LAND AND CONFLICT

Key Issue Background Paper

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Struggles to control valuable land, natural and mineral resources are at the heart of many conflicts around the world. Many have their roots in colonial conquest and post-colonial resource grabbing by colluding local and global elites. Land conflicts frequently entail clashes of values and meanings associated with land. Conflict risk is rising with climate change and the race to control critical mineral and water resources. Millions of people face loss of livelihoods and displacement.

Contents

Land and its many meanings

Land means fundamentally different things to different people.

Rural settings

For rural people land provides soil to farm, pastures to graze and a wide range of natural resources (timber, medicinal plants, fruits, honey and game) to harvest and manage, which are essential for their livelihoods. Access to land cannot be separated from access to water. Rural communities recognise nested rights in land. Some, like the rights to land for a homestead and fields to cultivate may vest in individuals, households and lineages; while other resources are derived through access to common property by recognised members of the community. But land represents much more than a source of livelihood. It denotes home, a secure place to stay, a place to bury the dead. Land symbolises continuity and is an important source of cultural and spiritual identity.

The soil is the principal source of livelihood for billions of people.
Photo by McMac70 via Flickr (CC BY-NC-ND 2.0)

Rights to land for a homestead and fields to cultivate may vest in individuals, while other resources are derived through access to common property
Photo by Maureen Barlin via Flickr (CC BY-NC 2.0)

In contrast, for global investors and large-scale land holders, land is primarily a commodity, something that can be bought, leased and sold – an asset which appreciates or depreciates in value. Land provides a platform for investment and production, often at industrial scale; a resource on which cash crops can be grown for export, from which minerals and water can be extracted, or timber logged for profit.

Commercial agriculture
Photo by Wine country Media via Flickr Photo by Maureen Barlin via Flickr (CC BY-NC 2.0)

For governments and political elites, control over land is the basis for state identity, authority and political control. In some countries land can also be an important source of tax revenue and the way in which land is distributed reflects social relations of power.

For conservationists forests, rangelands, catchments, wildlife and natural resources are something to be protected, often to the exclusion of indigenous people and prior rights holders.

Rhino Monitoring Team Zimbabwe.
GPA Photo Archive via Flickr (CC BY-NC 2.0)

However, there are indications that this exclusionary approach is changing with increasing recognition of the importance of indigenous knowledge for sustainable natural resource management.[1]

Urban

Similarly, for some, land in urban areas has an identity primarily as property, an investment and source of wealth. For others living in slums, informal settlements and favelas on marginal and unserviced land, this foothold in the city provides access to social services, livelihoods, employment opportunities and cultural opportunities. The rights of land holders and the landless frequently come into conflict, pitting the right to possess and derive monetary value from private property against the "right to the city"[2] for the urban poor. Where these rights clash, they may precipitate land grabs/occupations, evictions and displacement.

**Accelerated urbanisation is creating conflict over rights to land in the city.
Kinshasa. Photo by Antoine Moens de Hase via Flickr (CC BY-NC 2.0)**

Given the vastly different, and sometimes irreconcilable meanings and values attached to land, it is not surprising that land and access to natural resources are key drivers of conflict. The UN recently predicted that over the coming decades "competition and conflict over land is likely to intensify with the growing pressures of climate change, population growth, increased food insecurity, migration and urbanisation".[3]

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[1] The IPBES (Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services) is an independent intergovernmental body that assesses the state of biodiversity and ecosystem services worldwide. Their reports increasingly emphasise that Indigenous rights are integral to discussions surrounding both biodiversity conservation and climate change.

[2] Lefebvre, H. (1968). The right to the city.

[3] UN Secretary General (2019). Guidance Note of the Secretary General: The United Nations and Land and Conflict, United Nations.

However, it is also important to distinguish between violent conflict over land and the varied non-violent day to day disputes within families and between neighbouring communities.

Triggers for land and resource conflict

Land conflicts can be triggered by a wide variety of interlinked factors. Arbitrary actions by actors in the state, investors and powerful individuals that restrict or remove access to land and resources are frequently at the heart of conflict situations. These may include:

- Long histories of colonial occupation and dispossession that underpin contemporary discriminatory social systems and which entrench ethnic difference as a means to divide and rule.

- Systemic poverty and inequality within society whereby large numbers of people are marginalised through structural violence (see below) and lack of secure rights to land in rural and urban settings.

- Gendered and generational inequalities and inheritance practices that restrict access to land and natural resources.

- Land degradation, biodiversity loss, crop failure, livestock losses and forced migration accelerated by the impacts of climate change and the increased incidence of droughts, heat waves, fires, floods, and other extreme weather events.

- Mounting pressure on land as a consequence of rapid urbanisation.

- Large scale infrastructure development.

- Diminishing size of agricultural landholdings as a result of a rapidly growing population.

Diminishing access to land and competing land uses is a source of conflict.
Photo by Koshy Koshy via Flickr (CC BY-NC 2.0)

- Competition over land uses between:

  - livestock herders and crop farmers;

  - investors in the export-oriented mining, forestry and agribusiness sectors and local land users;

  - state institutions and international agencies seeking to impose 'fortress' conservation policies to protect wildlife, biodiversity and forest resources through the exclusion of indigenous peoples and long-standing land rights holders, as well as the dismissal of indigenous knowledge systems.

- Conflicting and overlapping rights in land, initially as the result of displacement and forced removals due to discriminatory social policies, civil and border wars.
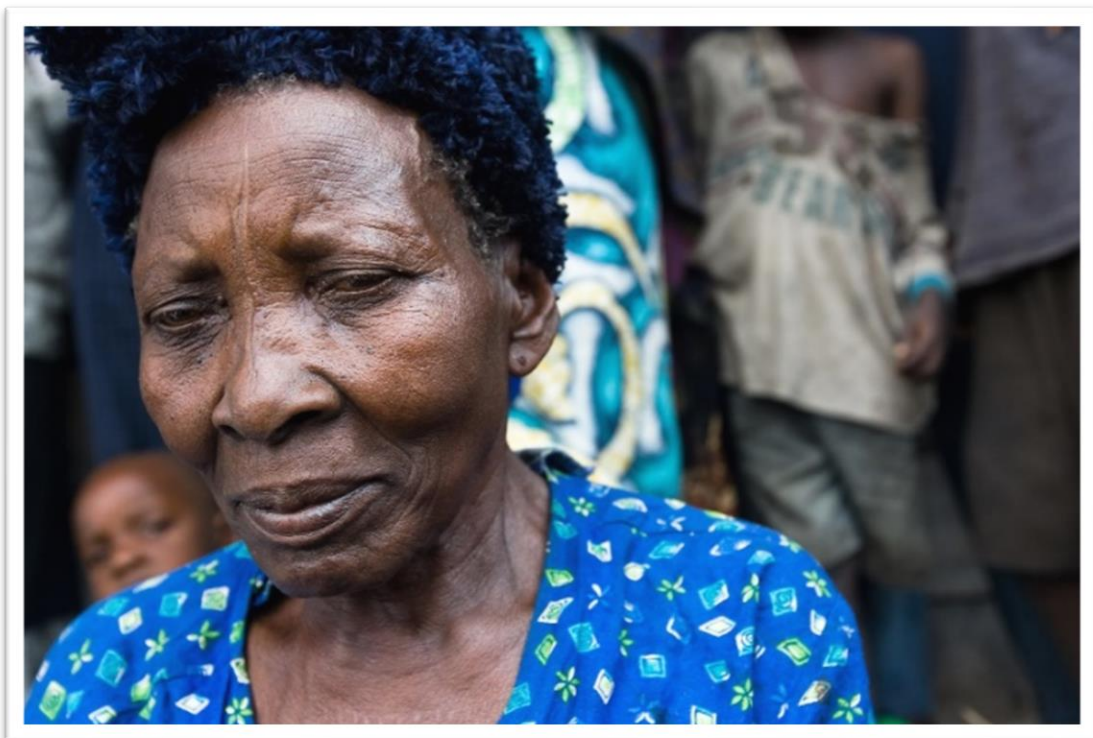
Internally displaced woman due to armed conflict in North Kivu, DRC.
United Nations Photo via Flickr (CC BY-NC 2.0)

