

Resolving Land Disputes

CAN GOVERNMENTS KEEP LAND QUARRELS FROM TURNING VIOLENT?

Conflicts over land ownership are intensifying around the globe, as population growth, climate change and food insecurity make land an increasingly scarce resource. Private investors and governments are scrambling to purchase vast tracts of arable land. Such “land grabs” have increased more than 10-fold in the last two years. However, because up to 70 percent of the planet’s land remains potentially in dispute because of the lack of clear titles, indigenous owners often end up losing their land to big investors. Meanwhile, long-festering land issues slow poverty reduction, and land disputes are at the root of social conflicts in countries from Cambodia to Colombia. Early land reform efforts in Latin America are eroding, and Asian land redistribution projects are causing tension between farmers and urban tenants. While some countries are successfully addressing land policy issues, experts say the need to grow economies and feed growing populations will only increase land disputes worldwide, potentially triggering more violence.



Land-rights activists struggle with riot police on Penang Island, Malaysia, as workers demolish a house, despite months of protests from villagers complaining about the country’s lack of land rights. Conflicts over land are on the rise worldwide as population growth, climate change and food insecurity make land an increasingly scarce resource.

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MANAGING EDITOR: Kathy Koch
 kkoch@cqpress.com

CONTRIBUTING EDITORS: Thomas J. Billitteri
 tjb@cqpress.com; Thomas J. Colin
 tcolin@cqpress.com

CONTRIBUTING WRITERS: Roland Flamini,
 Sarah Glazer, Reed Karaim, Robert Kiener,
 Jina Moore, Jennifer Weeks

DESIGN/PRODUCTION EDITOR: Olu B. Davis

ASSISTANT EDITOR: Darrell Dela Rosa

FACT CHECKER: Michelle Harris



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VICE PRESIDENT AND EDITORIAL DIRECTOR:
 Jayne Marks

DIRECTOR, ONLINE PUBLISHING:
 Todd Baldwin

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Resolving Land Disputes

BY JINA MOORE

THE ISSUES

Korkesi Jabateh is a landowner — one of the lucky ones — in Ganta, a bustling Liberian border town. He was able to reclaim his property after Liberia's civil war — without resorting to violence.

When the war ended in 2003, about two dozen local families whose homes had been destroyed built makeshift shelters in the parking lot of Jabateh's gas station and lived there for years. Then Jabateh came back from neighboring Guinea, where he'd fled during the war. Like thousands of his fellow countrymen, he wanted to restart his life, on his own land. But unlike most returnees, Jabateh had the one thing he needed: the deed to the land.

"My father took his deed to Guinea when he fled," Jabateh explains. "It was the only thing he took with him."

Since the war ended, Liberia has seen thousands of similar complications over land ownership escalate into violence. More than 20 people were killed in land disputes in six Liberian villages in 2008, according to the International Crisis Group. And in Nimba County, where Jabateh lives, ethnic divisions have inflamed the controversies. Like many other merchants in Ganta before the war, Jabateh is a Muslim and belongs to the Mandingo people. But when he and other businessmen fled to Guinea, members of other ethnic groups took over their property.

Although many of Jabateh's fellow Mandingo were threatening to violently evict squatters, Jabateh chose a dif-



AP Photo/Color China Photo

Policemen in the town of Chengdu in China's Sichuan province detain a woman who tried to retrieve belongings from a building being demolished to make way for a new highway. China has made several efforts to reform its property laws and halt illegal land grabs, which have accelerated as the economy expands and farmland is gobbled up for industrial parks and skyscrapers. Land disputes are a major cause of social unrest in China.

ferent path: He decided to compensate his squatters, even though legally he owed them nothing. But in a community where similar land conflicts divide neighbors along ethnic lines and rhetoric can quickly turn into violence, Jabateh felt he had no choice. If he had rejected a nonviolent solution, he says, "There will be tension, and who will be the cause of that tension? They will say, 'Mr. Jabateh, he is the cause of that tension.' "

Land experts endorse his approach. While Liberia's civil wars were fought for bigger stakes — such as control of the country's rich rubber forests and

diamond mines — observers and analysts worry that today's small land disputes, especially if ethnically or religiously tinged, could become the spark for tomorrow's civil war, and not just in Liberia.

Wars have been waged for millennia over territory and national boundaries, and land disputes have triggered recent conflict around the globe — from Guatemala to Sudan to Afghanistan. Almost 75 percent of major civil conflicts since 1990 have been fought over land, according to Liz Alden Wily, a leading expert on global land issues and a visiting fellow at Van Vollenhoven Institute in the Netherlands.¹ And even when land isn't the motivation for war, it often becomes a crucial post-war issue.²

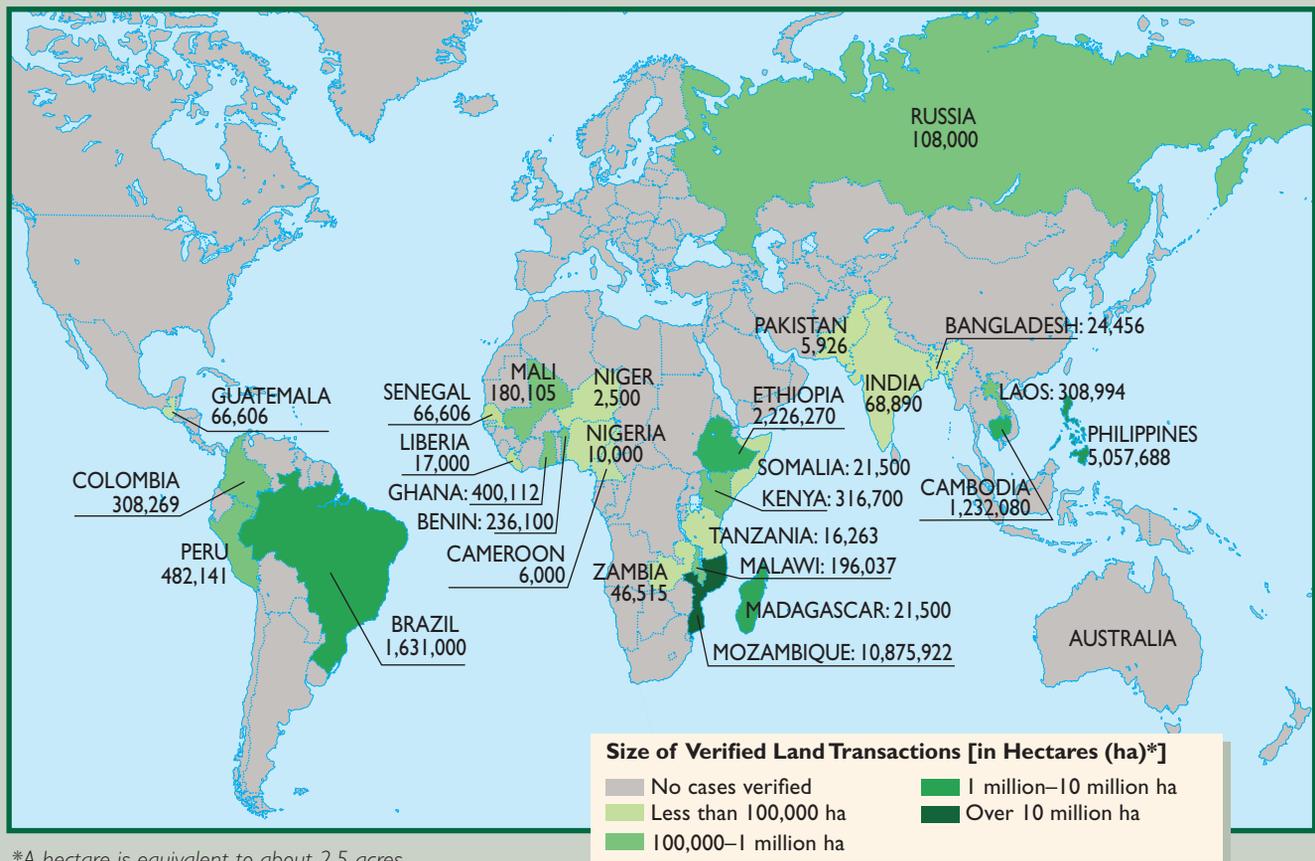
"Many of the most entrenched conflicts have to do with different priorities and perspectives on how land and natural resources should be used," says Michael Taylor, program manager for global policy at the International Land Coalition in Rome, an alliance of 83 civil society and nongovernmental organizations. "People who haven't traditionally worked on land issues but are interested in how you resolve conflict are realizing they have to understand land tenure" — the rules by which people gain access to or use of land.

