

HPG research proposal

The role of land tenure in conflict and post-conflict situations

2006/7

Background and rationale

Violent conflict is inevitably accompanied by a deep transformation of land property rights. The end of an armed conflict, especially in the case of a prolonged civil war, creates a situation whereby a significant proportion of the affected population will claim or re-claim access to land and land-based resources. Access to land is a major issue with respect to the return of refugees and IDPs, affecting both the choice to return and the prospects for recovery. Yet concerns about land and understanding about ownership, use and access to land are minimal within the humanitarian community and plans for large scale return of refugees and IDPs rarely incorporate sufficient analysis of the local land tenure situation. This applies also to the demobilisation and reintegration of former combatants. Post-war re-establishment of ownership, use and access rights is often complicated and problematic, but if land and property issues are left unattended they can provide significant potential for renewed confrontation. There is a widespread perception amongst the humanitarian agencies that land ownership problems are too complex or sensitive to be addressed and as a result approaches to land tenure matters tend to be superficial and *ad hoc*. Most strategies are designed around returning land to pre-war owners and fail to recognise and address the very volatile tenure issues which develop during conflict and which are most to the fore at the end of a war.

Some lessons from existing research include evidence that the conventional strategy of first helping people recover access to previously owned land and only then addressing the problems associated with land ownership may be flawed. This means that while allowing people to return to their homes should always be a priority, it will prove futile if it is not accompanied by adequate attempts to address the concerns of all the contesting parties, including those responsible for interim and unlawful occupation of land, and by an effort to solve the fundamental land conflicts that are often the main cause of displacement and instability. In many cases land access problems at the community level are aggravated by an institutional vacuum, which leads to competition and confrontation between different claimants. Managing such issues in an effective manner in a peace process is crucial to prevent continued instability and to secure re-engagement of the population in traditional land uses which sustain agricultural production, food security and trade opportunities on which recovery can be built. However, international experience in addressing deep-rooted land tenure issues is quite limited and the ability of aid agencies to tackle such issues has generally been deficient.

Experience in the Nuba Mountains (Sudan) and elsewhere has proven that it is possible and relevant to invest in analysis and policy development related to land tenure while the crisis is still ongoing, in order to develop adequate policies for the post-conflict phase. There is however considerable need for further investigation, including collation of existing knowledge, in order to better understand how to incorporate land tenure issues into programming when responding to protracted crises. This learning could also benefit responses to major natural disasters like the tsunami.

The project

This study will be carried out over a two-year period. The first year would involve a review of existing research into responses addressing land tenure issues in countries affected by or emerging from conflict. The research work will be based on a desk review of available material as well as interviews of key informants. The review will help develop a more comprehensive research framework for detailed field analysis in four selected case study countries, two of which will be planned for the first year and two for the second.

The case studies will be selected to reflect a diversity of approaches and experiences in incorporating land tenure issues in programming in protracted crises. Field analysis will include action research into innovative, land tenure-related aid interventions in ongoing and past crises to examine how these have actually impacted on the local land tenure situation and how they might be enhanced. Possible case study countries include Afghanistan and East Timor for the first year and Angola and the Sudan for the second year. The research will be conducted in co-operation with Research Associates who will be selected for their in-country and general expertise on land related issues.

Main areas of investigations will include:

- How do land ownership patterns change in the course of a crisis?
- How important is restitution of ownership to pre-war conditions and is this an effective strategy?
- How can questions of tenure security be tackled without risking more conflict?
- What are the key land tenure issues to take into account when developing strategies to facilitate post-conflict IDP and refugee return?

- How important is the issue of land tenure for the question of whether returnees are able to meet their basic subsistence needs in the short and medium term? Related to this, what is the effect of loss of land on the requirement for relief and social protection support?
- How can urgency/expediency be balanced with the need for carefully planned responses when developing post-conflict IDP and refugee return strategies?
- How can aid agencies facilitate the development of appropriate land tenure policies in conflict and post-conflict settings?
- What can be learned from past attempts (or the lack of them) to carry out in-depth analysis of land tenure issues while the crisis is still ongoing?
- What is the causal relationship between stability in land relations and successful peace processes?

