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LAND & CONFLICT



A TOOLKIT FOR INTERVENTION

Key Issues

Lessons Learned

Program Options

Rapid Appraisal Guide


Monitoring and Evaluation

Photo opposite page: Children playing with toy guns and a discarded bazooka.

Resources



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Conflict can be an inherent and legitimate part of social and political life, but in many places the costs and consequences of conflict, crisis, and state failure have become unacceptably high. Violent conflict dramatically disrupts traditional development and can spill over borders and reduce growth and prosperity across entire regions. Although development and humanitarian assistance programs are increasingly implemented in situations of open or latent violence, unfortunately, most still do not explicitly incorporate a sensitivity to conflict in their design or execution.

FROM THE DIRECTOR

The Office of Conflict Management and Mitigation (CMM) in the Bureau for Democracy, Conflict, and Humanitarian Assistance (DCHA) of the United States Agency for International Development (USAID) was established to provide technical leadership on conflict to USAID Missions and our Washington-based regional and pillar bureaus. The vast majority of our field missions and staff are currently working in areas that are either in conflict, coming out of conflict, or are at high-risk for violence. A central objective of the office is to integrate or "mainstream" best practices in conflict management and mitigation into more traditional development sectors such as agriculture, economic growth, democracy, education, and health. Where appropriate, CMM will be an advocate for stable change.

As Director of CMM, I am pleased to introduce this document on land and conflict. I hope that readers will find the information contained herein thoughtful, innovative, and useful. CMM will release additional toolkits in the near future and I trust that each one will bring its own value to discussions about development and conflict. We consider these toolkits to be "living documents" and would welcome your comments and observations to help us improve future iterations.

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LAND AND VIOLENT CONFLICT: A TOOLKIT FOR PROGRAMMING

The purpose of this toolkit is to provide a practical introduction to the relationship between land and violent conflict, whether we are talking about how land issues function as causal or aggravating factors in conflict, or whether we are thinking about land issues that arise in post-conflict settings. The toolkit is also designed to familiarize practitioners with a range of programmatic interventions and to sensitize officers to the fact that development activities, such as infrastructure projects and the exploitation of underground resources, can inadvertently cause land conflicts to erupt.

As with many issues addressed in this series, land issues are a general development concern from the perspective of economic growth, governance, and the environment. However, land is also a critical 'prize' in many local and national power struggles, and any development initiative needs to be aware of this. The lead authors have therefore attempted to inspire creative thinking and encourage short-term action around land related conflicts, as well as capture the relevance of land to long-term development issues. The toolkit emphasizes the point that land issues must be approached systematically and that, in many contexts, sequencing and process are critical to the sustainability of programs and to broader issues of stability.

In addition to covering key issues, discussing lessons learned, and suggesting relevant program interventions, this toolkit offers a rapid appraisal guide that can help determine which land issues are most relevant to conflict in a particular setting. It also identifies a number of approaches to monitoring and evaluation and USAID mechanisms and implementing partners that work on land issues. Together, the elements of this toolkit are intended to help raise awareness about the linkages between land, development assistance, and conflict; and to assist officers integrate a conflict perspective into their land programs.

The toolkits in this series explore individual risk factors in depth. They do not identify all relevant factors linked to violence; as such, they serve as companion pieces to conflict assessments. Conflict assessments provide a broad overview of destabilizing patterns and trends. They sift through many potential causes of conflict and zero in on those that are most likely to lead to violence (or renewed violence) in a particular context. While they provide recommendations about how to make development assistance more responsive to conflict dynamics, they do not provide detailed guidance on how to design activities. The toolkits in this series fill that gap by moving from a diagnosis of the problem to a more detailed discussion of potential interventions. Together, the assessment framework and toolkits are designed to help Missions gain a deeper understanding of the forces driving violence and to develop more strategic and focused interventions.

This toolkit was initially authored by David Bledsoe (Rural Development Institute) and Michael Brown (Independent Consultant). It was subsequently revised with substantial input from officers in USAID Washington, USAID Missions, donor agencies, academic experts, and members of the NGO community. Comments, questions, and requests for additional information should be directed to the Office of Conflict Management and Mitigation.

Office of Conflict Management and Mitigation (CMM)

Bureau for Democracy, Conflict, and Humanitarian Assistance

United States Agency for International Development

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The relationship between land and conflict is extraordinarily complex. Addressing land issues effectively demands a broad, integrated, and inter-disciplinary approach.