Around the world, conflicts over land tenure and ownership are intensifying, largely due to climate change, the skyrocketing global population and increasing biofuel production. Those and other factors are changing land use patterns and causing new conflicts over who owns land and how it can be used. Food prices are also rising, putting

‘Land Grabs’ Are on the Rise

Conflicts over land ownership are intensifying around the globe, often triggered by so-called land grabs — purchases of vast tracts of arable land in the developing world by governments and private investors. In the last two years, such acquisitions have increased at least 10-fold worldwide, according to the International Land Coalition, often resulting in indigenous landowners losing their land. Ownership of up to 70 percent of the planet’s land is potentially in dispute due to unclear or non-existing titles. Some of the largest purchases have occurred in Mozambique, where more than 10 million hectares were sold.

Total Purchases of Big Tracts in Selected Countries



*A hectare is equivalent to about 2.5 acres

Source: “Monitoring Land Transactions Project,” International Land Coalition, www.commercialpressuresonland.org/monitoring-land-transactions.

Map by Lewis Agrell

pressure on farmland prices and encouraging rampant land speculation.

Governments and private investors alike are scrambling to purchase vast tracts of arable land. In just the last two years, large-scale acquisitions by governments and corporations have increased more than 10-fold, to at least \$25 billion.³ These so-called “land grabs” often put indigenous owners and small-scale farmers at risk of los-

ing their land to foreign investors or major landowners, which is forcing governments to try to clarify land ownership rules.

“Only 30 to 50 percent of the land globally is actually registered,” leaving the rest of the world’s territory potentially in dispute, says Mohamed El-Sioui, a senior adviser on human settlements with UN-HABITAT, a United Nations agency based in Nairobi, Kenya.

But an even more fundamental issue is exacerbating tension over land. While it may represent power or profit for politicians or investors, for ordinary people around the globe a small plot represents survival. “Land is the means for livelihood,” says Robin Nielsen, a lawyer with Rural Development Institute, headquartered in Seattle, Wash. “It’s power. It’s status. It’s security. It’s the most powerful asset people have.”

With so much riding on them, land disputes are increasingly combustible, says Lorenzo Cotula, a senior researcher on law and sustainable development at the London-based International Institute for Environment and Development. In Latin America, she says, the heat further intensifies “where there’s growing pressure on land, driven by local processes, demographic growth, changes in socio-economic conditions and outside interest.”

Land disputes have ignited some of the world’s most intransigent conflicts — such as between Israel and the Palestinians, India and Pakistan and North and South Korea — plus countless others. Land disputes even play an under-reported role in Afghanistan’s insecurity, in post-genocide Bosnia-Herzegovina’s fragility and in the hostility between former allies Ethiopia and Eritrea. And land is the underlying cause of violence — usually described as ethnic or tribal — in Sudan’s Darfur region, in Kenya’s post-election crisis in 2007 and in Rwanda’s 1994 genocide.⁴

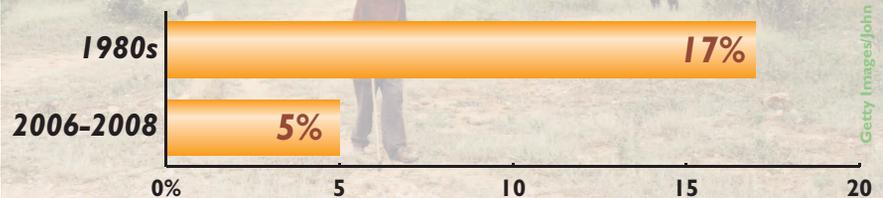
Contemporary examples of violent land disputes can be found around the globe, including in:

- India, where rebels have justified attacks on villages as protests against mining deals.
- China, where thousands of peasants have lost their land and homes to make way for highways, dams and other infrastructure projects. A Chinese man ignited a bomb in front of a local government office, killing himself and two other people, after the government ignored his repeated pleas for better compensation after his home was razed to make way for a hydro-electric plant.⁵
- Hungary, where the government has forcibly migrated or deported its nomadic Roma — or “gypsies” — who have clashed with more settled communities.⁶ In April, for instance, the government “evacuated” more than half the Roma population in the town of

Falling Farm Aid Makes ‘Land Grabs’ More Likely

Money for agricultural development amounted to only 5 percent of the aid provided to developing countries by governments and multilateral institutions between 2006 and 2008, down from 17 percent in the 1980s. And less than 20 percent of the agricultural aid was earmarked for fragile, conflict-affected countries. When governments lack funds to develop agricultural infrastructure, such as farm-to-market roads, they often sell off vast tracts to foreign investors and governments that have funds for infrastructure, but small-scale landowners often lose their land in the process.

Share of Government Aid Targeting Agriculture



Source: “World Development Report 2011: Conflict, Security and Development,” World Bank, 2011, p. 230, http://wdr2011.worldbank.org/sites/default/files/pdfs/WDR2011_Full_Text.pdf

Gyöngyöspata, where Roma marches — harassed by right-wing agitators — recently ended in bloodshed.⁷

- East Timor, which emerged from a 24-year-long civil war in 1999 and where land disputes are among the most likely causes of future violence.⁸
- Guatemala, where land is the proverbial “third rail” of politics. Although the 1996 peace agreement ending a 36-year civil war included market-based land reforms, the measures did not supply enough land to meet the demand.

“There’s a huge demand for land access still unsolved,” says Annalisa Mauro, the International Land Coalition’s Latin America analyst, yet the private sector exhibits no willingness to accept compromise. “In Guatemala, land is not something you can deal with in a solution-oriented manner. . . . These land issues are untouchable.”

If land can create a political stalemate, as in Guatemala, it can also cre-

ate intractable problems between individuals. “These conflicts become what people call ‘total’ — they pervade even mundane aspects of people’s lives,” says Peter Coleman, director of the International Center for Cooperation and Conflict Resolution at Columbia University, who is working on post-earthquake communal land issues in Haiti. “When they become that total, the land takes on a quality that transcends just property and becomes symbolically meaningful, tied to people’s beliefs or vendettas or rights, to some fundamental sense of self.”

In Latin America and Asia land conflicts often involve indigenous peoples’ rights. After gaining independence from colonial masters, many Latin American countries introduced land reforms designed to break apart *latifundios*, industrial-sized property holdings usually established by expropriating tribal lands. The reforms were supposed to result in the land being returned to indigenous communities and landless farmers for small-scale crop production.⁹

However, some of those deals have been reversed recently, either overtly or tacitly, making this year's U.N. Declaration of Indigenous Rights even more important for land rights advocates. They have cited the U.N. declaration to pressure governments to consult with them before land concessions are granted. (See box, p. 435.) Bolivia, where more than 60 percent of the population is indigenous, has literally reorganized its national substructures around these new U.N. principles, even changing its name to the Plurinational State of Bolivia.

In Africa, however, land rights

often are not honored. The continent has recently attracted the attention of large-scale agro-investors, who buy up huge tracts of farmland. Roughly 70 percent of "land grabs" today occur in sub-Saharan Africa, according to the World Bank, where governments are weak and post-colonial property systems clash with traditional concepts of land ownership. That opens the door to countries needing food imports, such as China or Saudi Arabia, and to speculative investment firms, such as Goldman Sachs, which are betting that escalating food insecurity will boost land values.

Individual investors are getting into the game, too. In 2009 American banker Philippe Heilberg bought 400,000 hectares from a southern Sudanese warlord in sub-Saharan Africa's single biggest private land deal.* Heilberg said he had no problem dealing with warlords and rebels, even if it provided funds that armed rebels. "This is Africa," he told the *Financial Times*. "You have to go with the guns."¹⁰

* One hectare is about 2.5 acres. Most international reports and studies on land reform measure land in hectares.

Island Landowners Have That Sinking Feeling

Legal questions abound for those who lose land due to climate change.

Half a dozen island nations around the globe — home to nearly 1 million people — are sinking, or, more accurately, the ocean around them is rising due to global warming.

