PART I

# Land, conflict and humanitarian action: Exploring the nexus

CHAPTER 1

# Why humanitarian organizations need to tackle land issues

*Alex de Waal*

*Humanitarian organizations need to consider land issues for three sets of reasons. First, land crises are central to why humanitarian crises happen, and why they take the form that they do. Second, humanitarian responses, both during the height of crisis and during the rehabilitation or recovery phase, have an impact on land tenure and settlement patterns, and thus on the future prospects of the people affected. Third, humanitarians should seriously consider how to support secure access to rural and urban land. Drawing upon the livelihoods framework and an approach to humanitarian crises as traumatic, accelerated transitions, this chapter analyses how humanitarian crises derive from and impact upon land crises. It also discusses how humanitarian responses including establishing camps, organizing resettlement or return, or allowing market forces to operate in the land market, all have impacts on land tenure.*

## Introduction

The neglect of land issues in humanitarian response has been both striking and unsurprising. It has been striking insofar as conflicts over land play leading roles in many humanitarian emergencies, and land access and tenure issues are also central to recovery or rehabilitation. It has been predictable insofar as humanitarianism as an organized activity has only slowly come to grips with the idea that it should be concerned, not just with the preservation of bare life, but also with the protection of ways of life. Increasingly, humanitarians have come to use livelihoods frameworks for understanding and designing their interventions and, to the extent that they are concerned with livelihoods, they must be concerned with land. To be specific, they need to know about land rights and settlement and use patterns.

Why should humanitarian organizations consider land issues? There are three sets of reasons. First, without understanding why humanitarian crises happen, and why they take the form that they do, we will be handicapped in our responses. Given that land tenure lies at the centre of many humanitarian crises, we need to know about it. Second, humanitarian responses, both during the height of crisis and during what is variously called the rehabilitation or

recovery phase, have an impact on land tenure and settlement patterns, and thus on the future prospects of the people affected. These are technical reasons, to improve the proficiency of action. Last, given that humanitarianism is motivated in part by an impulse to emancipate poor and peripheral people, and given that land is fundamental to autonomous and sustainable livelihoods, we should seriously consider how we can support secure access to rural and urban land.

This chapter draws upon two frameworks for analysing humanitarian crisis. One is the livelihoods framework (Swift and Hamilton, 2001). Land is usually the most valuable of rural people's assets and forms the centre of their livelihood strategies. In the simpler, non-political versions of livelihood analyses, rural people's strategies for responding to crisis revolve around retaining access to their land. In versions of the livelihood approach that take into account the political context of crises, land lies at the heart of political struggles for the control of rural people.

A second framework holds that a humanitarian crisis is a traumatic, accelerated transition, that it accentuates existing processes of social and economic change that in most cases are already underway and are in any case irreversible. This draws upon studies which frame complex emergencies as systems with winners and losers, which serve certain political interests (Duffield, 2001; Keen, 2007). Five components of accelerated and traumatic change warrant our attention: urbanization; rupture of local authority; commoditization; the extension of administrative control; and what might be called 'selective nostalgia'. Each of these five elements has implications for land tenure and settlement patterns, and how they are conceived, analysed and incorporated into a humanitarian response.

Humanitarian responses have impacts on the trajectories of livelihoods during and after crises, or, alternatively, on the operation of political systems that generate traumatic and accelerated transition. Responses including establishing camps, organizing resettlement or return, or allowing market forces to operate in the land market, all have important impacts on land tenure and livelihoods.

## Livelihoods, land and famines

Let us begin with the concept of a famine as an aberration from a stable normality, or a developmental normality. An external shock – paradigmatically a drought – causes a crisis of production and entitlement to food, leading to a brief but acute crisis (Sen, 1981; Davies, 1996). In the classic peacetime African agrarian smallholder famine, lack of access to land is rarely a cause of the crisis. It is more likely to be low land productivity (Iliffe, 1987). Improving the productivity of the land is a basic developmental project that lies outside the scope of this chapter. But in the affected population's response to the famine, retaining land becomes a central component of coping strategies (Dessalegn, 1995; de Waal, 2005). The rationale for this is well-known – keeping land

tenure rights is fundamental to a return to a livelihood when the crisis is over.

Relief agencies have experimented with livelihoods-focused programmes during famines. Some of these focus on livestock, for example buying animals at guaranteed prices or providing animals on loan to help restore herds. Others focus on farming, for example the ubiquitous seeds and tools programmes (sometimes implemented even when people have no access to land). But it is rare for relief responses to focus on land rights.