Tenure insecurity can also be trans-boundary in nature and can become a regional issue. For example, at least a dozen boundary disputes resulted from the division of territory in Central Asia following the dissolution of the former Soviet Union. Many of those disputes, some of which resulted in violent clashes, were over the best farm land in the Ferghana Valley. Regional dimensions of land and conflict are also evident in Africa, especially where boundaries are porous and groups or individuals can access and use land from both sides of a national border. Access to land is often a key factor in cross-border population movements. These movements can be destabilizing elements in already unstable situations (e.g., Côte d'Ivoire) and they can complicate matters by bringing to the fore delicate issues concerning land-related rights held by different categories of people, such as indigenous groups, displaced peoples and foreigners, migrants and descendants of migrants, and others.

COMPETING LAND CLAIMS AND USES

Some degree of conflict typically characterizes a situation involving competing claims to the ownership or use of the same piece of land. Whether claims are grounded in formally recognized rights or in customary use, circumstances involving groups of people, rather than individuals, significantly intensify the risk of larger-scale violent conflict.

Parties will compete over the same land use or for vastly different uses; for example, pastoralists versus farmers. Competition can also play out between distinct ethnic groups or communities or even between generational factions and socio-economic groups. In some cases, government involvement that supports (or is perceived to support) one side over another can significantly increase tensions (e.g., Rwanda and Burundi). In Uganda and Kenya, warring clans of pastoralists facing resource scarcity kill each other during cattle raids as they search for productive grazing land and reliable water sources. In Mozambique, land disputes between immigrant charcoal burners and local farmers and grazers have caused violence and property damage. In Mexico, members of agrarian communities fight one another as they assert their claims to both

common and privately held land; they have also had violent conflicts with the government and private developers over claims to community land. In northern Iraq, disputes over urban property spilled over into disputes over agricultural land. Many of these disputes resulted in forced displacement, destruction of property and loss of life.

Government land appropriation and resettlement schemes are notorious for causing conflict and tension related to competition for land uses and claims. Frequently, a government appropriates land and forcibly moves people when it wants to use an area for an incompatible use such as a dam or natural resource development. People who were involuntarily resettled may react violently (e.g., Mozambique, Ethiopia and Nigeria). Competition and conflict can also occur when people are resettled into an area already held or occupied by others.

LAND-HOLDING INEQUITIES

The likelihood of violent conflict increases substantially when gross inequities characterize land-holding patterns, particularly when a large landless or land-poor population has limited livelihood opportunities. The stakes are even higher when a marginalized population literally depends on a small piece of land for subsistence and survival. Grievances over inequities, which are deeply rooted in a strong sense of injustice, also increase the probability of violence. Frustrations are usually directed toward those people who are seen as having an undeserved but profitable lock on landholdings, often going back generations. Land-holding inequities, combined with other drivers of violence, have been critical elements in many conflicts throughout history. Examples include the Mexican Revolution of 1912, the Spanish Civil War in 1936-1939, Chinese revolution that brought the Communists to power in 1949, Cuban revolution in 1959, Vietnam conflict that ended for the US in 1975, and the civil war in El Salvador in the 1980s. Land-holding inequities also represent an underlying factor in the violence that has occurred more recently in countries such as Zimbabwe, Brazil, Nepal, Guatemala, and Venezuela; and could potentially impact the situation in South Africa, Namibia and some parts of Central Asia (including Uzbekistan, Tajikistan and Kazakhstan).



It is not uncommon to find individuals involved, such as conflict entrepreneurs, who manipulate a disgruntled population to achieve personal political or material gain (as in the cases of Rwanda and Burundi), or to achieve gains for a specific group or socio-economic class within an ethnic or political group. Violence may be expressed through targeted outbursts often associated with land occupations, as we have seen over the last several years in both Zimbabwe and Brazil. Violence may also be associated with an angry backlash against those demanding or taking land. For example, owners of large land holdings may forcibly resist change or attempt to return to earlier holding patterns in which they were the beneficiaries. Chile in the 1970s provides an example of violent retaliation partly driven by dispossessed large landholders.

DISPLACEMENT AND RETURN OF POPULATIONS

In many countries, government sponsored resettlement schemes have led to conflict among the "settled" as well as between the

settled population and the original inhabitants. These types of conflict have occurred in Tanzania, Nigeria, Mozambique and Angola. In the cases of Mozambique and Angola, forced settlement schemes led to both the wars for independence and also contributed to the civil wars following independence.

Resettlement schemes and/or violent conflict can displace people from their homes and lands. Tension and violence often accompany the initial displacement and can also be part of the dynamic when displaced people return to their place of origin, especially when others have since taken up occupancy. The displacement can be intentional or can be an unintended consequence of broader dynamics such as war or natural disasters.