- Weak land governance and administrative systems and poorly harmonised legal systems.

Overall, the prevalence of land-related conflict is often an indicator of unsustainable levels of inequality and vulnerability in society.

In addition to the examples above there are also high levels of intra-familial conflict over land or neighbour/neighbour community-level conflict. This reflects disputes over land allocations, boundary encroachment, land use impacts and inheritance. Such examples comprise the bulk of the case load burden in courts dealing with land issues.

Key concepts and terms

In this section we explore:

- How conflicts are defined.

- How conflicts get 'framed' and how this framing can shape our understanding/misunderstanding of them.

- Land grabbing as a conflict trigger.

- What is meant by 'accumulation by dispossession'?

- Conflict and the so-called natural 'resource curse' in the global South.

- Injustice and structural violence.

- Internally displaced persons and refugees.

Conflict definitions

Understandings of conflict have diverse roots. Some concepts originate in social and economic theory, others in conflict and peace studies.

There has been a longstanding debate about the primary drivers of civil conflict. Some argue that it is economic interests – or 'greed' which are at the root of most conflicts. Others identify social and political grievances as the main conflict drivers.[4] In practice, these theoretical distinctions are often blurred. Land and resource related conflicts are context specific and are usually triggered by a mix of factors - political, institutional, socio-economic and resource related.[5]

They involve contestation over access to land and resources, changing land use and security of land tenure rights and unequal distribution of land and resource benefits.[6] Many conflicts, irrespective of their origins, impact on land and resource rights.

Intra- state conflicts – civil wars within a state – have a tendency to be self-perpetuating. When conflicts turn violent, they lead to the creation of militia. The maintenance of these private armies and their control over territory requires large amounts of money. This is often generated through illicit trade in commodities – minerals, timber and drugs.[7] This creates conflict economies, which once entrenched create "disincentives for peace"[8] where the parties see no benefit in finding solutions.

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[4] Regan, P. M. and D. Norton (2005). "Greed, grievance, and mobilization in civil wars." Journal of Conflict Resolution **49**(3): 319-336, Collier, P., A. Hoeffler and D. Rohner (2009). "Beyond greed and grievance: feasibility and civil war." Oxford Economic papers **61**(1): 1-27, Hoeffler, A. (2011). "'Greed'versus 'Grievance': a useful conceptual distinction in the study of civil war?" Studies in Ethnicity and Nationalism **11**(2): 274-284, Majeedullah, A. (2015). Greed and Grievance: A Tug of War between Discourses. ResearchGate.
[5] GSDRC (2015). Conflict. Birmingham, Governance and Social Development Resource Centre.
[6] Baranyi, S. and V. Weitzner (2006). Transforming land-related conflict: Policy, practice and possibilities, North-South Institute Canada.
[7] Ross, M. (2003). "Natural resources and civil war: An overview." World bank research observer: 1-37.
[8] Ibid P.14Felbab-Brown, V. (2017). "Organized Crime, Illicit Economies, Civil Violence and International Order: More Complex Than You Think." Daedalus **146**(4): 98-111.

The framing of conflict

The different ways in which land conflicts are 'framed' reflect how those issues that contribute to the conflict are interpreted.[9] A frame can be understood as a way of seeing, filtered by a central organising or explanatory idea.[10] Land and resource related conflict may be variously framed to provide explanations, attribute causes and promote solutions.

Conflicts between pastoralists and wildlife in the Serengeti
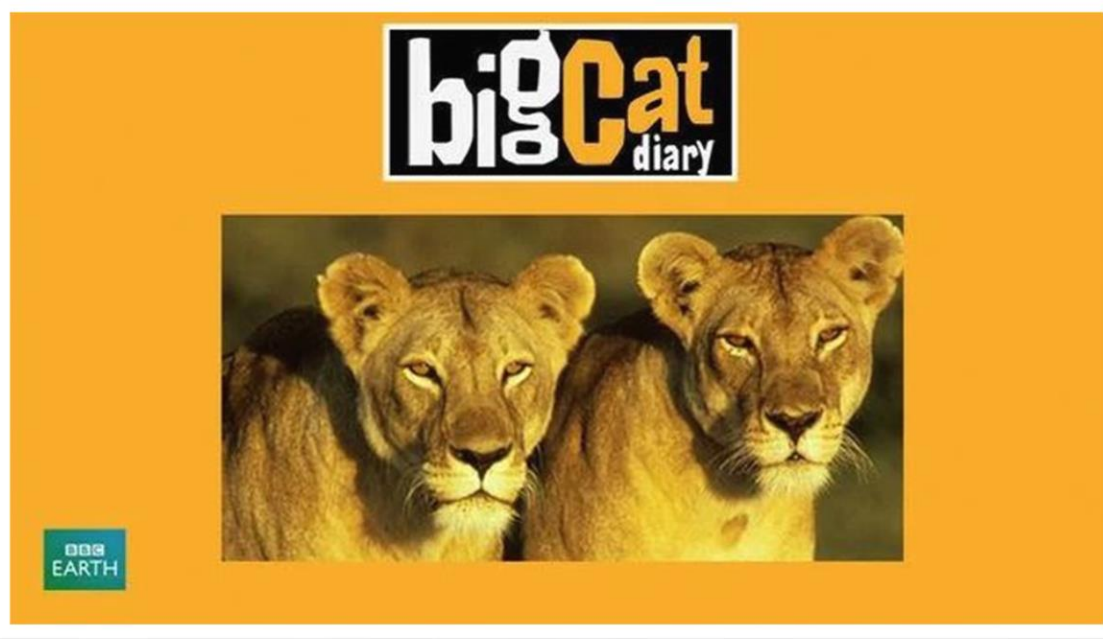
The Mara and Serengeti reserves in East Africa have seen persistent conflict over land uses and access between indigenous communities and an array of national and global conservation and ecotourism actors. In 2018 there was an international outcry in conservation circles following the poisoning of three lions, described as "the Kardashians of the wildlife documentary world", which had featured in Big Cats Diaries, a popular BBC television series.