For assisting smallholder farmers, three possibilities present themselves for increasing options for survival strategies or decreasing the risks of loss of land. One is securing tenure rights so that they can be used as collateral for a loan to an affected household. Registering land in this way is a complicated legal and administrative exercise that has many perils, especially in the context of actual or incipient crisis. Moreover, while there is considerable experience of registering communal or customary-title land, the theoretical promise of translating this asset into collateral has yet to be met (UNDP, 2004). A second option, where land has already been registered, is providing such loans themselves. This is a financial exercise and is a field in which development agencies have been gaining considerable expertise as they expand micro-credit programmes. Relief agencies may also want to consider such exercises, which would aim to minimize the phenomenon of distress sales of land by providing an alternative on more favourable terms to the borrower. The third possibility focuses on short-term administrative or legal measures to prevent distress sales of land on unfavourable terms during crisis. This would function by intervening at the level of the administration of land – the community leadership or local government – for example to freeze land transactions during a crisis. This is the kind of mechanism that communities themselves must initiate, and success depends upon the level of community involvement and leadership.[1]

Matters are rarely as simple as the prototypical agrarian smallholder famine due to drought. In almost every famine in modern history, inequitable land rights have been at least part of the cause of the crisis. In many Asian famines during the 19th and early 20th centuries, it was the landless who were hardest hit. Amrita Rangasami, in her critique of Amartya Sen's entitlement theory, sees the acute phase of famine as the culmination of long processes of deprivation and impoverishment, and argues that, by focusing only on the final, acute stage of the famine, we are missing the real drama, which has already unfolded (Rangasami, 1985). Central to this drama is the loss of land rights of the poorest at the earliest stage of the countdown to famine or their indebtedness and impoverishment to the point at which they sell their land at a low price during the crisis.

Variants on this analysis can be applied to many famines in Africa. Pastoralists in the Sahel and East Africa have suffered famines after losing access to grazing lands because of the establishment of large-scale commercial farms on their grazing reserves or the gradual encroachment of smallholdings.

Land laws that grant ownership to the state and the authority to allocate land to state functionaries leave smallholders with unregistered land, held according to traditional land tenure systems, vulnerable to expropriation. In many cases, this expropriation has duly occurred and villagers have been rendered destitute, at best labourers on land that they used to call their own, at worst starving.

## Complex emergencies and land

This section describes how land access and control are fundamental to understanding the way in which complex emergencies function. Land ownership is perhaps the oldest reason for organized conflict. Territorial acquisition or defence is the most basic function of armies. Territorial expansion in the conventional sense of invasion and occupation followed by sovereign possession has fallen out of favour in the conduct of international relations since the Second World War, but land is still fought over in many different ways.

### *One: Taking hold of the land*

In the first form, the belligerents – governments, rebels, warlords – are concerned with the land itself, or the natural resources that lie beneath it, and the people who live on the land are a mere inconvenience – or, insofar as they seek to resist, an enemy. There is a substantial literature on the causes of famine that identifies state attempts to gain control of smallholders' farmland or pastoralists' rangeland as the villain (Salih, 1999). It is instructive that land dispossession has often also been the cause of rural resistance and insurrection. For example, the Beja of eastern Sudan saw their grazing reserves alienated to construct irrigated cotton schemes in the colonial era, causing both deprivation and political mobilization. The flag of the Beja Congress bears a symbol of the lost pastures of the Gash Delta. Also in Sudan, the Nuba lost much of their land to commercial farms, especially in the 1980s, a major cause of impoverishment and the single largest source of grievance that led to civil war. Attempts by the Siad Barre government in Somalia to seize large parts of the central rangelands for exclusive use by Darod clans in the mid-1980s were an important reason for rebellion by the Hawiye and the manipulation of the land registration system to dispossess indigenous farmers led to support for rebellion among minority clans (Besteman and Cassanelli, 2003). Development projects were complicit in plans for drilling boreholes in the rangelands that facilitated the takeover of pastures by clans aligned with the government and some of the forced displacement of farmers (Maren, 2002). The expropriation of land in southern Ethiopia to make way for state farms and resettlement schemes in the 1980s contributed to rebellions there (Africa Watch, 1991). Land alienation to build dams is a cause of impoverishment and protest across the globe.

Humanitarian responses rarely tackle the land ownership issues that underpin these conflicts. Usually, it is too late – people have already been dispossessed, caught up in the conflict and displaced. But we can be confident that any documentation and advocacy project that involves mapping their previous residences and land tenure and providing them with some documentation in support of that will meet with their enthusiastic support. Retrospective documentation of former land claims warrants consideration as a programmatic response. This can be the basis for return and resettlement or (more likely) compensation claims.

