities on existing laws and rights. Communication and negotiation skills are highly relevant, as well as legal advice and advocacy support. The establishment of grievance mechanisms, protection for land rights defenders and appropriate compensation schemes have to be taken more seriously.

The 'ProTierras Comunales'-team in Peru (Mechthild Bock, María José Muñoz and Sondra Wentzel) sees a necessity to work with – male and female – regional government officials in order to broaden their knowledge about indigenous peoples and relevant legislation and to increase their skills in intercultural communication and conflict management. In this context, government officials should facilitate rights-based, peaceful and equitable solutions that contribute to indigenous land tenure security. However, as a prerequisite, they will also have to learn to listen to all sides.

Konsorsium Pembaruan Agraria (KPA) Indonesia proposes that peasant movements should promote small-scale land reform initiatives and lobby the elected local legislators on the need for agrarian reform, as they can be important allies. The role of NGOs is transforming peasants from victims of agrarian conflict into champions of land rights.

Almuth Schaubert points out that capacity building and sensitization is needed especially with regard to bottom-up strategies for adaption mechanisms on climate change. Further engagement is needed in the field of urban planning in order to prevent future conflicts. As capacity development works best with success stories, Roger Blench recommends that successful strategies should be disseminated more widely – i.e. among all sectors of society by using social media, personal visits and other forms of communication.



Beyond laws, policies and capacity building, adequate institutions should be created, which allow non-violent dialogue and transformation of conflicts into solutions accepted by the involved actors. Where such institutions have already been established, the aim could be to strengthen and support them.

Florian Nitzinger, Marcella Sobisch and Babette Wehrmann suggest strengthening alternative dispute resolution mechanisms as an alternative to costly court processes. This includes the creation, training and awareness raising of both formal and informal mechanisms. International interventions can contribute with research and support of existing structures by equipping

and capacity building. Innovative solutions like involving digital dispute documentation and mapping can be adapted in similar programs.

Audace Manirahinyuza recommends establishing independent monitoring units to observe the implementation of these laws, especially in the case of relocation and compensation. Kristina von Stosch proposes to set up effective grievance procedures for people suffering from land conflicts.

In order to achieve an enhanced power balance in land conflicts, Ralf Symann advises development organizations to dedicate the necessary funding to land rights advocacy, protection of land rights defenders and peacebuilders and peacebuilding initiatives. Roger Blench, recommends more focus of international organisations on farmer-herder conflicts as a matter of concern and to review anti-pastoralist legislation which in various countries contradicts human rights and international conventions.



Gender equality through just land policies and the promotion of peaceful societies

Land policies aiming at gender equality are crucial elements for the prevention of violence at the local level and have a positive influence on broader conflict dynamics. The interlinkage between land, gender and conflict prevention should be actively included in peacebuilding strategies and the support of peaceful, just and inclusive societies.

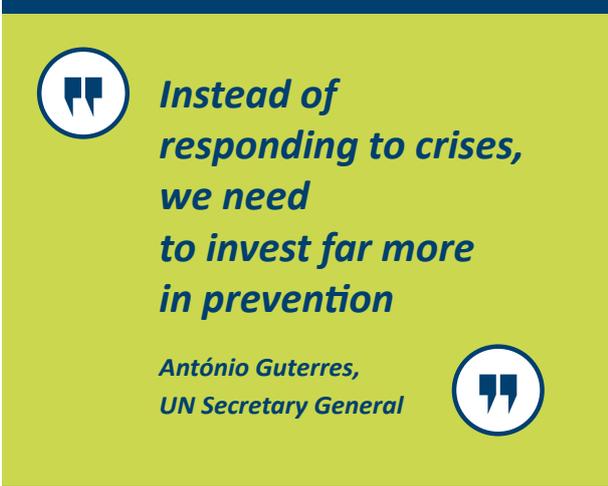
Carsta Neuenroth argues that gender equality and empowerment of women and girls emphasize equal rights of women to land and property, but still needs to be taken forward in order to prevent inequity and structural violence from continuing.

Karin Gaesing and Jana Herold consider interventions, which favour women rights on land and economic empowerment, as crucial in order to reduce the potential of domestic violence and violence in communities. Gender-just land policies and awareness raising amongst men and women should be enhanced for preventing conflicts.

Potential ways forward

In the light of increasing struggles over land and other land-related natural resources, conflict prevention becomes more and more complex. Effective conflict prevention requires more sustained interventions on land throughout the conflict cycle and a better alignment of national strategies with the interconnected nature of the SDGs.