In Kosovo, an important part of the 1999 conflict dynamic involved the forced expulsion and displacement of more than one million ethnic Albanians. Upon their return, reprisals against the Serbs forced many Serbs to flee Kosovo. Tensions continue to fester between Serbs in Serbia and ethnic Albanians in Kosovo as Serbs threaten to take back their land and/or

Women in paddy fields transplanting rice shoots brought to them by a farmer.

Government land appropriation and resettlement schemes are notorious for causing conflict and tension.

LESSONS LEARNED

PHOTO: PANOS/TELEMANIS



Conflict assessments, including land tenure appraisal, are valuable tools for clarifying the real and potential linkages between land issues and violent conflict.

Many lessons are emerging as development practitioners pay greater attention to the relationships between land and violent conflict. While no single formula can explain how to plan successful programmatic interventions to address land and violent conflict, several important factors help ensure that programmatic thinking moves in the right direction. At a minimum, the starting point should always be to "do no harm."

FRAMING INTERVENTIONS BY SECTOR

Land issues are multidisciplinary, often cutting across traditional sectoral and thematic divisions. This can be problematic for the successful resolution of land conflicts, because interventions have often

been narrowly framed in the context of specific thematic perspectives such as:

- Democracy and governance-resolving conflicts such as transitional justice, developing new legislation or policies under rule of law, strengthening relevant government land agencies or civil society organizations;

CHECKLIST OF GENERAL CONSIDERATIONS

✓ **Context-Specific Interventions:**

It is important to understand the complexities of the relationship between land and conflict, particularly with respect to socio-economic, cultural and political dynamics in a given country. Successful programmatic interventions from other countries can be informative and helpful in designing new program options, but can seldom be copied exactly from one context to another. The design of programmatic interventions must flow directly from local realities and dynamics.

✓ **Politically Strategic Interventions:**

Historically, land issues have been seen as technical or legal problems. However, the complexity and sensitivity of land issues demands well-designed programmatic interventions that can operate successfully within the relevant political and economic settings. Political buy-in from national and local government and other key stakeholders is essential. Accordingly, the processes relevant to programmatic interventions are often as important as the products. Moreover, the people/organization(s) chosen to lead an intervention can also be critical to gaining political and community buy-in.

✓ **Timing and Sequencing:**

First determine whether any urgent issues must be addressed immediately in order to prevent imminent violence and conflict; then identify medium and long-term needs. Often, short-term interventions can strategically address concrete problems while building the knowledge and political buy-in required for longer-term activities. Addressing structural and systemic land issues that can precipitate violence will often require long-term donor commitment. Be aware that terminating land interventions at an inappropriate moment can actually trigger conflict. Furthermore, reforms or interventions attempted out-of-sequence for a given activity may also have the unintended consequence of instigating violence.

✓ **Indicators of Conflict:**

Are there signals that land-related tensions are growing? Crucial early warning indicators could include increases in illegal occupations or squatting; increases in the number of land and property disputes; crop or livestock thefts; increases in trespassing; increases in environmental degradation; individualized land use within what are otherwise common property resources; unwillingness or inability to invest in land and property; small-scale violence and property destruction; and increased inflammatory rhetoric within political discourse.

✓ **Level of Intervention:**

Are interventions needed at the national or local levels, or is some combination of both required? It is also important to assess on-going land programs in a given country in order to identify and consider any potential connections with new interventions.

✓ **Government Buy-in:**

Government buy-in is essential for programmatic interventions affecting law, policy, government agencies, and certain projects that are national in scope. Does the necessary political will exist? Can it be generated? Are there ways to take smaller steps initially to build confidence and buy-in, while laying the foundations for longer-term interventions?

✓ **Other Actors and Stakeholders:**

Who are the critical actors or stakeholders other than government? Ignoring key stakeholders on land issues runs the risk of blocking or undermining constructive developments in the future.

✓ **Gender:**

Gender issues are often overlooked in the land and conflict dynamic. A key element in effective policy-making and planning is reliable, disaggregated data that can inform both situational analysis and the design of policies and programs. In that context, particular attention should be given to gender issues as they relate to land access and land-related livelihood options.

✓ **Local Capacities:**

Are local capacities sufficient for the kinds of interventions that are needed? Human resources, skills, and experience are often lacking in key areas such as alternative dispute resolution or mapping. Identify capacity limitations early before they become unexpected constraints.

✓ **Be Strategic, Creative, and Flexible:**

The tendency over the years has been to treat land as a technical issue that requires a technical solution or simple legal solution. Land-related initiatives have therefore been characterized by rigidity and a general lack of flexibility. The complex and politically sensitive nature of land conflict requires a strategic, creative and flexible approach to programmatic intervention.