In recent decades, relief assistance to IDPs has often become a means of easing the transition of autonomous rural populations to the status of peri-urban squatters or landless labourers. As Mark Duffield has shown, humanitarians' dislike of 'dependency' and preference for displaced people achieving some form of self-sufficiency means that there is a preference for cutting rations to people who are without the assets necessary to pursue a viable livelihood (Duffield, 2001). Especially, when they lack secure access to sufficient land. This means that displaced people are left with little option but to also work as wage labourers, with the partial relief ration serving as a de facto subsidy to their employers, who can pay wage rates below subsistence level. There is no simple answer to this, except that humanitarians should be aware of the dilemmas.

### Two: Land as reward

A variant occurs in those instances in which the state's interest in land is not for its own direct possession, control or exploitation, but rather as a form of loot that can be freely allocated to its favoured agents and proxies. Robert Bates has investigated how rulers, keen for immediate sources of revenue and with disastrously low revenues from domestic taxation, have resorted to plundering available assets, including land (Bates, 2008). When a government faces a rebellion, licensing pillage has the double attraction that it is a cheap means of mobilizing counter-insurgency. This is the predominant state interest in land in Darfur: it is an asset that can be offered free to the government's allies in order to encourage them to fight at low cost to the ministry of finance (de Waal, 2007).

The humanitarian challenge is not so different to the first variant, but the policy or advocacy response must be different. The root of state predation lies in the precarious fiscal foundation of weak states and the foreshortened discount rates of rulers under pressure to maintain thirsty patrimonial systems. Reforming these systems is a challenge for the political forces in the country concerned, major bilateral donors and international financial institutions. The way in which land predation is played out at a local level depends upon grievances over land access and ownership and the local market forces that determine the value of land.

### Three: Controlling the city

We must not overlook urban land tenure. Governments typically have security interests in urban settlement patterns and economic interests in urban land. The first step in most counter-insurgencies is to consolidate territorial control of urban centres (Kalyvas, 2006). Governments may take draconian measures against squatters and unregistered migrants, or even poor urban dwellers with residence papers. They do this in order to gerrymander elections (keeping recent migrants off the electoral roll), to minimize the threat of urban protest or insurgency, or in order to sell or redistribute the land these people occupy. When urban people have been forcibly displaced, they rarely if ever move 'back' to rural areas. Rather, they typically remain economically integrated in the urban economy and look for alternative places to live where they can pursue meagre livelihoods – albeit much deprived in comparison to beforehand. Urban economies are usually, though not always, sufficiently robust to sustain these people without them descending into outright famine. Humanitarians rarely diagnose urban emergencies despite the extent and depth of urban hunger and deprivation.

Humanitarian responses to urban displacement are typically short-term and, while they may involve emergency shelter provision, do not address the issue of urban housing or land rights in a systematic way. Urban populations have usually been marginal to the concern of relief agencies, but with the increasing urbanization of all societies and the growth of vast cities of people with relatively little social and economic integration, we need to pay attention. Countries like Sudan are already almost 50 per cent urbanized. Africa's emerging megacities are not socially and politically integrated.[2] We know much too little about how these cities function. We need to be alert to the possibilities of complex emergencies in cities and the need for humanitarian responses (Davis, 2006).

### Four: Communal land conflict

Another manifestation is a land conflict between communities, in which the state has little or no interest except, perhaps, to see a resolution, or in cases where the state has collapsed or is powerless. This is the form of land dispute that is most often brought to mind by mention of conflict over land. It can take the form of boundary disputes between different landholding groups, perhaps tribes; conflict between sedentary groups and mobile pastoralists; and conflict between people who consider themselves natives and those who have settled more recently. The dispute may manifest itself less in fighting over territory than in disputes over the authorities that have the power to allocate land and adjudicate land disputes. For example, if a paramount chief has jurisdiction over land, a land conflict may be manifest in a struggle for who takes the office of the chief, or in the ranking of different chiefs.

Administrative reorganization is often a spark for such disputes. The adoption of a federal system in Ethiopia in the 1990s set off a number of such conflicts. Competition for different systems of administration in Kenya has contributed to land conflict. Decentralization in the Indonesian Papua Region has similarly contributed to new patterns of settlement and resource claims.

Usually it is possible to discern the hand of government in creating the conditions for such conflict, sparking it or at least failing to stop it. However, other factors should not be underestimated. These may include long local histories of disputes over ownership, changes in land use, growth in population or increased pressure on land, and socio-economic, ecological or political disruptions elsewhere that have knock-on effects through migration.

Humanitarian agencies have often been called upon to respond to the victims of communal land conflicts. Interventions to prevent such conflicts are a more challenging proposition. They go beyond the standard remit of humanitarian response into the field of conflict prevention. Success requires local knowledge and engagement with effective local peacemaking mechanisms.