When the water gets high enough, their countries will cease to exist, presenting a host of legal challenges. Where will the residents go? Who — if anyone — will pay for their relocation? Without land, can they continue to be countries? Do citizens who lose their homes to rising oceans — due to carbon-emitting activities on the other side of the globe that are said to exacerbate global warming — have any legal recourse against the emitters? Climate experts say similar challenges will face landowners living on the coasts of low-lying developing countries like Bangladesh.

These are not idle questions, as Michael Gerrard, director of the Center for Climate Change Law at Columbia University, learned first-hand during a recent visit to the Marshall Islands, a former U.S. territory that gained its independence in 1986. The threatened nation's 30-mile-long, dog-leg shaped capital island of Majuro sits on the rim of an extinct volcano and is flanked by the Pacific Ocean on one side and a lagoon on the other.

"The distance between them is about the distance between Fifth and Sixth avenues in Manhattan," he says. "You feel fairly vulnerable just standing there." To such countries, already feeling the effects of rising global temperatures — in Papua New Guinea, for example, residents are already fleeing land made uninhabitable by rising sea levels — climate change is a "very urgent" problem, Gerrard says.

Some island communities have already had to relocate, and many of their governments are incorporating into their disaster preparedness policies measures to help adapt to climate change,

such as preparing designated communities to receive those displaced by climate change. "An island becomes uninhabitable well before it is submerged, for several reasons," Gerrard explains. First, "drinking water supply is likely to become contaminated with salt water. Second, flooding becomes so frequent and extensive it becomes hard to live there. And third, a place becomes so vulnerable to large waves it becomes dangerous."

While the threat is environmental, the consequences are political. "For the first time in history, we are contemplating the disappearance of a [nation] state without the possibility of a successor," raising many legal questions, said Phillip Muller, ambassador of the Marshall Islands to the United Nations.¹ If the countries' land is submerged, who controls their fishing or mineral rights? Where will the residents go, and who will pay for their relocation? Are other countries obligated to admit them?

Legal scholars have offered a variety of responses. One option might be to artificially reinforce the islands so their land rises above the encroaching seas.² On the other hand, Gerrard points out, there are precedents to being a sovereign, but landless, country. The Holy See, the official jurisdiction of the Catholic Church, was recognized as a sovereign nation before it had secured the territory of the Vatican. The international system also recognizes the Sovereign Military Order of Malta, a religious lay order founded nearly 1,000 years ago that lost its territory to Napoleon.

Many scholars and diplomats expect other countries to "continue to recognize the statehood of these small nations for a long time, partly out of a sense of moral obligation, since the disappearance of the state was in no way their own fault," says Gerrard, who convened the first conference on the topic at Columbia this summer.

Then, whose fault is it? Scientifically, the answer to that question is simple: industrialized nations. But while no one can

prove that one country's troubles were due to specific emissions from a given factory or country, "the science is extremely clear that the accumulation of greenhouse gases in the atmosphere from major emitting countries is the principal cause of sea level rise around the world," says Gerrard. (Greenhouse gases include carbon dioxide, nitrous oxide, methane and other gases produced from the burning of fossil fuels such as oil, natural gas and coal. They are dubbed greenhouse gases because they trap the Earth's heat, acting as a greenhouse.)

Legally, the question is murkier. For example, are major carbon-emitting nations culpable for climate-induced migration? That's what the Federated States of Micronesia contended in a recent legal paper. Micronesia wants to see carbon emitters held accountable under international law for the consequences of their environmental choices.³ Although other island nations and some academics support the idea, no legal battles have been won yet.

In fact, legal precedents aren't particularly favorable for this line of thinking. One oft-cited precedent comes from the Marshall Islands, where the United States tested 67 nuclear weapons between 1946 and 1958. The islands sought financial reparations for the damages caused by the tests. The United States eventually agreed to set up a Nuclear Claims Tribunal to adjudicate those claims, and it was given \$563 million to disperse for damages. But most of the money was never paid, and last year, the U.S. Supreme Court declined to hear the case, effectively blocking any legal recourse for reparations.⁴

Muller, however, thinks there may be new, more effective strategies yet to be tried. "The most vulnerable countries need to think hard, together, about how to use the law to make emitters responsible for their actions," he said.⁵

— Jina Moore



AFP/Getty Images/Deshakayan Chowdhury

Indian farmer Srikanta Doloi fears he may lose his ancestral farmland on Ghoramara Island, some 60 miles south of Kolkata. Over the last 25 years, the island's land mass has been reduced by 50 percent by rising sea levels due to melting polar ice caps. Half a dozen island nations around the globe face the same dilemma, presenting a host of legal challenges.

¹ "Nations prepare for climate change fight," *Marshall Islands Journal*, June 3, 2011, www.law.columbia.edu/null/download?&exclusive=filemgr.download&file_id=5758.

² Jenny Grote Stoutenberg, conference, "Threatened Island Nations: Legal Implications of Rising Seas and a Changing Climate," Center for Climate Change Law, Columbia University, May 23-25, 2011, www.livestream.com/clsit/video?clipId=pla_a49e3b77-3399-44b9-8ca6-6550e72a4f39&utm_source=library&utm_medium=ui-thumb.

³ "Federated States of Micronesia have legal document blaming European carbon emitters," *O Globo*, May 23, 2011, www.law.columbia.edu/centers/climatechange/resources/threatened-island-nations/background.

⁴ Alexander Wong, "Comparative Relocation: Case Study and Analysis of Options for Threatened Island Nations," Working Paper, Columbia Law School Center for Climate Change Law, Aug. 9, 2011, pp. 14-16, www.law.columbia.edu/null/download?&exclusive=filemgr.download&file_id=601091.

⁵ "The Way Forward," presentation, "Threatened Island Nations" conference, *op. cit.* Streaming video available at www.livestream.com/clsit/video?clipId=pla_12d2341f-f8ef-408f-836a-52967491e9cf&utm_source=library&utm_medium=ui-thumb.

Heilberg's thinking suggests why land and conflict will likely remain linked: Even conflict can be an investment strategy. Literature on the causes of conflict suggests that some goods, like diamonds or minerals, "seem to extend the length of conflict, while others" — like oil — "increase the incentive for having those conflicts," says Solomon Hsiang, a postdoctoral fellow in science, technology and environmental policy at the Woodrow Wilson School of Public and International Affairs at Princeton University.

Heilberg put it another way. "If you bet right on the shifting of sovereign-

ty, then you are [in] on the ground floor," he said. "I am constantly looking at the map and looking if there is any value."¹¹

As landowners, land rights advocates and governments struggle to devise equitable land ownership rules and avoid conflicts, here are some of the questions being debated:

Will rising demand for resources trigger more land conflicts?

The global appetite for land acquisition seems increasingly insatiable. Since 2006, foreign investors have purchased up to 20 million hectares

(about 50 million acres) of farmland — an area roughly five times the size of Belgium — in low-income countries.¹² In Africa alone, access and usage rights to another 50 million hectares already have been secured or are being negotiated by foreign investors, according to the World Bank.¹³

The growing demand for resources is not new, of course, and neither is the developed world's demand for developing countries' resources, at virtually any environmental or human cost. "All colonialism was exactly that, and today it continues in different varieties," says El-Sioui of UN-HABITAT.

'Land Grabs' Target Africa, Former Soviet Republics

Governments and private investors are purchasing vast tracts of arable land across the globe for future food or biofuels crops. In the last two years, large-scale acquisitions — dubbed “land grabs” — have increased more than 10-fold. Asian and the Middle Eastern governments have bought tracts in Africa, where weak land tenure laws often foster ownership disputes. European investors, meanwhile, have been land shopping in Russia, Ukraine and other former Soviet republics, predominantly for biofuels production.

