Background and rationale

Violent conflict is usually accompanied by changes in land distribution and transformations in 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.

The project

While the relationship between land and violent conflict is complex, it is clear that competition over land has been a critical cause of violence in some conflicts (e.g. Rwanda) and an underlying factor in many others (e.g. Mozambique, Angola, East Timor, Sudan and Bosnia). Violence also can trigger new competition over land, as well massive population movement and forcible displacement (e.g. Rwanda, Angola, Mozambique, Sudan and Bosnia). In either of the three scenarios land issues have played or continue to play a significant role when planning return and/or resettlement of IDPs and refugees as well as disarmament, demobilisation and reintegration of combatants.

International experience in addressing deep-rooted land tenure issues is though 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, both to facilitate return strategies and to underpin reintegration of combatants. There is however considerable need for further investigation, including collation of existing knowledge, in order to better understand how humanitarian actors can better incorporate land tenure issues into programming when responding to protracted crises and issues arising in post-conflict settings. This learning could also benefit responses to major natural disasters like the tsunami.

Core research questions

Main areas of investigations will include:

(1) Understanding land issues in violent conflict

- How do land ownership patterns change in the course of a crisis?
- How are the property rights of specific groups, including IDPs, refugees and other vulnerable populations, affected by violent conflict?
- How are their property rights affected during conflict resolution and peace implementation?
- How do changes in land tenure and access influence return strategies of IDPs and refugees?
- What are the implications of land allocations to specific groups which have been active in the conflict?
- What is the appropriate role for legal reform in dealing with land in conflict and post-conflict settings?

(2) Developing appropriate responses

- How can questions of tenure security be tackled during and after conflict without risking generating more violence?
- How can humanitarian agencies ensure that assistance strategies do not compound changes in patterns of ownership of and access to land for different groups?
- What are the key land tenure issues to take into account when developing strategies to facilitate post-conflict IDP and refugee return as well as reintegration of former combatants?
- What opportunities do formal, informal or customary tenure situations provide to those seeking to re-establish tenure following conflict? What are their relative advantages and disadvantages (including for vulnerable groups, e.g. female headed households)? How can external actors harness potential opportunities?
- How important is land tenure to ensure that returnees are able to meet their basic subsistence needs in the short and medium term?
- How important is restitution of ownership to pre-war conditions and is this an effective strategy?
- How can urgency/expediency be balanced with the need for carefully planned responses when developing post-conflict IDP and refugee return strategies?

- Allocation of land to former combatants to promote sustainable reintegration frequently generates tension with local communities and/or other reintegrating groups, such as refugees or IDPs. What is the role of external actors in engaging with reintegration strategies and how can they help mitigate the risk of further conflict?
- Based on a review of past and current experience, to what extent can external actors facilitate the development of appropriate land tenure policies in conflict and post-conflict settings and how?
- What are the institutional/human capacity requirements for implementing various kinds of solutions and how should capacity affect the nature of options taken?

(3) Lessons learned from specific contexts of land tenure interventions during and after conflict

- What can be learned from past attempts (or the lack of them) to carry out in-depth analysis of land tenure issues to inform humanitarian and development actors' programming while the crisis is still ongoing?
- How do agencies judge the success of their interventions? What kind of indicators (beyond process indicators) have they used?
- How do affected communities judge the impact of external interventions?
- Are there recognisable successes and lessons that can be distilled to inform future responses, both with regard to reintegration and return of IDPs and refugees as well as former combatants?

Research methodology

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 the four selected case study countries. 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. The research will be conducted in cooperation with Research Associates who will be selected for their in-country and general expertise on land related issues. Professor John Bruce, former Director of the Land Tenure Center of the University of Wisconsin and former Senior Counsel (land) at the World Bank, has provisionally agreed to undertake at least two case studies as part of this study.

The case studies have been selected to reflect a diversity of approaches and experiences in incorporating land tenure issues in programming in protracted crises with different groups. Possible case studies include Angola and Rwanda for the first year and Ivory Coast and Sudan for the second. A decision on whether to include a fifth case study of land issues in Bosnia, East Timor or in another country will be taken towards the end of the first year of the project.

In-country seminars will be held in each of the case study countries. These may be used to gather information and input as part of the field research or 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, if considered relevant.

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 developing a separate research project of 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.

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 in London, Brussels, New York and other venues as appropriate.

Workplan outline

Year 1: June 2006 to March 2007 (Angola and Rwanda case studies)

Task	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Contract consultant(s) for Angola and Rwanda case studies		■									
Review agency and academic material			■	■							
Interview agency HQ staff				■	■						
Case study 1 field work, write up and review						■	■				
Case study 2 field work, write up and review									■	■	
Agree and schedule consultant(s) for Sudan and Ivory Coast case studies									■		

Year 2: April 2007 to March 2008

Task	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Contract consultants for case studies	■										
Review agency and academic material for additional case studies		■									
Interview agency HQ staff		■									
Case study 3 field work, write up and review		■									
International seminar on land issues			■								
Case study 4 field work, write up and review					■						
Draft HPG report						■	■				
Finalise and distribute report								■	■		

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