### Five: Ethnic cleansing and forced relocation

Forced displacement and land seizure can take place as part of a project to create ethnically homogenous territories, for ideological or security reasons (for example as part of an attempt to create controlled zones during counter-insurgency) or a combination of these. This is forced displacement and it typically occurs during war or in the political-military positioning immediately prior to the outbreak of hostilities. Ethnic cleansing may not necessarily involve the physical removal of the targeted population; it could also take the form of removing their land rights and political authorities so that they become entirely subjugated to the leaders of the group carrying out the ethnic cleansing. At the command level, the motivation is political or military, but at the operational level, the individuals or small groups that carry out atrocities may do so for economic reasons – they want to seize their neighbours' land or houses. Granular motivations at individual or community level can amplify, redirect or impede higher-level political objectives.

Ethnic cleansing poses sharp dilemmas for humanitarian agencies. Saving lives dictates rescuing people and taking them to safety. But this can also be seen as serving as quartermaster and logistician for ethnic cleansing. This critique was often mounted in the case of the war in Bosnia. At the same time, the human rights principle of resisting this gross abuse of rights entails taking a politically partisan stand in a violent conflict, which may expose both the target population and humanitarian workers to serious risks. Darfur is the obvious example today, where advocacy for international intervention tars humanitarian agencies by association, compromising their neutrality and placing them in a position that is ultimately untenable.

### Six: Controlling people

A variant of this occurs when the state, rebel group or para-state warlord is primarily interested in controlling the population, but in order to do so needs to eliminate its autonomy. A rural community is politically autonomous when it exercises control over its own resources. This makes it attractive to rebels as a zone of control or operations. Alternatively, insurgent presence can lead to the establishment of an effective anti-government administration of the population. A government can reduce or destroy this autonomy by controlling markets, migration or political authorities, or by controlling the land. A classic technique in counter-insurgency is for the authorities to gather the civilian population, suspected to support the insurgents, in protected villages, where they can be subject to close surveillance and control. Some cases of forced displacement are perpetrated precisely in order to gather the population in camps. This method, deployed by the British against the Boers in South Africa, was the origin of the term 'concentration camp' (see for example Callwell, 1996).The apartheid government used more sophisticated methods to control the African population. It was used during the Ethiopian civil war in the 1980s, and humanitarian agencies were criticized for their readiness to provide assistance to government-administered zones (Africa Watch, 1991). Another version of this occurs when urban or peri-urban populations are forcibly relocated and/or dispersed because the government sees them as a security threat. This occurred in Khartoum in the early 1990s (African Rights, 1995).

What is permissible and not permissible in counter-insurgency operations has been the subject of analysis by lawyers specializing in international humanitarian law. However, it is striking that the relevant provisions in the Geneva Conventions[3] are limited to prohibiting the destruction of material items necessary for sustaining life. There is no mention of activities (such as migration for work, livestock herding and gathering forest products) necessary to sustain life. International humanitarian lawyers have made progress in codifying the circumstances under which involuntary displacement can take place, according to military necessity, conducted with humaneness and proportionality. These codifications have not, however, been informed by livelihoods analysis and rely instead on a simplistic and mechanical presupposition of what is necessary to sustain life. There is a need for an improved dialogue between humanitarian practitioners, livelihood specialists and international humanitarian lawyers on these issues.

### Seven: Battlefields

In a final set of cases, land is little more than battleground – it simply happens to be in the way of military operations, lies in a no-man's land or a free-fire zone, becomes a minefield or is seized to build fortifications or supply bases, or indeed IDP camps. In such cases, displacement and loss of land rights are

simply a by-product of the way in which a war is conducted. This may be a secondary impact of war but it may be very long-lasting, as with for example the uninhabitable areas along the Iran–Iraq border following the war of the 1980s and the displacement of farmers who lived close to the battle-lines of the Eritrean–Ethiopian war. While these areas may be relatively limited, land is never without its significance, most notably for the people who used to live on it.

The loss of land to anti-personnel landmines is a comparable problem. Land mine agencies became familiar with the social and economic implications of clearance activities as soon as they began work in countries such as Afghanistan, Angola and Cambodia. Land tenure and access rights for cleared land could often become a contentious issue. In this case, as with land otherwise used by armies or temporarily rendered unusable by fighting, rehabilitation is a socio-economic exercise as well as a technical one.

## Humanitarian crisis as traumatic accelerated transition

Trotsky famously remarked that war is the locomotive of history. In the last half-century, with territorial expansion no longer a legitimate objective for states and the violent overthrow of government increasingly less respected, it has become harder to win wars. Another locomotive of history was primary capital accumulation through asset seizure, whether through colonial conquest and dispossession or through the state-backed enclosure of the commons or the clearance of smallholders and pastoralists.