The University of York contributed an 'expert perspective' to the public debate which provided a particular framing of this much-publicised human- lion conflict in the Serengeti.[11]

"This poisoning was typical; the lions killed a cow during the night and the next day the carcass was poisoned by a herder in 'revenge'. When the lions returned the following night to finish their meal they were poisoned. Bibi, an older female not shown in the film, Sienna and the young male all died, alongside six African white-backed vultures, themselves categorised as Critically Endangered, thanks to the same threats faced by lions.

Such encroachment into the Mara Reserve by cattle is reducing the grass available for wildlife such that the wildebeest migration now routinely

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[9] Snow, D. A., R. Vliegenthart and P. Ketelaars (2018). "The framing perspective on social movements: Its conceptual roots and architecture." The Wiley Blackwell companion to social movements: 392-410.

[10] Gamson, W. A., B. Fireman and S. Rytina (1982). Encounters with unjust authority, Dorsey Press.

[11] Martin, S. (2018). "Expert Reaction: Human and lion conflict in the Serengeti."   Retrieved 6 February, 2023, from https://www.york.ac.uk/news-and-events/news/2018/research/expert-reaction-human-lion-conflict-serengeti/.

spends a month less in Kenya than it used to a decade ago, and most other large animal populations are falling.

Invisible Maasai herders.
Photo by John Tobin via Flickr (CC BY-NC-ND 2.0)

Named lions - invisible herders

In this account it is notable that the lions have names, while the herders remain invisible and nameless. Further, the herders are characterised as vengeful, encroaching on the territory of the lions, destroying critically endangered wildlife and impacting on wildlife migration.

However, later in the article some qualification is added which suggests possibilities for a different story:

> *"Tackling these challenges is an extremely complex issue; we can't simply blame the people who live nearby, without recalling that when these reserves were created, people were removed by a colonialist government from their traditional grazing areas. While livestock grazing may squeeze wildlife into smaller areas today, conservationists have equally squeezed people out of their preferred areas before.*

While this nod to history provides some context, it does not significantly change the framing. Responsibility for dispossession and forced removal is attributed solely to a 'colonialist government'. There is no mention of the policies of the post-colonial governments in the region and the type of conservation models which they have employed, often in partnership with global agencies. The voices, viewpoints and livelihoods of the indigenous communities remain unheard and invisible. Where such contradictory perspectives cannot be aligned, the potential for ongoing conflict is high.

In addition to the example above, there are numerous other contexts in which the framing of land and resource related conflict is relevant. For example, one of the common drivers of land related conflict is urban planning and infrastructure development. Here the imperative for economic growth and

development frequently comes into conflict with the land, occupation and livelihood rights of people who will be displaced by the proposed development.

How we choose to frame such conflicts varies. The framing selected varies according to the perspective of the actors involved. Governments and private developers maybe choose to focus on what they regard as the unintended, yet inevitable consequences of growth and modernisation. Corporate and state narratives may frame local land users as 'ignorant' and 'backwards', retarding national 'progress'.

Smoked bushmeat for sale in Gabon. Photo by JBDodane via Flickr (CC BY-NC 2.0)

Community activists and human rights organisations emphasise the infringement of the rights of economically and socially marginal populations and the inequalities which will deepen. These framings explore how vulnerable communities and land defenders organise to protect their rights to land and resources.

Likewise, conflicts related to the recognition of women's rights to land may invoke cultural or religious norms to justify continued discrimination. Whatever the context, we need to recognise how conflicts are framed by different actors as this provides important insights into the forces which drive them.

Land grabbing

'Land grabbing' [12] is associated with corporate deals to expand plantation, export-oriented agriculture, mining and urban property portfolios. These land deals frequently displace customary and indigenous

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[12] Borras, S. M., C. Kay, S. Gómez and J. Wilkinson (2012). "Land grabbing and global capitalist accumulation: key features in Latin America." Canadian Journal of Development Studies / Revue Canadienne d'études du développement **33**(4): 402-416.

land rights holders and resource users, without their prior and informed consent. Land grabs are often enabled by political and institutional reforms that seek to open up land and mineral resources for foreign capital investment. Such policies can encourage predatory behaviour by domestic elites and political fixers who may broker these deals and claim hefty deal origination fees. Land deals which fail to meaningfully engage with local land users provoke conflicts, as local communities resist displacement and the appropriation of resources essential for their livelihoods.

Land grab. Image by Andy Maguire via Flickr (CC BY-NC 2.0)

Key practices of dispossession include eviction, enclosure, extraction, exclusion and erasure.[13] People may be physically removed from land they had occupied and their access to resources cut off. Subsequently these resources are depleted through extractivism and land use change. Land and resource grabbing can erase social histories and render cultures invisible.

Accumulation by dispossession

Some social theorists argue that **accumulation by dispossession** (ABD) is a defining feature of neoliberal capitalism. With respect to land and natural resources ABD can take different forms. These include:

- The commodification and privatisation of land and the expulsion of customary rights holders;

- The suppression of rights to the commons;

- The commodification of nature and culture.

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[13] Neef, A., C. Ngin, T. Moreda and S. Mollett, Eds. (2023). Routledge Handbook of Global Land and Resource Grabbing. London and New York, Earthscan from Routledge.

ABD is said to result in "escalating depletion of the global environmental commons (land, air, water)" through food and farming systems that "preclude anything but capital-intensive modes of agricultural production".[14]

It is argued that these systems depend on the commodification of nature including the "patenting and licensing of genetic material, seed plasma . . . [and] privatising the indigenous knowledge of "populations whose [age-old] practices had played a crucial role in the development of those materials."[15]

While this analysis has its critics,[16] it can be argued that it offers deeper systemic insights into processes of dispossession than the narrower, yet more popular conceptualisation of land grabbing discussed above.

Conflict and the natural 'resource curse'

There are conflicting views about whether an abundance of natural resources of many countries in the global South are inevitably associated with conflict and underdevelopment.[17] The origins of the so-called 'resource curse' stem from analysis of poverty levels and conflicts in oil and mineral rich countries.