Selected Government-to-Government Land Purchases, 2006-2009

Target country	Investor country	Amount of land (in hectares*) and proposed land use
Democratic Rep. of Congo	China	2.8 million — biofuels production
Sudan	South Korea	690,000 — wheat production
Sudan	United Arab Emirates	378,000 — investment
Tanzania	Saudi Arabia	500,000 — for lease/use unknown
Zambia	China	2 million — biofuels production
Pakistan	United Arab Emirates	324,000 — purchased/use unknown

Selected Private Sector Land Investments, 2006-2009

Target country	Investor company	Amount of land (in hectares*) and proposed land use
Mozambique	Skebab, biofuel producer (Sweden)	100,000 — biofuels production
Brazil	Mitsui, trading company (Japan)	100,000 — soybeans production
Ukraine	Landkom, agricultural producer (U.K.)	100,000 — leased/use unknown
Russia	Alpcot Agro (Sweden)	128,000 — use unknown
Russia	Trigon, commodities producer (Denmark)	100,000 — use unknown
Russia	Black Earth Farming (Sweden)	331,000 — use unknown

* A hectare is equivalent to about 2.5 acres.

Source: Joachim von Braun and Ruth Meinzen-Dick, “Land Grabbing’ by Foreign Investors in Developing Countries: Risks and Opportunities,” International Food Policy Research Institute, April 2009, www.ifpri.org/sites/default/files/publications/bp013all.pdf

Developed-world interest in tropical timber increased dramatically after World War II, when vast amounts of raw materials were needed to rebuild devastated Europe and East Asia.¹⁴ Today, as global interest in green energy grows — along with government subsidies to promote alternative fuels — European and American companies

increasingly are investing in biofuel production. Fifty percent of recent major land acquisitions were made to produce biofuels, according Taylor at the International Land Coalition.

The developed world’s appetite for foreign resources can also reflect shifting consumer tastes. For instance, much of the land-related conflict in the De-

mocratic Republic of Congo is fueled by the rising worldwide demand for coltan, tin and other minerals used in cell phones, laptops and portable electronic devices.¹⁵

The legacy of indifference could spark new conflicts, at both local and national levels. Central India’s Chhatisgarh state, for example, has been plagued by more than five years of violence after the government sold more than \$2 billion worth of land — with unclear title — to big steel and power corporations in 2005. The transactions sparked confrontations between opponents of the sales and local police, several of whom were kidnapped by Maoist rebels. The rebels, who had committed terrorist acts in the past against industrial interests in the region, claimed to be fighting for impoverished communities cheated by the big land deals.¹⁶

Chhatisgarh state then organized a local militia of about 4,000 youths, armed with guns, spears and bows and arrows. Confrontations between the militia and the rebels forced more than 50,000 people from their homes. The militia was accused of rape, robbery and murder, while the rebels attacked security forces and villages. In February, the state’s top official disbanded the youth militia, saying, “Innocent people were being killed.”¹⁷

The underlying grievances spurred by land sales, however, remain unaddressed. “States like Chhattisgarh are seething with anger over this issue,” a tribal campaigner told *The Guardian*. While an individual may own land for farming or settlement, the newspaper added, the government owns the rights to all minerals below the surface.¹⁸

Some observers suggest that conflict could be avoided by allowing local communities to set the terms of land use or sales. The main issue surrounding resource investments, says Cotula of the International Institute for Environment and Development, “is who decides whether that piece of land should be given over to an outside investor.”

In fact, the coastal Raigad district is a perfect counterpoint to the violence in central India. The district managed to peacefully rebuff interest from Reliance Industries, a part of Reliance Group, the largest company in India. The company withdrew its interest in the region after 95 percent of residents surveyed opposed rezoning to accommodate the company's plans.¹⁹

In East Africa, Mozambique and Tanzania similarly tried to decentralize decision-making for land sales in the 1990s, allowing local communities to negotiate the sale of nearby lands. "Now we're seeing in those countries governments trying to take back that decision-making from the local level," says Taylor. "When the value of these resources starts to rise, the governments have less incentive to let the benefits go to the communities."

"At the root of these reversals is the increased value of land," he continues. "Just land — not necessarily even minerals or timber on anything on the land, but farmland itself — is becoming more valuable."

Can new laws resolve land conflicts?

When they work as intended, legal reforms can resolve or preempt a variety of land tensions, experts say. Central and Latin America's era of agrarian reform, in the early- to mid-20th century, is an oft-cited example.

Governments across the region tried to redress imbalances in land ownership by breaking up vast estates and redistributing property to landless peasants and farmers. But the outcome of these reform experiments was pre-empted by a series of civil wars, and in some cases, conflict not only halted but reversed the reforms, resulting in tensions that would later explode. In Guatemala, for example, a 1954 coup d'état brought down the government that championed reform — and the newly installed government reversed it. Grievances about land ownership and equity fueled the



Maasai warriors approach a group of Kalenjin fighters during a bow-and-arrow battle in Western Kenya's Transmara District on March 1, 2008, during post-election violence in Kenya, which stoked land-related tribal grievances.

AFP/Getty Images/Yasuyoshi Chiba

country's civil war, from 1960 to 1996. Today, for a multitude of reasons — from the rise and fall of global commodity prices to the ebb and flow of civil war — many of those original reforms have been reversed, and land ownership is again concentrated in the hands of the few.²⁰

To deal with gender-related land issues, some countries recently have turned to corrective legislation. In many cultures, women are barred from owning land. That especially causes problems after armed conflicts, when widowed women become the heads of households. Many are left destitute after losing land battles with surviving male family members — including their dead husbands' male relatives or their own sons or brothers — who, as males, claim ownership to the land.²¹

In Latin America, Costa Rica, Nicaragua and Colombia have adopted joint titling schemes, which allow women to share the title to their homes with their husbands.²² In Central Africa, Rwanda in 2005 not only mandated equal rights to land ownership by women but also returned confiscated property to women and female orphans.²³

Sometimes legal reforms or judicial processes can clarify land status, such as in most of sub-Saharan Africa, where multiple ownership systems compete for primacy. In Liberia, Sierra Leone and Kenya, for instance, individual ownership didn't exist before British colonization; the land was held by the community, and local leaders established rules of access, such as how much land a family needed or what was to be grown where. Colonialism brought a new system of individual ownership, organized around titles and deeds. Today, many individuals and communities claim ownership rights to land but have no paperwork to prove it, creating chaos.

"There is a bunch of confusion about who owns what," acknowledges Cecil T. O. Brandy, chairman of Liberia's Land Commission. Some of that confusion results from competing systems of land ownership or because devious buyers cheated the original owners, marking off territory in units no one understood in order to acquire larger tracts. "No villager has an idea that one acre is a football field." And sometimes, he says, "When they sold

RESOLVING LAND DISPUTES

the land to somebody, they sold their whole villages as well.”

But depending on the law to resolve such problems is itself problematic, because of the overlapping legal systems. “Land is quite complex, because globally you have five or six legal systems — the Spanish, Roman, British, French and so on. Each country’s legislation depends on the previ-

ous colonial administration,” says UN-HABITAT’s El-Sioui. However, he says locally tailored legal reforms can work, and some practices “can be transposed from one conflict to another.”

Community-based dialogue programs, for instance, can be replicated easily. In northern Uganda, villages handle land disputes themselves, using culturally familiar processes often led by women, according to Donald Steinberg, deputy administrator of the U.S. Agency for International Development and former deputy president for policy at the International Crisis Group. Indeed, according to one study, when local communities in neighboring Rwanda tried to resolve con-

flict themselves, attempts to inject national laws into the process made things worse.²⁴

But even locally crafted solutions may not work, “if the relevant official documents do not exist, having been destroyed during the conflicts as happened deliberately in East Timor, Somaliland and Kosovo and as a haphazard consequence of conflict

strong,” says Taylor, of the International Land Coalition.

Countries with strong governments, on the other hand, don’t attract foreign land investors. A World Bank study found a negative correlation between the strength of foreign governments and investor interest in foreign land, according to Taylor. “Investors wanted land where governance was weakened, because there was the perception that land could be picked up cheap and there would not be strong controls, no need for environment assessments, no social issues or labor issues,” he says.

Even where strong laws exist, laws are only as good as a government’s willingness to enforce them. “In most of the countries in Asia, they have fairly good policies on land,” says Seema Gaikwad, a land analyst in the Philippines, working with the coalition. She cites Bangladesh as an example of a country with rules about compensating people displaced by economic development projects. “The biggest question is whether these policies are being effectively implemented. There’s a policy in place, but there’s a lack of political will.”

Modern laws and deeds aside, many rural landowners believe their land is part of their identity. In Africa, for example, “most of the population has no documents. They believe they own the land as a group because they’ve been there for millennia, and their mythology about how they came into the world involves that specific location, so identity is often very much tied up in where groups want access,” says Jon Unruh, a land expert at McGill University in Montreal, Canada.