The project is part of a broader ODI research agenda on land which involves work by the Rural Policy and Governance Group (pro-poor land policy), the Chronic Poverty Research Centre (tenure and migration) and the Rights in Action Programmes (customary rights). The research on land tenure issues in conflict and post-conflict contexts will therefore complement, inform and be informed by other work across the Institute. The possibility of extending the analysis to the post-tsunami context and conflict in Eastern Indonesia (in collaboration with the ODI Rural Policy and Governance Group) is being considered, if funding is made available, given the strong potential for cross-learning.

Particular attention will be paid to create partnerships with other agencies and research institutes working on land issues, including FAO, the World Bank and the International Institute for Environment and Development (IIED). The research will be carried out in co-operation with national and international NGOs, UN agencies, donors and affected state governments in order to embed the analysis in future policy and practice.

In country seminars will be held in each of the case study countries to present and discuss the findings of the field research in order to get engagement and buy in from relevant stakeholders and agency staff and further inform the research work as the project progresses. An international conference is planned for the second year of the study which will bring together international experts and key actors to discuss the findings of the project and identify strategies

to further disseminate learning about incorporating land tenure issues in programming in protracted crises.

Outputs and communications

Briefing Papers will be produced on each of the case studies together with a Briefing Paper summarizing the key findings of the literature review and the background interviews. A conference report will also be published on the web. The final output of the research will be an HPG Report which will be produced in the second year of the project. The Report will be launched in the UK and the launch will be followed by a series of dissemination meetings with key agencies and donors.

Budget total

£83,178 (06/07)

£90,343 07/08) - indicative

Indicative budget (D0231): Land Tenure in Conflict and Post-Conflict Situations

	Notes/Description	2006/2007				2007/08				TOTAL
		QUANTITY	UNIT COST	COST	TOTAL	QUANTITY	UNIT COST	COST	TOTAL	
<u>SALARY COSTS</u>										
HPG Coordinator		2	690	1,294		2	690	1,294		
Research Fellow (Sara Pantuliano)	<i>07/08 includes 5 dissemination days</i>	45	550	24,750		45	550	24,750		
Research Officer (Sorcha O'Callaghan)		30	380	11,400		30	380	11,400		
HPG Administrator		9	190	1,781		9	190	1,781		
SALARY COSTS TOTAL				£39,225				£39,225		£78,450
<u>EXTERNAL RESEARCH COSTS</u>										
Research Associate		80	300	24,000		40	300	12,000		
Local Researcher		0	150	0		40	150	6,000		
				£24,000				£18,000		£42,000
<u>TRAVEL AND SUBSISTENCE</u>										
Flights - return	<i>Afghanistan, E. Timor, Angola, Sudan</i>	6	750	4,500		4	850	3,400		
Flights - return	<i>Rome (FAO)</i>	2	300	600		1	300	300		
In country travel		4	200	800		4	200	800		
Subsistence		50	150	7,500		50	150	7,500		
Airport transfers		8	40	320		5	40	200		
TRAVEL & SUBSISTENCE TOTAL				£13,720				£12,200		£25,920
<u>PUBLICATION COSTS</u>										
HPG Briefing Papers	<i>Editing</i>	1	263	263		2	263	525		
	<i>Printing, production, mailing & website</i>	2	£1,720	3,440		2	£1,720	3,440		
Sub-total				3703				3965		
HPG Background Paper (online only)	<i>Editing</i>	1	263	263		1	263	263		
	<i>Printing, production, mailing and website</i>	0	£1,720	0		0	£1,720	0		
Sub-total				263				263		
HPG Report	<i>Editing</i>	0	263	0		5	263	1,313		
	<i>Printing, production, mailing & website</i>	0	3,893	0		1	3,893	5,000		
Sub-total				0				6312.5		
PUBLICATIONS TOTAL				£3,703				£10,278		£13,980

<u>MEETINGS/DISSEMINATION EVENT</u>	-							
International Conference	-	0	5000	0	1	5000	5,000	
In country seminars		2	1000	2,000	2	1000	2,000	
RF dissemination days (SP)		0	550	0	5	550	2,750	
Events Coordinator		1	180	180	3	180	540	
MEETINGS TOTAL						£2,180	£10,290	£12,470
<u>PROJECT COSTS / MISC</u>	<i><u>Details / Description</u></i>							
Communications and project costs	<i>Inc. conference calls, couriers, etc.</i>	1	200	200	1	200	200	
Documentation costs	<i>inc. books, journals, library</i>	1	150	150	1	150	150	
						£350	£350	£700
GRAND TOTAL						£83,178	£90,343	£173,520