Coltan mining
Photo Sylvain Liechti MONUSCO via Flickr (CC BY 2.0)

For example, in post-colonial Angola rival political formations drew on petro-dollars from offshore oil wells and illegal diamond mining to finance the protracted civil war of 1975-2002. Back in 2006, UNDP

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[14] Harvey, D. (2002). The new imperialism. Oxford, Oxford University Press.
[15] Das, R. (2017). "David Harvey's Theory of Accumulation by Dispossession: A Marxist Critique." World Review of Political Economy **8**(4): 590-616.
[16] Ibid.
[17] Apergis, N. and M.-S. Katsaiti (2018). "Poverty and the resource curse: Evidence from a global panel of countries." Research in Economics **72**(2): 211-223.

noted that Nigeria's vast oil wealth had "barely touched people's lives."[18] Today Nigeria ranks among the highest oil producing countries in the world and faces insurgencies and violent conflicts in its oil rich delta region.[19]

There are long held arguments by political economists that resource wealth contributes to systems of political control by powerful elites, who use the economic benefits to invest in repressive security apparatus and who preside over a political order based on patronage.[20] However other research suggests that resource wealth does not have to be a curse, and if used appropriately can be transformed from "a peace liability to a peace asset". [21] Overall, mineral resources are more likely to become a curse when political and other social/economic institutions are not structured in ways that create accountability and which fail to deliver tangible social benefits which are (reasonably) equitably distributed.

Injustice as structural violence

Recent research explores how the nature and extent of socio-economic inequality and '**structural violence**' in a given society "influence whether land conflicts arise and become manifest"[22].

"At the most fundamental level, the absence of justice is frequently the principal reason for the absence of peace. Ethnic discrimination, denial of basic rights, extreme economic inequality and other manifestations of injustice are forms of structural violence [which] plants the seeds of physical violence and in many cases deadly conflict".[23]

Almost all social conflict has land and resource related dimensions. This suggests we need to better understand how a range of factors – including how localised histories of dispossession, the impacts of colonial and post-colonial conflicts which may have served to ethnicise difference; relations of power and the changing role of policies and institutions – all come to influence contemporary land governance in ways that either drive up or help prevent and mitigate conflict.

Land and resource related conflicts emerge at different scales – within local communities; between local communities and neighbours/outsiders, as well as at regional or cross-border extent. These conflicts reveal the relative security/insecurity of the underlying land tenure and governance regimes. They also

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[18] Harsch, E. (2007). "Conflict resources: from 'curse' to blessing: Transforming an African war risk into a peace asset." Retrieved 10 February, 2023, from https://www.un.org/africarenewal/magazine/january-2007/conflict-resources-%E2%80%98curse%E2%80%99-blessing .

[19] Afolabi, O. (2019). "Oil Wealth, Democratic Governanace and Development in Nigeria: The Predicaments of a Rentier State." Sumerianz Journal of Social Science **2**(6): 61-67.

[20] Basedau, M. and J. Lay (2009). "Resource curse or rentier peace? The ambiguous effects of oil wealth and oil dependence on violent conflict." Journal of peace research **46**(6): 757-776.

[21] Harsch, E. (2007). "Conflict resources: from 'curse' to blessing: Transforming an African war risk into a peace asset." Retrieved 10 February, 2023, from https://www.un.org/africarenewal/magazine/january-2007/conflict-resources-%E2%80%98curse%E2%80%99-blessing , Lashitew, A. and E. Werker. (2020). "Are natural resources a curse, a blessing, or a double-edged sword?" Retrieved 10 February, 2023, from https://www.brookings.edu/blog/future-development/2020/07/16/are-natural-resources-a-curse-a-blessing-or-a-double-edged-sword/.

[22] Dietz, K. and B. Engels (2020). "Analysing land conflicts in times of global crises." Geoforum **111**: 208-217.

[23] Cheru, F. (2002). African renaissance: Roadmaps to the challenge of globalization, Zed Books London.

highlight the functioning of the institutions responsible for land allocation and conflict management and the extent to which they operate effectively.[24]

Conflict and displacement

Conflicts displace people who are defined either as **Internally displaced persons (IDPs)** or **refugees**.

According to the Guiding Principles on Internal Displacement, IDPs are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence… to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border".[25]

The 1951 Convention on the Status of Refugees, defines a refugee as a person who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence …is unable or, owing to such fear, is unwilling to return to it."[26]

Globally, the ripple effects of the forced migration of refugees and displaced people are increasingly regarded as factors driving up social division and conflict risk.[27] Migrants frequently face discrimination and xenophobic violence in the countries where they are forced to settle.[28]

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[24] Boone, C. (2013). "Land regimes and the structure of politics: patterns of land-related conflict." Africa **83**(1): 188-203.

[25] UNHROHC. (2022). "About internally displaced persons."   Retrieved 24 November, 2022, from https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-internally-displaced-persons .

[26] Ibid.

[27] Braithwaite, A., I. Salehyan and B. Savun (2019). Refugees, forced migration, and conflict: Introduction to the special issue, SAGE Publications Sage UK: London, England. **56:** 5-11.

[28] Bbaala, P. and N. Mate (2016). "Nowhere to run: A review of the political economy of migration, identity and xenophobic violence in Zambia." African Human Mobility Review **2**(3), Crush, J., G. Tawodzera, A. Chikanda, S. Ramachandran and D. S. Tevera (2018). "Migrants in Countries in Crisis: South Africa Case Study: The Double Crisis–Mass Migration From Zimbabwe And Xenophobic Violence in South Africa.", Ruzza, C. (2018). Populism, migration, and xenophobia in Europe. Routledge handbook of global populism, Routledge**:** 201-216.

Refugee camp. Photo Myriam Asmani MONUSCO photos via Flickr CC BY 2.0. jpg

Renewed conflict may also follow the mass return of refugees and IDPs to their homes when a conflict ends, only to find that their homes and land have been claimed by others, including those that may have perpetrated violent acts against them.[29] Reintegration requires delicate processes at local, national and regional levels which combine reconciliation with restitution.

International law, policies and frameworks

Land and resource related conflicts predominantly take place within a country's borders. But they range widely in scale from individual disputes between neighbours, or adjacent communities, through to international disputes, which frequently relate to the use of transboundary water resources. Research conducted in 2009 concluded that "40–60 per cent of civil wars over the past 60 years have been triggered, funded or sustained by natural resources".[30]

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[29] Huggins, C. (2009). "Land in return, reintegration land recovery processes: Some lessons from the Great Lakes region of Africa." Uncharted territory: Land, conflict and humanitarian action: 67-91.
[30] UNEP (2009) in Brown and Keating (2015). P.4

Analysts suggests that:

One of four potentially contentious issues is typically at the heart of these national or sub-national resource disputes: ownership of the resource; allocation of power for managing access to or developing the resource; the distribution of resource revenues; and environmental and social damage caused by extracting the resource.[31]

Origins of the conflict in Darfur, Sudan

Bloody conflict in the Darfur region of Sudan originated as a dispute between pastoralist herders and farmers over livestock migration routes and waterpoints. This was overlaid by cultural, ethnic and religious differences and escalated into a civil war with three distinct dimensions.