That deep and personal relationship with the land can obstruct efforts to use the law to resolve disputes. Land can be an underlying cause of what Columbia University’s Coleman calls “the 5 percent problem” — the small number of conflicts around the world that



AP Photo/Christian Escobar Mora

Thousands of indigenous Colombians march toward the city of Cali on Oct. 23, 2008, demanding expanded land rights. Colombia is one of several countries that recently adopted joint titling schemes, which allow women to share the title to their homes with their husbands.

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in Afghanistan,” according to Patrick McAuslan, a legal consultant for the World Bank on land acquisition.²⁵ Clarifying land ownership also might not work where two people can produce titles — sometimes fraudulent — to the same piece of land, as often happens in Liberia.²⁶

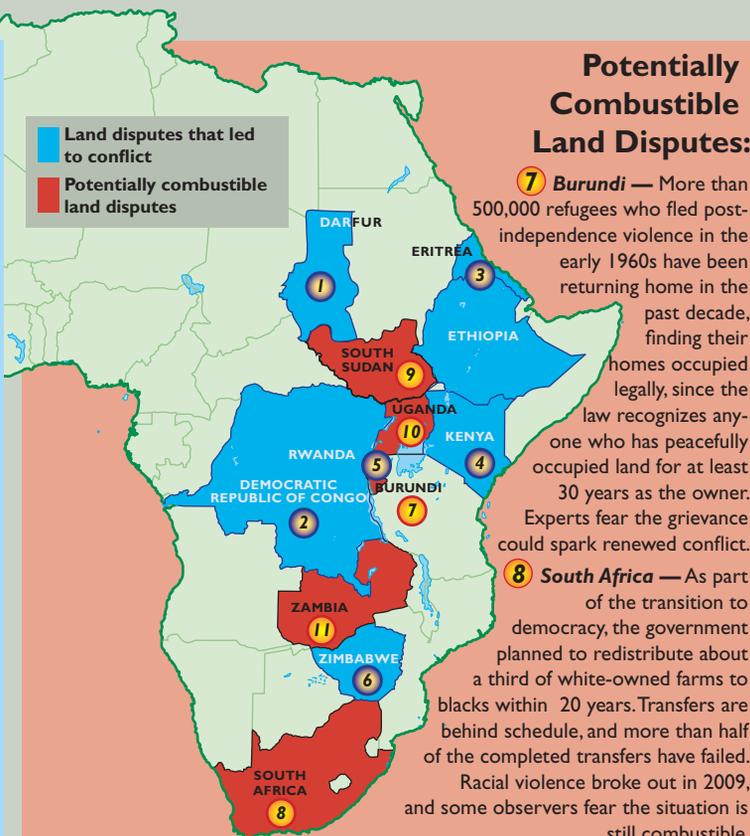
And neat solutions are unlikely in countries with weak central governments, where clarifying land ownership policies can sometimes mean redistributing land to communities disenfranchised by dishonest or unfair past sales practices. “To be able to take the land of people who are economically and politically very powerful and give it to poor land users, you’ve got to be very

Land Disputes Spark Conflicts in Africa

Controversies over land have played a role in many modern conflicts in Africa and threaten to cause violence in other long-simmering disputes. Here are eleven selected places in the eastern half of the continent in which land already has sparked — or threatens to spark — violence.

Land Disputes That Led to Conflict:

- 1 **Western Sudan (Darfur)** — In the 1970s, the Sudanese government rejected traditional land rights, depriving Darfur's herders of access to grazing lands. When famine exacerbated land disputes in the 1980s, violence broke out. The grievances have never been resolved, and in 2003 disenfranchised landholders revolted against the Sudanese government, which retaliated by arming camel herders, known as janjaweed, to repress the rebellion. The janjaweed, who were promised large tracts of land, reportedly murdered or chased hundreds of Darfuris off their land, emptying out entire villages.
- 2 **Democratic Republic of Congo** — Africa's deadliest conflict is as much about land rights as it is about the many minerals in the country's eastern region. Dictator Mobutu Sese Seko's land nationalization in the 1970s compounded grievances left lingering from colonial days. Rwanda's 1998 invasion of Congo reignited land disputes in the Kivu provinces in northeastern Congo, and disputes between farmers and herders often turned violent.
- 3 **Ethiopia and Eritrea** — A 1998 dispute over the dusty border town of Badme turned into all-out war that killed 100,000 people in four years. Both sides wanted to control Badme because it contains the Red Sea port of Assab. The town also became the flashpoint for an older argument, still unresolved, over the border between the two countries.
- 4 **Kenya** — Tribal land grievances inflamed violence after Kenya's 2007 presidential election, which resulted in the deaths of at least 1,000 people.
- 5 **Rwanda** — The slaughter of 800,000 Tutsis during the 1994 genocide may have been triggered as much by land scarcity as by ethnic tension. Africa's most densely populated country found itself with barely enough land to allow farmers to support themselves.
- 6 **Zimbabwe** — Land grievances helped fuel the war for independence in 1979, but the most recent violence resulted from land reform efforts by President Robert Mugabe, who seized white-owned farms and turned them over to blacks, often government officials who knew little about farming. Agricultural production has plummeted, food has become scarce and inflation has spiked.



Potentially Combustible Land Disputes:

- 7 **Burundi** — More than 500,000 refugees who fled post-independence violence in the early 1960s have been returning home in the past decade, finding their homes occupied legally, since the law recognizes anyone who has peacefully occupied land for at least 30 years as the owner. Experts fear the grievance could spark renewed conflict.
- 8 **South Africa** — As part of the transition to democracy, the government planned to redistribute about a third of white-owned farms to blacks within 20 years. Transfers are behind schedule, and more than half of the completed transfers have failed. Racial violence broke out in 2009, and some observers fear the situation is still combustible.
- 9 **Southern Sudan** — Clashes between the north and the south over property ownership rules aggravated the country's civil war, which ended in 2005. When South Sudan became an independent country following a referendum earlier this year, violence erupted in the border regions of southern Kordofan, technically part of the north, and Abayei, whose status remains contested.
- 10 **Uganda** — Disputes are erupting over who owns property as those who fled a 20-year conflict in the north return home. Roughly 80 percent of Ugandans have property claims based on traditional land ownership systems, but the authority of elders to resolve disputes or enforce land rules has been weakened. Although the government has stepped in to resolve disputes, experts fear a backlash.
- 11 **Zambia** — White farmers forced off their land in neighboring countries initially were welcomed by the government. The tone changed as some immigrant farmers began putting down roots on traditional lands. New arrivals are closely scrutinized, and observers fear deepening tensions.

Source: Compiled by Jina Moore from news reports

have become virtually impossible to resolve. Once land becomes symbolic — as in the conflict over Jerusalem between Israel and the Palestinians, legal

compromise about ownership or usage rights is viewed by both sides as tantamount to surrender.²⁷

“To give the land up, to negotiate

parts of it, seems impossible,” Coleman says. “Land becomes non-negotiable,” and the parties lock themselves into further conflict.

Does development exacerbate land conflicts?

Attracting investment is a common way for low- and middle-income countries to advance economically.²⁸ But economic growth requires resources — especially land.

Sometimes, as in the construction of a highway in India's Uttar Pradesh state, the government acquires the land through eminent domain. In other cases, the relationship between developer, government and residents is less clear, as in the Gulbarga district in southern India, where hundreds of homes were demolished without giving the owners any notice, residents say. The reason remains unclear; one resident suggested it was to build a road.

"I don't know if it is the government that has done this or if it was a private company," said villager Vishal Pawar. "When we asked why our homes were being demolished, the officials showed us the photocopy of what looked like a map, and they said it was a 'masterplan.'" ²⁹

Even when the reasons are clearer, development plans can divide communities by stoking "tensions between the rich, who want to develop, and the poor, who are occupying the land," says El-Sioui of UN-HABITAT. What's needed, he says, is to set up systems "that are responsive and take into the account the people."

In Latin America that approach is known as "territorial development." It involves dialogue among community members about future development, ultimately devolving authority for final development decisions.³⁰ "People at the local level are making decisions . . . not just about the land that's next to their house, but the land across the community," says Taylor, of the International Land Coalition. "I think one can assume that with that kind of decision-making, conflicts will be decreased."