✓ **Donor Coordination:**

In many countries, multiple donors support land-related interventions, making donor coordination extremely important. Close coordination with the national government is also essential. Establishment of a land-coordinating group or a land focal point has proven to be a useful mechanism in certain cases.



The Rapid Appraisal Guide has been designed to assist development officers as they seek to understand which land issues are most relevant to violent conflict in a particular setting and what programmatic interventions may be of greatest relevance in each case.

This guide is meant to facilitate the development of improved terms of reference for assessments and activity designs. It is not meant to substitute for the latter and caution should be taken in terms of how this tool is employed. Cultural and political sensitivity are extremely important, especially if the guide is used in field interviews or focus groups, so as to minimize negative reactions and unintended provocations. The tool can also be used to help create a systematic understanding of written material on a particular case e.g., press, donor reports, research, etc.

The Guide assists by providing direction under two broad headings:

1) Filters to Understand the Information Collected: The questions below, under the heading 'Basic Questions', focus on macro-level issues and are intended to help the user "see the forest through the

trees." These questions are particularly useful to sort through and understand systematically the results of a literature review, field interviews and/or focus group discussions.

2) Detailed Questions about Land Issues Pertinent to Violent Conflict: A series of detailed questions that might be asked in an assessment to assess the role that land issues play in a conflict setting. These questions are organized around: 1) the categories of persons from whom responses will be needed to gain a robust understanding of the situation, and; 2) key land issues relevant to violent conflict.

The combination of micro and macro thinking should help ensure that the final analysis is strategically and programmatically focused. These questions are largely influenced by a number of issues raised under the Programmatic Considerations contained in Part 2 of this toolkit. It must be emphasized that all of these questions are intended to provide general guidance and should be used as a starting point when preparing to collect information or when interpreting information on hand. Not all questions contained in this guide will be relevant to every situation and, very importantly, additional context-

specific questions will need to be developed in order to properly understand the dynamic in a particular country.

BASIC QUESTIONS

These questions should help the user focus on the 'big picture' by thinking programmatically about the detailed information collected. The questions should also be able to guide the design of a scope of work for more full assessments or for activity design, where applicable.

KNOWLEDGE OF LAND LAWS AND LAND RIGHTS:

- Are land holders clear about their land rights? Is there (some) confusion or competing notion of rights? Is there a common understanding which is contradicted or undermined by law or other rights holders?
- Do rights holders have documents to support their claims? What other types of evidence do they use or are considered acceptable to prove claims?

GOVERNANCE AND LEGAL ISSUES:

- Are the main governmental and quasi-governmental institutions relevant to land and property issues doing an adequate job? Are specific institutions particularly weak? If yes, in what areas? Are specific services regarding land issues needed but not available (i.e., are specific institutional roles not provided)?
- Is the law and policy regime regarding land and property matters adequate? Do important gaps or other weaknesses exist in terms of legislation and/or policy (on paper)? Is the relevant legislation and/or policy being applied in practice?
- Is there adequate institutional capacity to manage or resolve land disputes? What types of conflict resolution mechanisms need to be strengthened (e.g., the courts, alternative dispute resolution processes)?
- Is corruption involved?

OPERATIONAL ISSUES:

- Are the human capacities regarding land and property issues adequate or do they need to be strengthened? If so, in what areas do they need to be strengthened?
- Are there any particular processes or procedures relevant to land and property matters that are deemed weak, corrupt or that do not seem to exist?
- Are there particular processes and procedures relevant to land and property matters that exist but are not sufficiently accessible (i.e., because of cost, service availability, or access to information about the services available)?

POLITICAL CONSIDERATIONS:

- Does the government have the

political will to address the relevant land and property issues?

- Are there other key stakeholders/actors who need to be supportive of programmatic interventions in order to make the interventions politically viable? (e.g., landowners, peasant farmer associations, etc.)
- Are there strategic ways to address certain dimensions of land and property issues that would be more politically acceptable than others?

OTHER SPECIAL CONSIDERATIONS:

- What timeframe would be involved in addressing the issues (immediate/urgent, short, medium and long-term)? Can the issues be strategically targeted to affect the potential timeframe(s)?
- Are the main land issues rural, urban, or both?
- Is land considered a resource? Is it contested as a resource because of access to riparian resources, differences in soil fertility, or proximity to transportation and markets?
- What flash points or trigger events could most likely bring about violent conflict?
- What are the agency's comparative/strategic advantages and limitations (e.g., legitimacy, know-how, resources)?
- How can land issues be framed in order to avoid unproductive intra-institutional 'politics' that could slow things down? (i.e., are there ways to avoid arguments about whether land issues should be exclusively within the domain of democracy and governance (DG), economic growth (EG), environmental or financial markets, etc.)
- What level of intervention is required? Are interventions needed at the national level (national gov-

ernment agencies, law, policies, national projects), at the local level (geographic hotspots, community-based conflict management mechanisms), or is some combination of both required?