- Local level clashes between Arab, Muslim pastoralists and African, Christian and animist farmers, for whom land, grazing and water were central to their livelihoods.
- A national-level conflict between major rebel factions and the national government in which the Sudanese government enlisted armed militia known as the Janjaweed to conduct a campaign of ethnic cleansing against non-Arabs which claimed hundreds of thousands of lives.
- An internationalized conflict influenced by regional political rivalries.

Pastoralists watering their herds.
Photo by UNICEF via Flickr (CC BY-NC 2.0)

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[31] Brown, O. and M. Keating (2015). Addressing natural resource conflicts: Working towards more effective resolution of national and subnational resource disputes. London, Chatham House. The Royal Institute of International Affairs.

Legal protection against human rights abuses

There is a perception that human rights abuses within a country, perpetrated in the context of a civil war, lie beyond the reach of international law. While practically this may often be the case, the Geneva Conventions adopted in 1949 created the possibility that "acts committed in violation of the laws of war" could be prosecuted. This assumed that any such trials would be organised by the governments of the countries in which the abuses took place. It was not until 1993 and 1994 that International Criminal Tribunals were constituted by the UN to prosecute violations of international humanitarian law in former Yugoslavia and the genocide in Rwanda. These tribunals sought to convict leaders responsible for genocide and crimes against humanity.[32]

The International Criminal Court

It was only in 1998 that the International Criminal Court was established as a permanent judicial body in terms of the Rome Statue – a treaty supported by 120 countries. The ICC's mandate is to act as "a court of last resort"[33] which prosecutes offences, where national courts fail to act. However, the ICC has had limited reach, particularly as the United States, Russia and China are not signatories to the treaty. Similarly, very few countries in Asia or the Middle East recognise the treaty.

While there is a perception that the focus of the ICC deal with war crimes and genocide, it has also been called on to investigate land grabs and forced dispossession. In 2014 a group of Cambodian villagers lodged a case before the International Criminal Court (ICC) against powerful members of Cambodian society (referred to as the "ruling elite"). This alleged that between 2002 and October 2014, this elite undertook "widespread and systematic" land grabbing, through threats, violence and forcible relocation. It claims that the land grabbing has affected 770,000 people and that 145,000 have been forcibly displaced from Phnom Penh, to make way for rubber and sugar plantations or logging operations.[34] In March 2021, three NGOs (FIDH, Global Witness and Climate Counsel) followed up with a letter to the ICC urging it to prosecute land grabbing crimes in Cambodia.

Other applicable legal frameworks and policies primarily relate to the protection of refugees and internally displaced persons. These include the International UN Convention Relating to the Status of Refugees originally passed in 1951, which was subsequently amended by article 1(2) of the Protocol Relating to the Status of Refugees in 1967.

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[32] The International Criminal Court. Encyclopaedia Britannica https://www.britannica.com/topic/International-Criminal-Court#ref1298915

[33] Brown, O. and M. Keating (2015). Addressing natural resource conflicts: Working towards more effective resoultion of national and subnational resource disputes. London, Chatham House. The Royal Institute of International Affairs.

[34] Business and Human Rights Resource Centre. (2021). "Cambodian villagers' Intl. Criminal Court complaint (re land grabbing)." Retrieved 6 June 2023, 2023, from https://www.business-humanrights.org/en/latest-news/cambodian-villagers-intl-criminal-court-complaint-re-land-grabbing/#:~:text=Criminal%20Court%20to%20prosecute%20land%20grabbing%20crimes%20in%20Cambodia&text=On%2016%20March%202021%2C%20FIDH,%22%2C%20including%20government%2Dconnected%20businesses .

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Relevant policies and declarations

The UN's 1998 Guiding Principles on Internal Displacement set out the overarching framework of international human rights, and humanitarian law applicable to internally displaced people.
More specifically the UN Guiding Principles on Business and Human Rights ratified in 2011, provides an important framework with the potential for conflict pre-emption where land and mineral related investments are concerned. These principles note that "some of the worst human rights abuses involving business, occur amid conflict over the control of territory, resources or a government itself, where the human rights regime cannot be expected to function as intended".[35]
The most recent international initiative relating to refugees is the adoption by the UN General Assembly of the New York Declaration for Refugees and Migrants in 2016, which includes a Comprehensive Refugee Response Framework (CRRF). [36] Lessons drawn from the application of the CRRF helped to inform the Global Refugee Compact, which was affirmed by all UN Member States in December 2018.[37]
The introduction to this declaration includes a subsection on the prevention and addressing of the root causes of conflict. This calls for improved cooperation among political, humanitarian, development and peace actors. Currently however, the UN entity, which is responsible to respond to forced displacement, lacks any mandate to prevent the conflicts which drive this.
On the African continent, members of the African Union adopted The Convention for the Protection and Assistance of Internally Displaced Persons in Africa in 2009. In 2019 the AU Commission held a roundtable on addressing the root causes of forced displacement, acknowledging that the solutions to conflicts and other causes of displacement are fundamentally political. In 2017 the AU adopted a strategic document known as the AU Master Roadmap (AUMR) of Practical Steps to Silencing the Guns in Africa by 2020. This was revisited by the AU as its theme of the year in 2020. [38]

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Data sources for land conflict tracking

It is often difficult to draw a clear distinction between social and political conflicts and land and resource related conflicts. While land issues may not always be the primary driver of conflicts, as noted above almost all violent conflicts impact on people's relationship to land to a greater or lesser extent.

In 2021 protracted conflicts in numerous countries including Afghanistan, Burkina Faso, Democratic Republic of the Congo, Myanmar and Nigeria pushed the number of forcibly displaced people – both refugees and IDPs to 90 million worldwide. This figure swelled to a record 100 million in 2022, as eight million people were displaced due to the Russian invasion of Ukraine.[39]

There are a number of global conflict trackers. Each of these record conflict in particular ways.

The Armed Conflict Location & Event Data Project (ACLED) is a disaggregated data collection, analysis, and crisis mapping project. ACLED collects information on the dates, actors, locations, fatalities, and types of all reported political violence and protest events around the world. Originally initiated as a

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[35] UNHR. (2011). "UN Guiding Principles on Business and Human Rights." Retrieved 24 November, 2022, from http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

[36] Charbonneau, B. and M. Ricard (2022). Routledge Handbook of African Peacebuilding, Taylor & Francis.

[37] UNHCR. (2022). "Comprehensive Refugee Response Framework." Retrieved 24 November, 2022, from https://www.unhcr.org/comprehensive-refugee-response-framework-crrf.html.

[38] Charbonneau, B. and M. Ricard (2022). Routledge Handbook of African Peacebuilding, Taylor & Francis.