What we today call 'complex humanitarian emergencies' are civil conflicts that neither side has yet won. Typically, they originate either because a government is too weak to decisively suppress an insurgency or because it is too weak to enforce a programme of primary accumulation through asset seizure without encountering armed resistance, which it is then unable to crush. In Africa and some other parts of the world (the Andean republics, parts of Central Asia), states are not strong enough to prevail over insurgents armed with modern weapons and who can secure sufficient finance to pursue a war through criminal activities, diaspora support or local forms of taxation, including stealing from humanitarian agencies and running protection rackets (Kaldor, 1999).

David Keen has argued that such wars should not be considered as contests between opposing teams, but as systems in which the leaders on both sides (or all sides – the concept of two matched 'sides' begins to lose traction in these circumstances) benefit from the conflict (Keen, 2007). They develop private interests in sustaining the conflict and may collude with their supposed 'enemies'. This is largely correct, but it is also important to note that these systems are inherently unstable. Primary accumulation within a limited territory, especially one affected by war, has limits. The appetite of the predator requires new prey, and while international relief agencies are often ready to shovel unending resources into such crises, local resources may run

out. Mechanisms for establishing trust among adversaries in an ongoing war are scarce and weak because of the obvious difficulties of enforcing contracts. This means that collusion of adversaries within a conflict system is necessarily tactical, and at some point one 'team' tends to win. The proof of prior collusion may then be that the victors promptly cut some apparently surprising deals with their former enemies.

Keen's analysis is best suited to countries with extremely weak states or evenly matched adversaries, notably in West and Central Africa, Somalia and Afghanistan.[4] In other cases, for example Sudan, Algeria and the Andean countries, protracted conflicts are asymmetrical systems, insofar as governments, while too weak to suppress insurgencies thoroughly, are also financially strong enough to be the dominant player by means of determining the price of loyalty in the political marketplace. These systems may lead to more prolonged conflicts than those in which adversaries are evenly matched, because ruling elites have learned to live with, and profit from, the disorder on their peripheries. In Mark Duffield's phrase, such political systems reproduce 'permanent emergencies' on their frontiers (Duffield, 2001). However, they are also not stable because, no matter how well the centre is able to manage its peripheries, there is always a possibility of a military strike at the centre that can topple a government, or a change of regime in a neighbour-sponsor that can decisively undermine an insurgent's capability. Nonetheless, these conflicts achieve a predictability of sorts. Even if the regime does change, the patterns of conflict continue.

We might say that protracted complex humanitarian emergencies are also a locomotive of history. The human distress, the destruction and transformation of livelihoods, the accelerated transfer of assets (including land), urbanization and the opening up of economies to global forces, all represent accelerated social transformation. In the aftermath of a crisis there may be a (partially) successful attempt to return to the status quo ante, with a return of displaced people and the rehabilitation of infrastructure, but the 'normality' that resumes is inevitably very different from that which preceded the crisis. And it is in the nature of such systematic crises that they may persist for very long periods of time.

A weak state that is nonetheless much stronger than its domestic adversaries is particularly likely to pursue a political strategy that involves the widespread dispossession of peripheral peoples. This kind of state has sufficient authority that, when it reallocates land, it can enforce the reallocation. Such a state has a Janus-like identity. Patrick Chabal and Jean-Pascal Daloz call it the 'politics of the mirror' (Chabal and Daloz, 1999). To the international community, and especially to its paymasters, it presents one face – a beneficent apparatus aspiring to order. And, insofar as governments employ some officials who believe in civil service as a duty to the population, this characterization is not wholly untrue. But to its peripheral and subject peoples, it typically presents a very different face. Such a state has come to rely on its power to grant favoured groups the authority to engage in asset-stripping, distributing rewards through opportunities for primary accumulation, and has come to

fear the prospect that the peoples of its peripheries might band together with an external sponsor and pose a real military threat. These features mean that protracted complex emergencies lead to a specific syndrome of rupture and displacement, which I have characterized as traumatic and accelerated socio-economic transformation. Five elements of this syndrome are noted here.

First is *urbanization*. During the 1990s humanitarians began to speak about displaced people, with the neologism 'IDP'. This category originated jointly in the operational need to target assistance and the recognition that IDPs lacked the apparatus of legal protection extended to refugees (Cohen and Deng, 1998). The term is therefore an instrumental one: the IDP is someone designated as deserving of international assistance and protection. Prior to this, those displaced by conflict or subsistence crisis fell into the categories 'migrant' or 'squatter'. In terms of trajectory of residence, the older labels remain accurate: most IDPs ultimately become urban migrants or squatters. The label IDP itself serves to maintain people in a liminal category, nourishing an illusion of impermanence. For the humanitarian practitioner it is an alibi that allows the challenges of managing urbanization to be ignored.