2 QUESTIONS ABOUT LAND ISSUES PERTINENT TO VIOLENT CONFLICT

BASED ON THE STATUS OF THE PERSON BEING INTERVIEWED

APPARENT LANDLESS PERSONS/LABORERS/SQUATTERS

- Where do you and your family live and how long have you been there?
- Do you own or have the right to use land?
- If you lack land rights or access, how do you feel about your lack of land? Why do you think you don't have any land? What is your response to your situation? Do you expect it to get better or worse?
- If you are seeking land (in tenancy or ownership), do you think you will be able to get some land? Enough land? On what terms will you receive land? When do you expect to receive land? If not, why do you believe you will not receive/be able to purchase land?
- Are others also seeking land? Will they get the land? Why will they get it if you are not able to?
- Are there currently any disputes in the community regarding land? If so, how are the disputes being addressed?

RAPID APPRAISAL GUIDE

TENANTS/SHARECROPPERS

- What is your tenancy or cropping relationship with the landowner?
- Does your tenancy or cropping arrangement feel secure or insecure? Does it feel fair? Have you ever been moved off of the land or had your land changed or substituted?
- Is anybody able to rent land on better terms than yours? Why?
- Have you made improvement to the land you occupy? If so, who paid for the improvements?
- Do you have the roads, clinics, schools, and other infrastructure you believe necessary to support your livelihood on the land? Do others have these things?
- Do others in the community who are in the same situation as you meet and discuss the way they feel about their land situation?

LANDOWNERS

- Do you have tenants or sharecroppers on your land? Is all of your land currently used by you and your tenants/sharecroppers (if any)?
- Do you believe that your tenants are satisfied or dissatisfied about their land tenure situation?
- Have your tenants/laborers approached you to discuss any difficulties, frustrations, or demands?
- Have you had any sabotage or property damage? Have you had any problems with fences, security, breaches of property boundaries, crop theft, or the like? If yes, describe the problems.
- Does the government support you in your concerns about or attempts to rid your land (or the vicinity) of squatters? If so, how?
- Would you consider selling some of your land to squatters or to others that need land? If yes, on what terms? If no, why not?

LOCAL OFFICIALS

- What are the principle institutions with responsibilities related to land and property issues? What is their general mandate? Do you believe that they doing an adequate job?
- Who are the primary land holders in this area?
- Are there informal developments in and around the edges of the cities? Who owns the land that these settlements are on? Are there ever attempts to clear these areas? If so, how has the local population reacted?
- Do people come to local government to resolve land disputes? Are land disputes ever resolved according to custom, including mediation by elders or other traditional leaders?
- Are there or have there been violent disputes over land in this country? Are the disputes between individuals or groups? Are there contentious but non-violent disputes over land?
- Have there been any recent changes in the law or government policies regarding land rights? Do you know the details? Are you asked (and able) to carry them out or to enforce them?
- Have there been any recent national/regional/local events that have impacted this community's land interests?
- How do you/the government plan to address any concerns/fears/anger that arise regarding the implementation of new land law/policy and/or recent events?

NGO REPRESENTATIVES

- What is the general welfare status of the community?
- What do you consider to be the most significant problems facing the local community? Does the

community itself perceive the same problems as the most significant?

- How do members of the community interact, both within their own groups and with other groups? Are there organized meetings of any kind? What happens at the meetings?
- Do you encourage the community to do certain things or take certain actions? What are they?
- Does the community appear to feel positively or negatively about the future?
- What are the principle institutions with responsibilities related to land and property issues? What is their general mandate? Are they doing an adequate job? Explain.

BASED ON SUB-THEMES WITHIN LAND AND CONFLICT

Inequality of land holdings

- Do you own or have other access to land? If some land, how much?
- What kind of land do you have (house, house plot, house and garden plot, garden plot, small farm, other)?
- Is the amount and type of land that you have (or do not have) consistent with others in your community?
- What is your response to your situation?
- Do you believe you are entitled to land? Is so, on what terms do you think you should receive that land?
- Have any groups met and discussed land issues? If so, who? What do they discuss?
- Have any groups reached decisions regarding how to address land issues? If so, how?