Brazil, the world's largest exporter of biofuels, has developed a regional innovation that amounts to what Taylor calls "affirmative action" for small-scale farmers.³¹ In 2005, the country passed regulations requiring biodiesel producers to purchase as much as 50 percent of their raw materials (such as sugar cane) from local farmers (percentages vary by region).³² "That gives a bit of space to small farmers," Taylor says, because they can't compete on a level playing field with big agribusinesses for a share of the market. It also helps Brazil avoid conflict, since small-scale farmers represent 85 percent of Brazil's agriculture sector.

But when foreign investment is needed to develop the agricultural sector, it can create a tradeoff between protecting agriculture and development. Most developing countries get their food from small-scale farming, but local practices often lack the sophisticated — and expensive — tools, seeds, fertilizers or techniques needed to boost output. The share of all official aid worldwide provided to agriculture declined from a high of 17 percent in the 1980s to 5 percent in 2006-2008, with only 18 percent of that (some \$1.2 billion) going to fragile and conflict-affected states. (*See graph, p. 425.*)³³

"There are genuine concerns as to how you finance the agricultural sector in a context in which there are expectations that development aid will not increase, and will probably decrease," says Cotula, of the International Institute for Environment and Development.

That makes governments desperate for big investment. "Quite often, there's a perception that there's a strong push to attract as much investment as possible, and many countries set up contracts to reflect that," he continues. "They're sort of desperate to bring in [big] investment." ■

BACKGROUND

Customary vs. Statutory

Land disputes are rooted in the Age of Discovery, when Spanish, French and British explorers imposed their legal ideas about social organization on indigenous peoples. Among the alien notions they transplanted was private property. In most traditional societies, communities collectively owned land, and each group had rules for access and use, often managed by elders or other local authority figures. With the advent of private property, land title trumped tradition.

But today "only 30 to 50 percent of the land globally is actually registered, which means [ownership is] agreed upon," says UN-HABITAT's El-Sioui. Thus, ownership of the rest of the world's territory is potentially in dispute — and up for grabs. Land experts describe two different land tenure systems — "customary" and "statutory."

Customary systems are those in which land policies are matters of tradition, or local custom, and ownership is generally communal in nature. In statutory systems land policies are legally regulated, and ownership is proven through titles. Invariably, tensions have flared around the world over whether access to land is granted through tradition or title. Perhaps nowhere is the conflict as incendiary as in Africa, the last continent carved up by colonial powers.

Spain, Portugal, Britain and the other colonial overlords forever changed Africa, just as Central and Latin America had shifted under Spanish settlement and Asia under the British and French. The settler system transformed the land system, by taking large amounts of land out of customary use and putting

Continued on p. 434

Chronology

1945-1960s

Territorial disputes ignite violence across international boundaries.

1945

Greece and Cyprus face off in one of the world's longest-running boundary/land disputes, which has been monitored by U.N. peacekeepers since 1964.

1947

War between newly independent India and Pakistan ends with the partition of Kashmir into contested regions — a division still disputed by the two countries.

1967

Six Day War between Israel and its Arab neighbors ends with Israel seizing the Gaza Strip, the West Bank, East Jerusalem and Syria's Golan Heights, exacerbating existing territorial tensions created by Israel's statehood in 1948.

new rules about land claims, but the peace fails and genocide breaks out in 1994.

1995

Turkish troops invade Iraqi Kurdistan, fearful that a growing Kurdish independence movement might spread to Turkey's large Kurdish population.

1996

Guatemala's 36-year civil war between the government and guerrilla groups, sparked by a land redistribution plan, ends with a peace agreement that tackles land reform, but implementation lags.

1998

Rwanda invades Democratic Republic of Congo, allegedly to clear out perpetrators of the 1994 genocide taking shelter in refugee camps. But international observers say Rwanda covets Congo's natural resources. . . . Ethiopia and Eritrea begin a fight over a border town that escalates into a four-year war with 100,000 deaths.

areas in South and Southeast Asia, including nearly 600 square miles in Banda Aceh, Indonesia.

2005

U.N. Office for the Coordination of Humanitarian Assistance calls land analysis a "critical gap" in the international community's responses to global crises.

2008-2009

Land disputes overwhelm local administrators after more than 100,000 Burundian refugees return home following nearly 40 years in exile in Tanzania.

2008

South Korea tries to lease half of Madagascar's arable land, prompting a coup d'etat.

2009

American banker Philippe Heilberg buys nearly 1 million acres in Sudan, an area five times the size of Belgium, from a local warlord — the single biggest "land grab" in African history.

2010

"Land grabs" follow a devastating 7.0 magnitude earthquake in Haiti that destroys nearly 200,000 homes. UN-HABITAT and the Food and Agriculture Organization release guidelines for nongovernmental organizations on how to deal with land ownership issues after natural disasters.

2011

As debates over "land grabs" intensify, World Bank holds a meeting at its Washington, D.C., headquarters where investors, government officials and diplomats discuss voluntary principles for more responsible land acquisitions.

1990s *Internal political strife and disputes over land trigger civil and regional conflicts, notably in Central and South America. . . . Yugoslav republics vote for independence after Soviet Union collapses, leading to civil war between Serbia, Croatia, Bosnia-Herzegovina and Kosovo.*

1990-1994

Rwandan refugees, who fled ethnic violence in 1959, attack their homeland and neighboring Uganda after failed negotiations over refugees' right to return to their land. The ensuing civil war ends with a 1993 peace accord, which includes

2000-Present

International awareness of land ownership issues grows as returning refugees seek their old homesteads, natural disasters proliferate and huge "land grabs" increase.

2000

Peruvian economist Hernando de Soto's *The Mystery of Capital* urges policymakers worldwide to enable poor people to get clear title to their land so they can acquire capital.

2004

Earthquake in Indian Ocean sparks tsunami that overruns many coastal

Norwegians Help Liberians Untangle Land Ownership

Conflicting claims to land date back generations.

Miles down a dirt path, more than two hours from the nearest large town, about two dozen mud huts huddle together in a small clearing in rural Liberia. Roughly half of the village of Kolonta moved to these temporary shelters after their homes were burned down last year by residents of neighboring Dankpansue.

The two villages were at odds over land, a common point of conflict in Liberia. Often, such conflicts can escalate, sparked by the most unlikely of scenarios — as happened in Kolonta. The village is next to a 2,000-acre rubber plantation, and many Kolantans rent out rooms to the plantation workers. But when the plantation owner expanded his farm by usurping some of Dankpansue's land, the infuriated residents took out their anger on the Kolontans, who appeared to be giving shelter to the enemy by renting rooms to the laborers.

Mary Winnie, 29, who lost her home in the arson, at first dreamed of revenge. "I was planning to retaliate," she says. "I would organize my people to burn [Dankpansue]. It would have been a vicious conflict. . . . If somebody hits you, and you hit them, they will hit you more, and it will continue. The end result would be death, or long suffering."

Winnie changed her mind because of Franklin Gonlepa, who works with the Norwegian Refugee Council (NRC), a nongovernmental organization that has facilitated more than 1,600 land disputes in four rural Liberian counties. "If you speak to the elders and ask what might cause another war in Liberia, they're going to tell you it's going to be a war over land," says Laura Cunial, a former NRC project manager, "because land provides the major source of income for the majority of the population."

The risk is so great that Liberia last year established a land-reform commission to untangle confusion rooted in land policies half a century old. While many Liberians will argue that they own the land they farm, most don't have deeds, which are expensive to register and open owners up to yearly tax payments. But they may have tribal certificates — paperwork from elders attesting that the land has belonged to their families for generations.

But land deeds and tribal certificates often differ. As refugees who fled the country's civil war return to a stabilizing Liberia and expatriates come home from abroad, conflicts are brewing. "When the war came some people took advantage and tried to settle on people's land. They thought people . . . wouldn't return," says Jericho W. Dorwazin, chairman of the Special Presidential Land Dispute Mediation Commission for Nimba County.

Liberia's courts are bogged down and notoriously corrupt, making a legal solution difficult. But the NRC has 36 field personnel who travel by motorcycle to the most remote villages, interviewing angered parties and walking property boundaries. Their hands-on approach, which has successfully resolved more than 700 land conflicts since 2006, has two distinct advantages over the adversarial legal process: It doesn't involve the courts, and it preserves the village peace.