Based on the manifold contributions in this dossier, we have identified seven potential ways forward for linking land and conflict prevention on the national and international level:



Instead of responding to crises, we need to invest far more in prevention

*António Guterres,
UN Secretary General*

1 *It is crucial to focus on change agents and context specific areas where political will exists or can be created, so that land policies can be influenced and elaborated in an inclusive manner that leaves no one behind and secures equal benefit for marginalized and uprooted people.*

2 *Effective, accountable and inclusive institutions are key for gender-just and sustainable land administration and management, which leaves no one behind. If old patronage systems cannot be overcome, peacebuilding and the prevention of violence in the land sector are hardly achievable.*

3 *Land administration and investments have to be regulated with respect to human rights obligations. Good governance and anti-corruption in the land sector are intertwined with the prevention of violence and displacement and the support of peaceful, just and inclusive societies. As long as corruption persists and political leaders and businesses are able to overrun local communities, grab their land and do not respect, protect and secure the land rights of local communities and marginalized groups, preventing violent conflicts is hard to achieve.*

4 *In times of shrinking civic spaces, the protection and support of civic actors and advocates of local people must be continuously enhanced. The prevention of violence and the creation of peaceful societies depends on inclusive decision-making, the possibility to speak out and the necessity to listen to the opponent without using violent measures against him or her.*

5 *Further international support is needed to include the UN-Voluntary Guidelines for the responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) in national land policies and to give them a binding character for all stakeholders; i.e. governments, private actors and civil society actors as watchdogs and monitors.*

6 *To enhance the international awareness of the Land-Conflict-Nexus, the recent UN Secretary Generals Guidance Note on Land and Conflict (March 2019) should be taken up. The note points out the guiding principles as well as conflict and gender-sensitive approaches – ensuring context-specific interventions and inclusive stakeholder participation at all levels.*

7 *Linking gender-just land policies to programs that support women and girls to be equally prepared and involved in political decision-making and peacebuilding processes, will help to prevent violence at different levels. UN-Conventions against Discrimination of Women like CEDAW and the UN-SC Resolution 1325 must be applied in order to achieve gender-just land policies and SDG 16.*

To achieve all this, a proper institutional home is to be created, with a specific focus on land and prevention, which could offer support, advice and knowledge transfer on how to systematically address the nexus of SDG 16, land and gender related goals and targets. Existing global networks and multi-stakeholder partnerships on land as well as on peacebuilding must unite their efforts to achieve the SDGs and increase integrated efforts for the prevention of violence and sustaining peace.

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Abbreviations

ABSL	Addax/Sunbird Bioenergy Sierra Leone	IP	Indigenous Peoples
ADSDPP	Ancestral Domain Sustainable Development and Protection Plans	IPRA	Indigenous People's Rights Act
AfLOUA	Affected Land Owners/Users and Association	JDPC	Justice, Development and Peace Committee
ALRD	Association for Land Reform and Development	JKPP	Indonesian Network for Participatory Mapping
AOG	Addax and Oryx Group	KPA	Konsorsium Pembaruan Agraria – Consortium for Agrarian Reform
BftW	Bread for the World	KMSS	Local Caritas in Myanmar
BICC	Bonn International Center for Conversion	LAPSSSET	Lamu Port and Lamu-Southern Sudan-Ethiopia Transport Corridor
BMZ	German Federal Ministry for Economic Cooperation and Development	LGU	Local government unit
CIFOR	Center for International Forestry Research	MALOA	Malen Affected Land Owners and Users Association
CLA	Community Land Act	MCA	Member of the County Assmblly
COP	Conference of Parties	NCIP	National Commission on Indigenous Peoples
CPS	Civil Peace Service Program	NGO	Non-Governmental Organisation
COSERAM	Conflict Sensitive Resource and Asset Management	NLC	National Land Commission
CSO	Civil Society Organisation	NLP	National Land Policy
CSSL	Conservation Society of Sierra Leone	OECD	Organisation for Economic Co-operation and Development
DENR	Department of Environment and Natural Resources	OHCHR	Office of the High Commissioner for Human Rights
DRC	Democratic Republic of Congo	ONS	Office of National Security
ECOWAS	Economic Community of West African States	PDD	Sustainable Development Plan
EPA	Environment Protection Agency	PDL	Local Development Plan
FAO	Food and Agriculture Organization of the United Nations	PPAB	Pekan Penerimaan Anggota Baru, a member of KPA in the Blitar area
FCBC	Foundation of the Chiquitano Forest Conservation	PPAN	National Agrarian Reform Program
FNEN-Daddo	Fédération Nationale des Éleveurs du Niger	PPP	Public-private Partnership
FPIC	Free Prior and Informed Consent	SAC	Socfin Agricultural Company
FriEnt	Arbeitsgemeinschaft Frieden und Entwicklung – Working Group on Peace and Development	SADRI	Service d'Appui au Développement Régional Intégré
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit	SDG	Sustainable Development Goal
GPRLP	Global Project Responsible Land Policy	SiLNorF	Sierra Leone Network on the Right to Food
Ha	hectare	UN	United Nations
IDP	Internally Displaced People	UNDP	United Nations Development Program
IKSP	Indigenous knowledge systems and practices	UNOWA	United Nations Office for West Africa
ILC	International Land Coalition	UNWTO	UN World Tourism Organisation
INRA	Instituto Nacional de Reforma Agraria	VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
INEF	Institute for Development and Peace	VPA	Vested Property Act
		WUF	World Urban Forum

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