Urbanization is in reality largely a one-way process. It is very rare for significant populations, displaced to cities during a conflict, to return to rural life. The longer they are displaced, the less likely re-ruralization becomes. Traumatic urbanization of this kind presents huge challenges for land tenure and land use management. How is the authority over the land on which IDP camps and new peri-urban settlements to be formalized? What are the land rights of individual IDPs, migrants and squatters, and how are they to be protected? What vestigial rights do they retain in their former home villages, especially after a prolonged absence?

Humanitarians need to pay attention to urban land tenure, to recognize that the majority of what we call 'IDPs' are in fact long-term urban settlers. Humanitarian policy needs to examine how urban and rural livelihoods are mutually dependent, and the role that secure land tenure can play in stabilizing both. Another variant is the secondary urbanization that occurs when returning refugees or IDPs move to towns that were not their original homes. In these cases, humanitarian organizations can play a role in mediating land issues among the host and incoming communities.

A second feature of complex emergency is *rupture of previous forms of social organization and local authority*. With war, famine and forced migration, authority patterns change. Authority structures based on land, kinship and tradition may be weakened; new authorities may emerge based on relief distribution, or control over access to credit, residence papers or travel permits, or other vital commodities or services. Insofar as they continue to preside, old leaders may change the nature of their authority.

Typically, displacement or urbanization weakens previous, rural-based authorities and throws up new ones, whose authority stems from their role in managing the migration and urbanization, securing land for settlement, controlling relief distribution, acting as an intermediary with urban authorities

or humanitarian agencies, or controlling moneylending, security or commerce. This transformation is typically disguised by the supposedly temporary nature of the new authority – a pretended impermanence that serves as an alibi in managing conflict with the previous authorities. It is also disguised by the stated desire to return home to resume former livelihoods, with traditional land tenure patterns and traditional forms of authority. This dream of return and restoration is seldom realized and usually mutates into a myth of the past (see Malkki (1995) for an analysis of this in the case of Burundian refugees in Tanzania). In real time, it serves as a common reference point for a traumatized and uprooted community, a form of ancestral legitimization for an identity that is under threat, and a charter for political authorities. In turn, these transformations in local administration and authority entail new forms of jurisdiction over land and new ideologies of land tenure. The more that authorities insist on a reversion to traditional land tenure systems, the more probable it is that customary systems are being rewritten in these circumstances.

The importance of new forms of political authority among displaced populations carries with it a clear implication for humanitarian engagement, especially at the outset of a humanitarian programme. The individuals selected to control relief distributions and the allocation of plots to IDPs are likely to become figures of authority, power and wealth. The mechanisms for registering newcomers to IDP camps and exercising jurisdiction over where they live are likely to become systems of power over land. Decisions taken by humanitarians are not only emergency expedients but have long-term implications for how the transition to new settlement patterns and livelihoods is managed.

*Commoditization* is a third aspect of emergency as transition. War and hunger are typically marked by a shrinking of the ambit of trust, and as a corollary, an increase in the arena in which monetary relations hold. Items that were free, or subject to non-monetary regulation, such as wild foods or communal labour, may become monetized or politicized. The commoditization of land is perhaps the sharpest case. Typically, non-statutory traditional land tenure systems suffer during crisis, as people are displaced or are willing to liquidate assets to meet immediate consumption needs. Once a market in land emerges, there is no going back to previous systems. The implication of this is that humanitarian programmes should consider engaging in land registration processes. There are many hazards associated with such systems, but any mechanism that regularizes status and provides some security of residence is a form of assistance. A modest step would be legal assistance to the displaced to claim land.

Fourth is *extension of administrative control*. During crises, governments, rebel groups and warlords, and/or international agencies, extend forms of administration over populations. People are counted and categorized. For food they rely on ration cards. For tents or plots of land they depend on official lists and permits. It may appear paradoxical that a state that is too weak to impose its authority on its peripheries, which has ceded control over parts of its territory

to insurgents or warlords, is able to extend its administrative authority during a crisis. Yet the governance of displaced populations is typically more ordered and intrusive than of the pre-conflict rural communities. Indeed, that is one of its purposes, because a credible military and administrative presence is a major asset for a contending party during a civil conflict (Kalyvas, 2006).

Administrative intrusion places humanitarian agencies in a particularly awkward position. The spirit of humanitarianism is to support and enfranchise the marginalized, dispossessed and weak. One of the most effective weapons of the weak is to remain elusive to authority – to refuse to be counted, to escape formal administration and to keep open clandestine options for livelihood or migration. Yet technically effective relief programmes demand that the subject population is measured, monitored and governed. In the short term, the actual governance mechanisms are often set up by relief agencies and community leaders independent of the state. This is unlikely to last, as governments co-opt population registers and take over control of rations and land.