"Liberians especially in the rural areas feel that the judicial system is a system for the rich — at least that's what they tell us," says Cunial. In addition, when the NRC helps villagers reach a compromise "you don't completely destroy the relationship be-



Glenna Gordon

The Tokpah family, whose three daughters process rice using an age-old mortar and pestle method, has been feuding for years with a neighboring family over a small plot of land abutting both their properties in northern Liberia. The Norwegian Refugee Council, a nongovernmental organization that has a land-dispute mediation project in Liberia, has helped the two families reach a tentative agreement.

tween the two parties. Don't forget that these are neighbors who are going back home, and the next day they're going to see one another. They're farming next door. They live next door."

In addition, there's more at stake than food, peace and community, says Cecil T. O. Brandy, chairman of the country's new Land Commission. "Land is the only thing I own, or my father owns. It borders on my nationality," he says. "It's a national identity."

— Jina Moore

Continued from p. 432

them in a new form, says Taylor of the International Land Coalition. "It more or less permanently alienated that land from the people who had used it for generations before that," he adds.

By the mid-20th century, Central and Latin America saw civil war and revolutions, even in countries that had made progress on land tenure. "The nature of conflict differs by region," writes Samir Elhawary, a research fel-

low at the Overseas Development Institute, a think tank in London. "In regions where property rights are defined, conflicts tend to revolve around wages and working conditions; where property rights are still

disputed, conflicts tend to revolve around land ownership.”³⁴

African countries that have successfully addressed the dual land tenure system have accommodated both types of land rights. In Taylor’s native Botswana, for example, rural communities can use customary systems, while urban land issues are regulated by statute.

However, the competing systems can create confusion. In Liberia, for example, one man may produce a deed to a piece of property, while the village elder may also hold a “customary title” to the same property — a kind of legal placeholder for those foregone traditional rights. So far, the country hasn’t decided who wins when there are competing claims, and much of the work to manage them is being done by outside mediators. (*See sidebar, p. 434.*)

Similarly, “ownership of many plots is unclear” in Thailand, which can spark conflicts, according to Sunee Chaiyarose, a former Thai human rights commissioner. The lack of clarity complicates a land redistribution scheme designed to alleviate the squeeze on small-scale farmers created by dwindling land availability. In 2008, the Thai government sought to turn over to farmers 1 million rai — about 160,000 hectares — to cultivate biofuel crops. But competing ownership claims made the plan untenable. “Allocating these problematic land plots will only worsen the conflicts,” Chaiyarose said.³⁵

Today, most countries see value in the statutory system, even if many indigenous peoples argue that it encroaches on their livelihoods or culture. The value is literal: Titled land is a commodity. It can be useful as collateral for borrowing money to grow a business and to attract foreign investment. By distilling access rights into a single document, land titles allow any buyer with enough cash to buy a plot from a willing seller.

Guidelines to Control ‘Land Grabs’

Four international organizations have drafted voluntary guidelines for the responsible, large-scale acquisition of land. The Food and Agriculture Organization, International Fund for Agricultural Development, U.N. Conference on Trade and Development and the World Bank suggest that purchases of large tracts be guided by the following principles:

- Existing rights to land and associated natural resources are recognized and respected.
- Investments do not jeopardize food security but rather strengthen it.
- Processes for accessing land and making the investments are transparent, monitored and ensure accountability by all stakeholders, within a proper business, legal and regulatory environment.
- All those affected are consulted, and agreements stemming from those consultations are recorded and enforced.
- Projects respect the rule of law, reflect industry best practice, are economically viable and result in long-lasting shared value.
- Investments generate desirable social impacts and do not increase vulnerability.
- The environmental impacts from a project are quantified and measures are taken to encourage sustainable use of resources while minimizing and mitigating the risk/magnitude of negative impacts.

Source: Food and Agriculture Organization, the International Fund for Agricultural Development, the U.N. Conference on Trade and Development and the World Bank

‘Hidden Architecture’

It was this system of financing, opened up by privatized land, that world-renowned Peruvian economist Hernando de Soto had in mind when he called land the “hidden architecture” of economies. De Soto has led efforts to privatize land titles and strengthen the informal market economy in Peru. People on communal lands “need what the rest of us have — clear property rights over what they own, so that they can get credit and capital, and so that there’s no discussion over who owns what,” he has said.³⁶ De Soto’s work with the Institute for Liberty and Democracy in Lima led Peru to issue 1.2 million land titles in the 1990s, a move heralded by the World Bank and others for improving people’s access to capital.

But others dispute the meaning of the achievement. “The most important areas of Lima were developed because of land security and the availability of water, not because the people who lived there were given land titles,” Gustavo Riofrio, a researcher at the Peruvian think tank Desco, told the BBC.³⁷

In fact, some researchers think that this shift and its implied economic development plan — using newly titled land to secure a business loan, for example — may not be the wisest move, given the lessons of the global financial crisis. Those who push land reform “are asking people who really can’t afford to use their land as collateral, who see their land in a completely different way — as their livelihood — to use their land as a source of capital,” says Ambreena Manji, author of *The Politics of Land Reform in Africa: From Communal Tenure to Free Markets*.

In other places, land titling projects may only reinforce concentrations of power and wealth. The World Bank threatened to cut off loans to Cambodia over a development dispute that pitted a ruling party politician and his lakeside property against 4,000 of his neighbors, who were forced to move elsewhere because of plans to develop the lake.³⁸ Some observers in Thailand warned against the biofuel land reallocation, not just because of confusion over ownership but also for fear it would further consolidate concentrated land holdings among the wealthy. The Shinawatras, Thailand's most politically powerful family, rose to prominence in large part by confiscating the land of peasants who couldn't pay back loans to the family.³⁹

Some argue that titling schemes bring the risk of manipulation by those with resources, to the detriment of those who rely on land for food security and livelihoods. "The minute you start [to] document land rights, the people who have the most power are going to have every reason to take rights from the people who have the least power," says lawyer Nielsen, of the Rural Development Institute. That, she warns, "is lighting the match, potentially, that causes the fire."

'Land Grabs'

Land rights may become even more combustible as so-called "land grabs" spread around the world. In the last five years, analysts say, governments and private companies have invested huge sums in the biggest land deals, by acre, in modern history. The global rise in food prices in 2008 and growing concerns about food security have only hastened the purchases. "Compared to an average annual expansion of global agricultural land of less than 4 million hectares before 2008, approximately 56 million hectares worth of large-scale farmland deals were announced even before the end of 2009," the World

Bank noted in this year's much-awaited report on land grabs, "Rising Global Interest in Farmland."⁴⁰ Since 2009, the money behind large-scale acquisitions has increased more than 10-fold — to at least \$25 billion worldwide.⁴¹

Such investments are often kept quiet, and media reports of formal deals are not always reliable, according to the Food and Agriculture Organization (FAO). Meanwhile, some countries informally have been offered investment in exchange for rights to more than half of their arable territory, FAO says.

More than 70 percent of the transactions have taken place in Africa, but investor interest appears universal.⁴² The Saudi government paid \$100 million to lease land for wheat in Ethiopia, while Qatar purchased land in Kenya and the Philippines.⁴³ China bought 2 million hectares in Zambia to develop biofuels. Kuwait owns land in Sudan and Cambodia, while a Japanese company has acquired soybean farms in Brazil. The investment bank Goldman Sachs, meanwhile, recently invested \$450 million in poultry and pig farms in China.⁴⁴ Indian companies have formed a consortium to invest in oilseeds in Uruguay and Paraguay.⁴⁵ (See chart, p. 428.)

Determining the motives behind these deals can be difficult, but they are likely to be speculative investments. "Although a lot of land has been acquired, a minority of that has been put into production, which raises the issue of how much of this really was genuinely in the interest of production, and how much of it was aimed at securing access to an asset likely to increase in value in the future," says Cotula, of the International Institute for Environment and Development.

While land grabs in Africa involve governments with food security concerns, land grabs in Asia reinforce the trend toward consolidation of wealth. In Cambodia, UN-HABITAT has ob-

served that those with power — the military and the wealthy — are the quickest to acquire land.⁴⁶ As a result, says Gaikwad, the land analyst in the Philippines, "large amounts of land are actually owned by a very small percentage of owners, while a small amount of land is owned by farmers."

