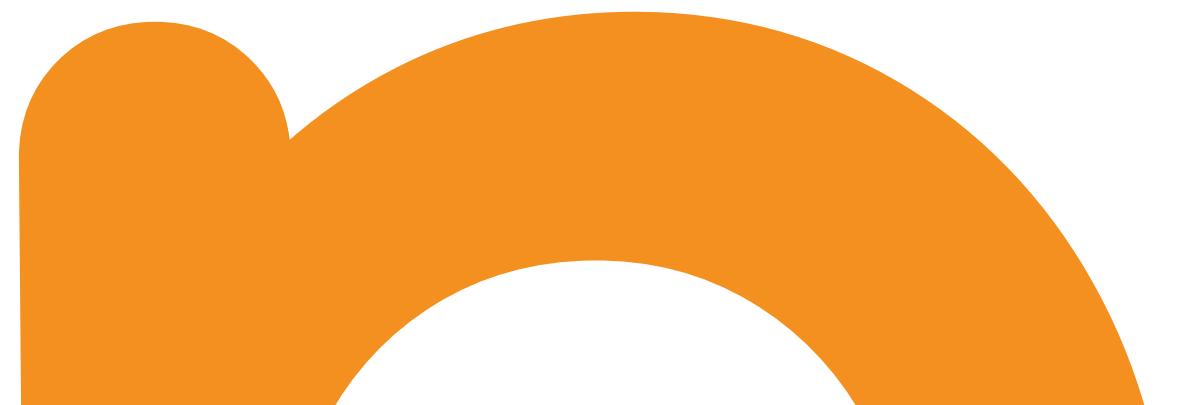




Land in Post-Conflict Settings

A Webinar Report





Post-war societies not only have to deal with continuing unpeaceful relations but also land-related conflict legacies, farmland and forest degradation, heavily exploited natural resources, land mines, a destroyed infrastructure, as well as returning refugees and ex-combatants. In the aftermath of war, access to and control of land often remains a sensitive issue which may precipitate tensions and lead to a renewed destabilization of volatile post-conflict situations.

The webinar on land in post-conflict settings took place on 25 June, 2019. It addressed issues of displacement, international principles to mitigate post-war land restitution, land legacies and tenure reforms, repercussions of commercial land deals and infrastructure projects, as well as interlinkages to conflict transformation.

The webinar was co-organized by GIZ - German Cooperation, the Land Portal Foundation, McGill University and the United Nations Environment Program (UNEP).

Moderator: Anne Hennings, PhD, post-doc research fellow, University of Muenster, Germany

Panelists:

- Jon Unruh, Associate Professor in the Department of Geography, McGill University, Canada
- SiuSue Mark, PhD, Land & Natural Resources Advisor, Joint Peace Fund
- Alexandre Corriveau-Bourque, Independent Consultant
- Odongo James, Program Advisor, GIZ-CPS Uganda
- Julius Omony, Program Advisor, GIZ-CPS Uganda

A complete recording of the webinar is available on YouTube: <https://youtu.be/owd1-6jfUCM>

Key Takeaways

- Land and natural resource tenure underpin virtually every aspect of conflict transformation in most countries.
- The contested legitimacy of various tenure regimes, the weakness of institutions, and gender inequality, as well as the challenges related to restitution, are among the biggest challenges in addressing land in post-conflict settings.
- The most vulnerable when it comes to land related issues in post-conflict environments include female heads of households, indigenous peoples and those that are unaware of or unable to access customary or statutory procedures.
- Focusing only on statutory tenure and documenting individual or household property rights tends to be counter-productive when it comes to policies or aid measures regarding post-war land governance.

Webinar Summary

1) COULD YOU PLEASE INTRODUCE US TO YOUR PERSPECTIVE ON LAND IN POST-CONFLICT SETTINGS? HOW DOES IT UNDERMINE CONFLICT TRANSFORMATION?

- Land and natural resource tenure underpin virtually every aspect of conflict transformation in most countries – from rebuilding public infrastructure and private housing, to improving access to water, restoring livelihoods and local economies, and rebuilding social trust within and between communities. As such, land and resource governance needs to be approached as the cross-cutting issue that it is.
- In impoverished societies, land is the only means of production and land conflict issues can trigger violence.

2) WHAT ARE THE BIGGEST CHALLENGES IN ADDRESSING LAND IN POST-CONFLICT SETTINGS?

- These include the very essential issues of contested legitimacy of various tenure regimes, the weakness of institutions, and gender inequality, and the challenges related to restitution.
- Land is seen by donors, governments, and humanitarian actors as a problem and an obstacle to be avoided or a risk to be mitigated rather than a tool for engaging with communities to transform conflict towards a more stable, sustainable future.
- In Myanmar, for example, there is an issue of incomplete sovereignty of the state over areas it has not controlled for decades. However, after ceasefires, the state seeks to exert its statutory control of vast areas of land governed by customary systems and/or ethnic armed groups up to now.