[39] UN News. (2022). "UNHCR: A record 100 million people forcibly displaced worldwide." Retrieved 24 November, 2022, from https://news.un.org/en/story/2022/05/1118772.

component of a PhD project, ACLED was established as a non-profit in 2014. From 2022 ACLED began to provide global coverage. Data coded by ACLED does not specify land related conflict, being more focused on specific conflict events. However, the data provide important context for researchers examining land related conflicts. ACLED's 2023 Conflict watchlist provides fine-grained analysis of a series of complex conflicts including Ukraine, South Caucasus and Central Asia, the Sahel, Nigeria, the Democratic Republic of the Congo and more.

The International Crisis Group is an independent organisation formed in 1995 in response to violence and genocide in Somalia, Rwanda and Bosnia. Its stated mission is to work to prevent wars and shape policies that will build a more peaceful world. It maps and tracks conflict globally.

The Global Conflict Tracker is maintained by the Center for Preventative Action (CPA), a program developed by the United States Council on Foreign Relations (CFR). Data capture is framed by analysis of how a conflict impacts on U.S. interests. Conflicts are ranked according to three categories: critical, significant, limited.

Countries experiencing land and resource related conflict

According to UN Habitat, since 1990 at least 17 violent conflicts have involved the exploitation of natural resources, while "over the last 60 years at least 40 percent of all intrastate conflicts have a link to natural resources".[40] Land disputes, resulting from large-scale capital investment in land related to the expansion of industrial export-oriented agriculture and mining can escalate into open conflict.[41] The bulk of this investment has taken place in the global South. Land disputes also reflect lack of clarity around rights to common lands and conflict over access to land by farmers and pastoralists.

The Land Portal country portfolios provide numerous localised examples of land and resource related conflicts. Individual case studies provide a potent caution against oversimplification and generalisation. As the portfolios demonstrate, context is key to developing an understanding of land issues, the management of natural resources and mineral extraction in different settings. Fine grained analysis is essential if the particularities shaping conflict risk are to be properly understood.

India

According to a 2016 study, infrastructure projects and investment zones account for almost half of land-related conflicts.[42] Land acquisition by the government is a major cause of conflict, involving 60% of cases. Land Conflict Watch tracks and reports land conflicts in India.[43] As of January 2022, it reported 781 ongoing conflicts affecting 7.8 million people over 3.9 million hectares of land and involving US$342 billion worth of investment. Competing claims over customary lands have been the source of significant disputes and stalled investments. Land related conflicts are aggravated by the absence of clear policies relating to customary land rights.

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[40] UN-Habitat (2018). Land and conflict: Lessons from the field on conflict sensitive land governance and peace building. Nairobi, UN-Habitat, IIRR and GLTN.

[41] Dietz, K. and B. Engels (2020). "Analysing land conflicts in times of global crises." Geoforum **111**: 208-217.

[42] RRI, & TISS. (2016). Land Conflicts in India: An Interim Analysis. Rights and Resources Initiative, Tata Institute of Social Sciences. https://landportal.org/library/resources/land-conflicts-india-interim-analysis

[43] LCW. (2022). Conflicts Database. Land Conflict Watch. https://www.landconflictwatch.org/#home

Oxen ploughing. Photo by Zion View via Flickr (CC BY-NC 2.0)

Democratic Republic of Congo

Despite enormous mineral and natural resource wealth, the Democratic Republic of Congo (DRC) displays all the features of the so-called 'resource curse', where instead of contributing to economic growth, mineral and forest riches have served the interests of rival elites and political formations, fuelling localised and cross-border conflicts. Land disputes also fuel intercommunal violence. Armed clashes over a land dispute between the Yaka and Teke communal groups in the province of Mai-Ndombe is reported to have transformed this formerly peaceful province to become the fifth most violent of 26 provinces in the DRC in 2022.[44] Together, these conflicts have contributed to complex patterns of displacement. In 2021 more than a million Congolese have sought asylum elsewhere in Africa and beyond, while there are more than 5 million internally displaced people remaining in the DRC, constituting the largest IDP population in Africa. Simultaneously, the DRC hosts more than half a million refugees from across the Great Lakes region, including from Rwanda and Burundi.[45]

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[44] AFP (2022). 18 killed in western DR Congo clashes. Monitor. Kampala, Uganda.
[45] UNHCR. (2022). "DRC situation." Retrieved 27 November, 2022, from https://reporting.unhcr.org/drcsituation.

Camps for people displaced by conflict in North Kivu. Photo by Marie Frechon UN Photo CC BY-NC-ND 2.0

Madagascar

In 2007 widespread public resistance to plans for a massive land deal triggered a military coup that brought down the government. This land grab (which never materialised) involved the proposed lease of 1.3 million ha of land to a South Korean company for the production of palm oil and corn.[46] Much of this land was already occupied and farmed by local producers. Currently, Madagascar is experiencing internal conflicts linked to climate induced migration. The country is highly vulnerable to the impacts of climate change and has been reeling under the impacts of drought and cyclones. In the past few years tens of thousands of people are reported to have fled the drought racked southern region, creating conflicts over land use in host regions and placing protected areas and biodiverse regions under extreme pressure.

Madagascar is highly prone to the impacts of climate change Photo by Ralph Kranzlein via Flickr (CC BY-NC-ND 2.0)

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[46] Burnod, P., M. Gigembre and A. Ratsialonana (2013). Competition over Authority and Access: International Land Deals in Madagascar. Governing Global Land Deals: 163-184.

Colombia

Since 1936 Colombia has had three major attempts at agrarian reform, all of which are reported to have failed. Struggles to control and defend land have been central to a history of conflict which lasted for almost 50 years, pitting left wing guerrilla groupings against right wing paramilitaries, protecting the interests of large landowners and the drug trade.

Post conflict reintegration in Colombia. Photo by UN Women via Flickr (CC BY-NC-ND 2.0)

This conflict has yet to be effectively resolved, despite a peace agreement being reached in 2016. Between 1985 and 2010 land related conflicts resulted in the forced displacement of 5.2 million persons. In 2019 almost eight million people were registered as internally displaced in Colombia. In 2011, the Commission to Monitor Public Policies on Forced Displacement stated that between 1980 and July 2010, 6.6 million hectares of land had been abandoned or seized as a consequence of this conflict. Acción Social, a government body, estimated that people have been forced to abandon 6.8 million hectares, while the National Movement of Victims against State Crime (MOVICE) put the figure at around 10 million hectares.[47] A more recent estimate suggests some 8.3 million hectares of land were forcibly expropriated or abandoned in the course of the long running conflict.[48] This situation paralyzed the formal land market and affected land use, reducing food production. Business, political elites and narco traffickers seized and converted illegally appropriated land for agro-industry, including the ecologically destructive establishment of palm oil plantations and massive cattle ranches. In 2016, a national peace agreement included a commitment to agrarian reform, with land restitution as one of the fundamental pillars. The

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[47] ABColombia (2011). Returning Land to Colombia's Victims / Devolviendo la Tierra a las Víctimas de Colombia.
[48] Centro Nacional de Memoria Histórica. (2015). Una Nación Desplazada. https://www.centrodememoriahistorica.gov.co/descargas/informes2015/nacion-desplazada/una-nacion-desplazada.pdf

land reform programme envisaged the massive formalization of small and medium rural property rights to prevent dispossession. There are some donor programmes in support of formalisation[49] but overall, these reforms have yet to materialise at scale. Colombia remains one of the most extreme cases of land inequality where according to data analysed in 2017, just 1% of landowners held over 80% of the agricultural land, with the largest landowners controlling over 50,000 hectares each.[50] At the same time a growing progressive movement for agrarian justice is increasing its efforts to make claims to land.