The central role played by humanitarian agencies in the governance of crisis-affected populations, especially IDPs, gives them influence. By their very existence they demonstrate the possibility of a rule-governed, professional and benign service provider. This function can be extended into areas that are both more contentious and, in the long term, more significant – such as land allocation and the codification of tenure rights.

The final component of complex emergency is *selective nostalgia*. The dream of a return to communities and livelihoods as they existed before the crisis is tempered by a reinvention of that past, which idealizes certain aspects, and the creation of new, usually polarized, identities that prevent certain groups from participating in the anticipated new community. This involves elements of denial, idealization and stasis.

It is the prerogative of human rights advocates to set up ideals and advocate for them. In the case of a displaced community in a complex humanitarian emergency, that means advocating for the complete restoration of the status quo ante, but in a selective and simplified form. Such international advocacy will have political implications. It will shape the aspirations and political strategies of the leaders of displaced communities.

The humanitarians' concern with actual outcomes places a different set of obligations on humanitarian advocacy and action. One particular challenge that arises is that, when some people do in fact return, their reinvented form of 'traditional' community, authority and land tenure may not match the concepts and preferences of those who stayed behind or who came in to occupy the land. Any attempt to return to the status quo can become a new cause for conflict. Mediating between different representations of land tenure system is an important task for a peacemaker.

Another challenge is managing the conflict between the idealized demands of a return home and the realities of an irreversible transition. How are the land rights of the newly urbanized to be protected when the political leaders of

these groups insist that they are not urbanizing at all, but merely temporarily displaced?

## Conclusion: Humanitarians and land

Humanitarian programmes are typically unacknowledged interventions in the livelihoods, authority, politics and land access of the targeted population. Relief agencies' presence and activities invariably have important unintended consequences. Prominent among these are the implications for land rights, access and use, and the settlement patterns of the affected populations. Humanitarian agencies' policies over land – in IDP camps, among remnant rural populations, on absorption into the urban fabric and on return home – are an important determinant of whether the affected population loses, keeps or gains access to land, and whether it can establish sustainable livelihoods, either urban or rural.

Humanitarian influence on the outcomes of famines and complex emergencies is limited and is strictly secondary to the political dynamics of the conflict itself. Humanitarian responses steer outcomes only at the margin. The situation is different when humanitarian agencies, usually acting in partnership with governments, actually mount initiatives that radically change the nature of the crisis itself. A dramatic example of this concerns the international NGOs that supported resettlement in Ethiopia in the late 1980s. These resettlement schemes, which were poorly planned and set up with minimal or no consultation with locals, quickly became a source of controversy and conflict, with some NGOs drawn in, rhetorically, on both sides of the argument (Jansson et al., 1987; Clay et al., 1988). 'Peace villages' in Sudan's Nuba Mountains are another disturbing example (Karim et al, 1996; Pantuliano, 2005). Planned resettlement has been given a bad name by these and other examples of coercive movement of people that, in the worst cases, cost tens of thousands of lives.

However, it is likely that humanitarians will need to revisit planned resettlement. Most scenarios for climate change involve well-populated parts of the planet becoming uninhabitable for a variety of reasons, particularly rising sea levels. This includes the possibility that coastal cities will become inundated. The implications of the evacuation of a city such as Lagos beggar the imagination. We will need to reconsider what this means for humanitarian action and the scale of the global IDP crisis.

Emergency measures such as the creation of IDP camps and other settlements are also de facto interventions in land management and land tenure. A substantial number of IDPs in camps are set to become permanent residents, and an even larger proportion of those who live there will actually become urbanites. Humanitarians need to consider that a variable but large proportion of the recipients of assistance are people in transition from rural to urban residence and livelihoods, and reconceptualize strategies accordingly.

In turn we need to think through the nature of humanitarian responses to urban emergencies. These will certainly become more common, because of rapid urbanization (especially in Africa), the likelihood of urban conflicts, and the likelihood that large cities in low-lying areas will become the locus of emergencies associated with rising sea levels and climate change. We might also want to reconceptualise humanitarian relief to IDP populations, after the first year or so of displacement, as urban assistance programmes. Doing so might alter how we respond to protracted crises of displacement. It might, for example, involve extending assistance to peri-urban populations, providing them with shelter and services.

There are far-reaching policy and programmatic implications to approaching humanitarian activities through the lens of land and residence rights and settlement patterns. These implications will become clear in detail as humanitarian practitioners and researchers turn their attention to the issue. This introductory chapter has sketched out some directions that it would be useful to explore. However, the main recommendation arising is that humanitarians need to become more educated in the complexities of land issues, both insofar as land plays a role in the aetiology of crises, and insofar as humanitarian activities and policies can influence land and livelihood outcomes for affected populations, in rural and urban areas.