3) WHAT CHALLENGES DO GOVERNMENTS AND INVESTORS FACE IN TERMS OF POST-WAR RECONSTRUCTION AND DEVELOPMENT? HOW CAN THESE PROCESSES BE INCLUSIVE IN POST-CONFLICT ENVIRONMENTS?

- One of the biggest challenges that postwar governments face is legitimacy, usually tied to the reality they were one of the belligerents in the war. In victories, overthrows and peace accords, the government has a very large challenge in establishing legitimacy in the eyes of those who fought against them.
- It is important to note that violence is often an instrument for governments and armed groups to “clear” an area of competing claims so as to pave the way for investors to exploit natural resources with fewer “encumbrances.”
- Ceasefire areas are often still conflict zones, and normal aid practices should be adapted to avoid creating tensions. Infrastructure and other large-scale projects should be put on hold during the interim period, unless they are deemed to provide crucial local benefits, based on credible consultations with key stakeholders.

4) WHICH GROUPS ARE MOST VULNERABLE TO LAND-RELATED ISSUES IN POST-CONFLICT ENVIRONMENTS?

- Those most vulnerable include female heads of households, indigenous peoples, those that are unaware of or unable to access customary or statutory procedures for regaining lands.
- Groups without strong state recognition, especially IDPs and refugees from communities that were distant from the state’s purview to begin with.
- Women from these different groups are often especially marginalized and vulnerable to the erasure and abuse of the rights to land and natural resources.

5) WHICH POLICIES OR AID MEASURES REGARDING POST-WAR LAND GOVERNANCE TEND TO BE SUCCESSFUL OR COUNTERPRODUCTIVE?

- Focusing only on statutory tenure and documenting individual or household property rights tends to be counter-productive.
- On a project scale – whether it is a humanitarian, development, or private sector investment project – having a robust land rights verification framework in place is absolutely essential. It needs to be adapted to the context and the types of rights that may be affected.

Notable Quotes from the Panelists



“LAND GOVERNANCE IN POST-CONFLICT ENVIRONMENTS IS OFTEN WEAK AND LEGAL SYSTEMS CAN BE HIGHLY DYSFUNCTIONAL, LACK ADMINISTRATIVE CAPACITIES, FACE SIGNIFICANT CORRUPTION AND MANY OTHER SERIOUS AND ENDURING COMPLICATIONS.” - ANNE HENNINGS, PHD, POST-DOC RESEARCH FELLOW, UNIVERSITY OF MUENSTER, GERMANY



“THERE IS A TENDENCY FOR POST-WAR RECONSTRUCTION TO EMPHASIZE INVESTMENTS AS A WAY TO PROMOTE DEVELOPMENT IN THESE AREAS. HOWEVER, TOO RAPID A PROCESS OFTEN PROVES TO BE CONFLICT-BLIND AND MAY PREVENT THE CREATION OF A SUSTAINABLE PEACE.” - SIUSUE MARK, PHD, LAND & NATURAL RESOURCES ADVISOR, JOINT PEACE FUND



“ONE OF THE BIGGEST CHALLENGES REGARDING LAND ISSUES IN POST-CONFLICT SETTINGS IS THE NON-RECOGNITION OF CUSTOMARY OR OTHER INFORMAL CRISIS TENURE SYSTEMS AND THEIR VERY LARGE POTENTIAL FOR ASSISTING IN RECOVERY.” - JON UNRUH, ASSOCIATE PROFESSOR IN THE DEPARTMENT OF GEOGRAPHY, MCGILL UNIVERSITY, CANADA



“LAND IS OFTEN SEEN BY GOVERNMENTS AND OTHER ACTORS AS A PROBLEM TO BE MITIGATED OR SOMETHING TO BE AVOIDED, RATHER THAN AN OPPORTUNITY FOR ENGAGING WITH COMMUNITIES IN CONFLICT AND POST-CONFLICT SETTINGS.” - ALEXANDRE CORRIVEAU-BOURQUE, INDEPENDENT CONSULTANT



“IN IMPOVERISHED SOCIETIES, LAND IS THE ONLY MEANS OF PRODUCTION AND LAND CONFLICT ISSUES CAN TRIGGER VIOLENCE. WHEN POLITICIZED, THIS CAN EXACERBATE BOTH CONFLICT AND LAND GRABBING.” - JULIUS OMONY, PROGRAM ADVISOR, GIZ-CPS UGANDA



“INEFFICIENT STRUCTURES OF LAND ADMINISTRATION IS A MAJOR CHALLENGE TO ADDRESSING LAND QUESTIONS IN POST-CONFLICT UGANDA, AS IS THE LACK OF POLITICAL WILL TO CHANGE UNFAIR LAND POLICIES.” - ODONGO JAMES, PROGRAM ADVISOR, GIZ-CPS UGANDA



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