Cambodia

Cambodia has seen radical political changes throughout its history, with each regime introducing new land tenure regimes. After independence from France in 1953, Cambodia's monarchy recognized private property rights. In contrast, the radical Maoist Khmer Rouge regime (1975-1979) abolished private property in favour of state ownership over land. Agriculture was forcibly collectivized under direct state control. Hundreds of thousands of urban dwellers from the capital Phnom Penh and other areas were deported to rural areas to cultivate the land. In the process the Khmer Rouge were responsible for the deaths of at least 1.7 million people who "were executed, starved, overworked or died of untreated diseases and other abuses". The Khmer Rouge were responsible for the complete decimation of the country's technical and professional class.

The Khmer Rouge era (1975- 1979) was marked by immense human rights abuses which have had a lasting impact on Cambodia. Women victims of the Khmer Rouge.
Photo by George Olcott via Flickr (CC BY-NC-ND 2.0)

With the defeat of the Khmer Rouge, following the intervention of the Vietnamese, and the installation of a new government, policies slowly began shifting toward a market economy. Farmland which had been collectivised was redistributed to returnees, former soldiers, and poor households. Facing significant socio-economic transformations, including refugee repatriation, waves of in-country migration, urbanization, economic and population growth, the country has experienced rising inequality. Despite a

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[49] USAID. (2023). "Land for Prosperity." Retrieved 6 June, 2023, from https://usaidlfp.exposure.co/.
[50] Guereña, A. (2017). "A snapshot of inequality-what the latest agricultural census reveals about land distribution in Colombia." Oxfam: Oxford, UK, Wegerif, M. C. and A. Guereña (2020). "Land inequality trends and drivers." Land **9**(4): 101.

lack of reliable data, numbers suggest that (near) landlessness had risen from about 3 % in 1993 to between 25% and 45 % within two decades alone. The case brought to the ICC noted above provides evidence of land dispossession aggravating high levels of landlessness.

Territorial disputes you may not have heard of

While there are high profile and well documented land disputes and conflicts, there are also territorial disputes which do not attract much public attention. A recent Land Portal What to read digest features three territorial disputes – the Kyrgyz-Tajik Border Dispute, the High Himalayan dispute between China and India and a territorial dispute between Armenia and Azerbaijan.[51]

Community, customary, and indigenous land rights

How community and customary land rights are defined, managed and legally protected determines the extent to which they become a site of conflict. In many post-colonial states, the place of customary law and the role of 'traditional leaders' in land allocation, administration and dispute resolution has remained deeply contested.[52] Different pathways have been trod. For example, in Southern Africa, some newly independent states like Mozambique, Angola, Tanzania and Zimbabwe initially withdrew all recognition from chieftainships, which they regarded as colonially distorted institutions. Others, like South Africa gave constitutional recognition to chiefly regimes. This has been subsequently bolstered by legislation, which is widely regarded as rendering 20 million rural South Africans as second-class citizens. New powers over communal land have enabled elites to conclude lucrative mining deals and find other opportunities for enrichment at the expense of local land rights holders. Community resistance to elite capture has been countered by death threats and assassinations.[53]

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[51] Haywood, D. (2022). "Three territorial disputes you may not have heard of." Land Portal What to read digest https://landportal.org/what-to-read/territorial-disputes2022   .

[52] Ranger, T. (1993). The Invention of Tradition Revisited: The Case of Colonial Africa. Legitimacy and the State in Twentieth Century Africa: Essays in Honour of A. H. M. Kirk-Greene. T. Ranger and O. Vaughan. London, Palgrave Macmillan UK: 62-111, Mamdani, M. (1996). Citizen and subject: Contemporary Africa and the legacy of late colonialism. Princeton, Princeton University Press.

[53] groundWork, Centre for Environmental Rights, Human Rights Watch and Earthjustice (2019). "We Know Our Lives are in Danger" Environment of Fear in South Africa's Mining-Affected Communities.

The National House of Traditional Leaders in session.
Photo by GovernmentZA via Flickr (CC BY-NC-ND 2.0)

In most instances (with the notable exception of Tanzania) roles for traditional leadership in different forms have been reinstituted across the continent, albeit with very different outcomes.

Globally, indigenous peoples' rights to lands, territories and resources remain limited or unrecognized. The UN Permanent Forum on Indigenous Issues has highlighted a range of factors including "resource extraction, logging, land for renewable energy sources and agribusiness; conflict between indigenous pastoralists, nomadic herders and farmers over shrinking grazing lands due to war, and the effects of climate change as well as the establishment of conservation areas"[54] as key sources of conflict. Even where legal support is available to protect the rights of indigenous people, this is seldom sufficient to address the skewed power relations between customary rights holders and those corporations and individuals who would encroach on their land rights.

Conflict and women's land rights

UN-Habitat notes that "many customary systems of land governance do not support women's inheritance, and women often face difficulties in accessing justice or dispute-resolution mechanisms".[55] Likewise many formal legal systems still do not effectively implement women's rights in law.

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[54] UN News. (2021). "New report details indigenous struggle for land rights." Retrieved 9 February, 2023, from https://news.un.org/en/story/2021/03/1087242.
[55] UN-Habitat (2018). Land and conflict: Lessons from the field on conflict sensitive land governance and peace building. Nairobi, UN-Habitat, IIRR and GLTN.

Fulani Women. Photo by Rita Willaert via Flickr (CC BY-NC 2.0)

In conflict situations, the land rights of women, often already precarious, are among the most vulnerable. "In fragile, conflict and violence affected contexts, armed conflicts, forced displacement, and land grabbing generally exacerbate gender gaps regarding property and land tenure rights."[56] However, it has recently been argued citing evidence from Liberia, Palestine and Columbia that improving women's access to land and protecting their rights can be an important stabilising factor in conflict situations.[57]

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[56] Razek, R., Abdel, I. Horta, Astrid, Moreno and L. Pott (2021). "Why strengthening women's land rights in conflict-affected countries should be a priority." Development for Peace: World Bank blogs https://blogs.worldbank.org/dev4peace/why-strengthening-womens-land-rights-conflict-affected-countries-should-be-priority2022   .