## Notes

1. See the debate on land in peace and war in Sudan, www.ssrc.org/blogs/darfur/ [accessed 2–7 March 2008].
2. www.ssrc.org/category/darfur/ [accessed 29 January and 14 February 2008].
3. Additional Protocols of 1977, AP1 article 54 and AP2 article 14.
4. He has also extended the analysis to the Global War on Terror, albeit only for the US side. See Keen (2006).

## References

Africa Watch (1991) *Evil Days: Thirty Years of War and Famine in Ethiopia*, Human Rights Watch, New York.

African Rights (1995) *Sudan's Invisible Citizens: The Policy of Abuse against Displaced People in the North*, African Rights, London.

Bates, R. (2008) *When Things Fell Apart: Explaining State Failure in Late Century Africa*, Cambridge University Press, Cambridge.

Besteman, C. and Cassanelli, L. V. (2003) *The Struggle for Land in Southern Somalia: The War Behind the War*, Hann, Brighton.

Callwell, Col. C. E. (1996) *Small Wars: Their Principles and Practice*, 3rd edn, Bison, Lincoln NE, (originally published 1899).

Chabal, P. and Daloz, J. (1999) *Africa Works: Disorder as Political Instrument*, James Currey, London.

Clay, J., Steingraber, S. and Niggli, P. (1988) *The Spoils of Famine: Ethiopian Famine Policy and Peasant Agriculture*, Cultural Survival, Cambridge, MA.

Cohen, R. and Deng, F. (1998) *Masses in Flight: The Global Crisis of Internal Displacement*, Brookings, Washington DC.

Davies, S. (1996) *Adaptable Livelihoods: Coping with Food Insecurity in the Malian Sahel*, Macmillan, London.

Davis, M. (2006) *Planet of Slums*, Verso, London.

Dessalegn, R. (1995) *Famine and Survival Strategies: A Case Study from Northeast Ethiopia*, Scandinavian Institute for African Studies, Uppsala.

de Waal, A. (2005) *Famine that Kills: Darfur, Sudan*, Oxford University Press, Oxford.

de Waal, A. (2007) 'Sudan: The Turbulent State,' in Alex de Waal (ed.) *War in Darfur and the Search for Peace*, Harvard University Press, Cambridge MA.

Duffield, M. (2001) *Global Governance and the New Wars: The Merging of Development and Security*, Zed Books, London.

Iliffe, J. (1987) *The African Poor: A History*, Cambridge University Press, Cambridge.

Jansson, K., Harris, M., and Penrose, A. (1987) *The Ethiopian Famine*, Zed Books, London.

Kaldor, M. (1999) *New and Old Wars: Organized Violence in a Global era*, Stanford University Press, Stanford, CA.

Kalyvas, S. (2006) *The Logic of Violence in Civil War*, Cambridge University Press, Cambridge.

Karim, A., Duffield, M., Jaspars, S., Benini, A., Macrae, J., Bradbury, M., Johnson, D., Larbi, G. and Hendrie, B. (1996) *Operation Lifeline Sudan: A Review*, University of Birmingham/ Department of Humanitarian Affairs, Birmingham and Geneva.

Keen, D. (2006) *Endless War? The Hidden Functions of the War on Terror*, Pluto, London.

Keen, D. (2007) *Complex Emergencies*, Polity, London.

Malkki, L. (1995) *Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania*, University of Chicago Press, Chicago.

Maren, M. (2002) *The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity*, Free Press, New York.

Pantuliano, S. (2005) 'A "principled" approach to addressing complex emergencies – testing a new model of aid delivery in the Nuba Mountains of the Sudan', *Disasters* 29(1): 52–66.

Rangasami, A. (1985) 'Failure of exchange entitlements theory of famine', *Economic and Political Weekly* 20: 41–42.

Salih, M. (1999) *Environmental Politics and Liberation in Contemporary Africa*, Springer, Amsterdam.

Sen, A. (1981) *Poverty and Famines: An Essay on Entitlement and Deprivation*, Clarendon Press, Oxford.

Swift, J. and Hamilton, K. (2001) 'Household food and livelihood security', in IDS Bulletin 32, 5–21.

UNDP (United Nations Development Programme) (2004) *Unleashing Entrepreneurship: Making Business Work for the Poor*, UNDP Commission on the Private Sector and Development, UNDP, New York.

**Alex de Waal** is Director of the Social Science Research Council's programme on AIDS and social transformation, a director of Justice Africa in London, and a fellow of the Harvard Humanitarian Initiative. In his career, he has studied the social, political and health dimensions of famine, war, genocide and the HIV/AIDS epidemic, especially in the Horn of Africa and the Great Lakes. He has been at the forefront of mobilizing African and international responses to these problems. He has worked in or on Sudan since 1982, and in 2006 served as advisor to the African Union mediation team for the Darfur conflict.