[57] Ibid.

Conflict and urbanisation

Currently the fastest rate of urbanisation is in the global South. Since 2015 more than 75% of the world's urban population lives in the global South, with rural urban migration swelling the cities and expanding the urban periphery. Currently of the world's 33 megacities, 27 are in the global South.[58]

Overall, "the transformative power of violent conflict … is strongly reflected in the process of urbanisation and rural-urban transformation in the Global South".[59] This trend is most evident in Sub Saharan Africa where the "protracted dynamics of violent conflict and (forced) displacements are often closely intertwined with the fast and unplanned urbanisation of formerly rural societies."[60]

"In countries like Uganda, South Sudan or the DRC, there is …a direct correlation between urban growth and waves of regional forced displacement".[61]

The civil war in Angola was a major factor turning Angola into "one of Africa's most urbanised countries with 62% of its population living in cities" by 2014.[62] Once in the city to escape conflict in rural areas, most people are forced to live in informal settlements, often in precarious conditions. Currently "over two-thirds of Luanda's residents continue to live in shelters that are self-built with people's own resources and savings, often with a lack of adequate and affordable basic public services, and on land for which they do not have formal titles."[63]

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[58] Smit, W. (2021). Urbanisation in the Global South. The Oxford Encyclopaedia of Global Public Health.

[59] Büscher, K. (2020). African cities and violent conflict: the urban dimension of conflict and post conflict dynamics in Central and Eastern Africa. Urban Africa and Violent Conflict, Routledge: 1-18.

[60] Büscher, K., S. Perazzone and A. Bacha (2022). "Violent conflict and the centrality of African peripheral urbanities."

[61] Büscher, K. (2020). African cities and violent conflict: the urban dimension of conflict and post conflict dynamics in Central and Eastern Africa. Urban Africa and Violent Conflict, Routledge: 1-18.

[62] Cain, A. (2020). Housing for whom?: Rebuilding Angola's cities after conflict and who gets left behind. Reframing the Urban Challenge in Africa, Routledge: 183-207.

[63] Ibid. P 183

Luanda skyline. Two thirds of the population lives in self-built shelter.
Photo by David Stanley via Flickr 9CC BY-ND 2.0)

This gives rise to the question as to what needs to be in place to enable a smoother urban transition. The World Bank has long argued that inefficient urban land markets with informal tenure systems and poor basic services obstruct the development of functional urban systems and development. The Bank has gone further to single out informality as being a brake on both land and economic development as it "curbs government revenues, constraining governments' ability to provide services … service debt, or implement crisis-response measures". In urban settings, weak governance structures, limited financial resources and institutional and planning capacity combine to prevent effective land management and development.

However, from a human settlements perspective there are other who argue that "informal settlements perform a crucial function as gateways or stepping stones to urban labour and housing markets. Hence, it is vital for government policies to treat these areas sympathetically rather than to demolish them".[64] At the same time it is acknowledged that conflicting requirements for land are difficult to manage. "Fair and reasonable systems of planning and regulation need to be in place to strike a proper balance between economic, social and environmental considerations".[65] From this perspective priority should be given to "investment in transport systems, power generation, water treatment, sanitation systems and serviced land [as these] will determine whether cities become more efficient or encounter serious social and

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[64] Turok, I. (2014). Linking urbanisation and development in Africa's economic revival. Africa's Urban Revolution. S. Parnell and D. Simon. London, African Centre for Cities and Zed Books.
[65] Ibid.

ecological limits to growth".[66] Where such systems and investment are absent or deficient rapid urbanisation may become a flashpoint for conflict.

Climate change and conflict

Generally, people in lower and lower middle-income countries are at a much greater risk of being displaced by extreme weather events. Currently the bulk of the population who are displaced and forced to migrate due to climate change live in Asia. This region is densely populated accounting for some 60% of global population with very high levels of people living in extreme poverty. Extreme weather events have displaced millions of people in Bangladesh and India, together with the Philippines and China.[67]

Extreme weather events are becoming more frequent.
Photo by Delphic via Flickr (CC BY-NC-ND 2.0)

The Horn of Africa which includes Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda, is also a climate change hotspot. Conflict over scarce natural resources, droughts and floods play a significant role in the escalation of social and political conflict in the region. As climate change shrinks the natural resource base, so forced migration has escalated across the region. Where people lose access to land and water due to climate change linked resource degradation, they must find access to land, water and livelihoods elsewhere. This may involve encroaching on the land rights and natural resource stocks of others, and in turn create new conflict settings.

In Somalia, recent FAO research singled out the main migration push factors as drought, flood, food insecurity, human insecurity, lack of income, lack of pasture/livestock feed due to drought conditions, as

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[66] Ibid. P64
[67] Oxfam (2019). Forced from home: Climate fuelled displacement.

well as conflict. "Notably, concerning conflict, 79.3% of the conflict measured was in fact over natural resources, such as land, water and/or pasture".[68]

Land governance innovations to address conflict risk

Peace building practitioners suggest that land governance interventions in conflict and post-conflict situations need to be modest, flexible and fit for purpose, with potential for incremental improvement. It is also crucial that such approaches are participatory and inclusive. At local scale community level dialogues help to better understand context/concerns and power dynamics. This provides essential information for the design of incremental interventions related to institutional support, mapping, and rights' awareness raising. Such interventions should closely reflect local demand, institutional capacities and context. According to UN-Habitat, securing multi-year funding is a pre-requisite for progressively securing rights to land and helping to defuse conflict situations. Investment in good land governance which offers multiple risk mitigation pathways is important. It can be argued that improving land governance systems and capabilities pre-crisis can serve to reduce impacts during and post-crisis.

Overall, the land sector is acknowledged to be "too big and complex for any one organisation to manage on its own".[69]

Future scenarios

Globally we are witnessing the rapid enlargement of threats and stressors throughout the environment. The production of vulnerability is being amplified by the climate emergency. This can provide a trigger for long-lasting, complex conflicts where land disputes, climate displacement and extractivism intersect, escalating the potential for inter-communal violence.

In these settings improved land governance can help reduce conflict risk and contribute to post-conflict recovery but will be insufficient on its own to address multiple threats, which require a multisectoral and transdisciplinary response.

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[68] Boers, K. and W. Chamberlain-Vander Werf (2022). "Climate-induced migration in Somalia." Land Portal Climate-induced migration in Somalia 2022.
[69] UN-Habitat (2018). Land and conflict: Lessons from the field on conflict sensitive land governance and peace building. Nairobi, UN-Habitat, IIRR and GLTN.

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Cambodia&text=On%2016%20March%202021%2C%20FIDH,%22%2C%20including%20government%2Dconnected%20businesses.

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