The same pattern is reasserting itself in Latin America. After civil wars reversed earlier land-redistribution efforts, market-based land reforms became more fashionable, and Latin American governments shifted their land policies accordingly. The result, in many countries, has been a reappearance of the consolidation of land and wealth that earlier agrarian reforms tried to prevent.⁴⁷

The World Bank, the FAO and others have recently partnered to create a set of voluntary guidelines for land acquisitions. Targeted especially at those eyeing massive "land grab" style investments, the principles call on investors to respect existing ownership, consider environmental sustainability and ensure their investments do not jeopardize food security.⁴⁸ (See box, p. 435.) Many land rights organizations have denounced the principles as an attempt to avoid the "social backlash" that land grabs often ignite.⁴⁹

Most land grabs occur in rural areas, but urban land disputes also are on the rise as more and more people move to urban areas.⁵⁰ For the first time in history, more people live in urban areas, as of 2008, than in rural areas.⁵¹ "Their arrival in the city leads to another dynamic of conflict . . . in this case over access to utilities and services," says UN-HABITAT's El-Sioui.

But burgeoning urban communities quickly infringe on already scarce land. By 2025, it is projected that Nepal's fabled Kathmandu Valley won't have any high-grade agricultural land left, because the region is growing too fast, making land more valuable as real estate than as agricultural fields. The number of apartments in Kathmandu

tripled just between 2007 and 2008, and the value of land has jumped 300 percent since 2003.⁵²

Economic opportunity, however, goes both ways. In Kalimantan, the Indonesian portion of the island of Borneo, palm oil is a hugely profitable industry. Analysts expect the need for additional palm oil plantations to displace more and more indigenous people and “exacerbate land conflicts” with those who remain.⁵³ ■

CURRENT SITUATION

Landless Returnees

The international community is moving toward greater recognition of the challenges posed by conflicts over land as developing countries make economic progress. In a 2005 report on the state of global humanitarian assistance, the U.N.’s Office for Coordinated Humanitarian Response identified land and property issues as a “critical gap” in international response to conflict and natural disasters.⁵⁴ That spurred non-governmental organizations to examine their methods of intervention.

A U.N. peacebuilding agency has allocated more than \$1 million to adjudicate land disputes in Liberia and Burundi to help prevent a return to violence.⁵⁵ In Burundi, that support helped the local land commission resolve 3,000 land conflicts. In Liberia, the funding helped establish a Land Dispute Resolution Task Force, which uses both legal and alternative dispute-resolution methods to solve arguments over land.

But dealing with land disputes is about more than setting up commissions to adjudicate conflicting claims.



AFP/Getty Images/Nelson Almeida

Sugarcane is harvested for ethanol production in Sertãozinho, Brazil — about 250 miles from São Paulo. Much of the nearly 4 million acres of Brazilian farmland recently acquired by big investors will be used for biofuels production. Rising food prices and surging demand for biofuels are leading big investors to buy up huge tracts of land in Brazil and other developing countries — some as an investment and some to grow food or biofuels.

Implicit in that process is a decision about history. As El-Sioufi, of UN-HABITAT, puts it, “To which era do you go back,” especially if you have had multiple displacements?

In Afghanistan, up to 70 percent of the refugees who returned home in the early days after U.S. operations found themselves landless or homeless.⁵⁶ In Colombia, paramilitaries have pushed up to 4.5 million people off their land.⁵⁷ The dispute between India and Pakistan over Kashmir occasionally erupts into violence that has displaced at least 265,000 people since 1990.⁵⁸ After the Balkan wars and the genocide in Bosnia, many refugees feared that their land had been or would be appropriated by others and simply chose not to return.⁵⁹

Displacement following Liberia’s civil war, for instance, brought to light long-running land disputes between communities that believed they owned the

land their grandfathers had farmed and entrepreneurs who said they had bought the land from elders before the wars. In addition, many refugees didn’t return to their homesteads but moved to the capital, Monrovia, creating new post-war arguments over land ownership. The country’s Land Commission is still debating how to untangle the many historical layers of ownership involved in the country’s land disputes.

Sometimes, that debate comes down to a stark and difficult choice, between justice and peace. In post-genocide Rwanda, for instance, refugees on both sides of the country’s genocide and civil war are returning home as stability takes root and the economy grows. For the sake of procedural clarity and peace, the government has chosen not to acknowledge any land claims older than 1983.

“That was seen by some activists in the [humanitarian] sector as infringement, not only on the right of

restitution but also more generally on human rights. But it was a situation deemed necessary to make sure peace . . . is possible,” says Sara Pantuliano, program leader of the Humanitarian Policy Group at the Overseas Development Institute in London.

Several principles are at stake when refugees return after war. The right to shelter is broadly recognized in Article 11 of the 1966 International Covenant on Economic, Social and

back to 1972, when Hutus fled ethnic conflict for refugee camps in neighboring Tanzania.⁶² Those camps closed in 2008, and more than 150,000 Hutus have returned home, triggering a spike in local land conflicts.

Both grassroots and international organizations are trying to solve those conflicts, largely through mediation and negotiation. But all parties acknowledge that in such a complicated situation — where land claims go back

the importance of a conflict,” he says. “You see a de-escalation of conflict around natural disasters. A tsunami will occur, and you’ll see warring ethnic groups put down their arms for a time and help stabilize the community, then pick up their arms again.”

Post-Disaster Problems

Land issues are a growing concern in the aftermath of natural disasters, when illegal or stealthy land acquisitions frequently occur, experts say.

“In the aftermath of a crisis, this is the prime moment for land grabbing. It’s when the ‘elite capture’ takes place,” says the Overseas Development Institute’s Pantuliano, referring to the process by which already wealthy or powerful individuals acquire, or “capture,” large land holdings.

From Burma and Indonesia to Thailand and Pakistan, the chaos that follows storms, earthquakes or tsunamis affect land ownership and usage. Land grabs followed the devastating magnitude 7.0 earthquake in Haiti in 2010, for instance.⁶³ First responders, such as the United Nations and disaster relief organizations, are only beginning to deal with the phenomenon.

“The first thing everybody thinks of post-disaster is survival, food security, livelihoods and shelter,” says Gaikwad, of the International Land Coalition in the Philippines. “Access to land comes maybe in the fourth or fifth round of [thinking about] what’s most needed.”

UN-HABITAT last year released a set of guidelines on how to handle land issues after natural disasters. But in some cases, local residents have the best solutions. After the 2004 Indian Ocean tsunami flattened much of Banda Aceh, Indonesia’s westernmost island, survivors from 25 coastal villages ignored a government relocation plan and moved back to their land, rebuilt

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Protesters gather outside parliament in Mbabane, the capital of Swaziland, on Aug. 3, 2011, to ask for improved property rights rules. Vast land purchases — many occurring in Africa — are taking property away from those without clear title, spurring more and more people to call for the government to beef up laws governing land rights.

Cultural Rights, which has been signed by 160 countries.⁶⁰ The right to restitution after human rights violations — common during war — is supported by the U.N. Commission on Human Rights and the International Criminal Court’s founding Rome Statute, which authorizes the court to establish restitution principles.⁶¹

But many countries are finding that restitution may be too high a standard, given the many challenges they face after war. In Burundi, more than 7,000 disputes remain unresolved, stretching

more than a generation, in a small country with a burgeoning population — restitution is too difficult a standard. Anderson Masabo, a Burundian involved in a land dispute, invokes a local proverb to describe how the situation will play out: “We will carry each other on our backs.”

In fact, moments of collective tragedy, such as natural disasters, often become windows of opportunity, according to Coleman, the conflict resolution expert at Columbia University. It’s “a time when something transcends

Can regulations help prevent “land grabs”?



WENDY CALL
AUTHOR, NO WORD FOR WELCOME: THE MEXICAN VILLAGE FACES THE GLOBAL ECONOMY

WRITTEN FOR *CQ GLOBAL RESEARCHER*,
SEPTEMBER 2011

Regulatory oversight, combined with fair land tenure policies — which govern both land ownership and access — can prevent illegal land grabs, such as occurred in the Mexican state of Oaxaca. Several years ago, a small group of private investors illegally bought several hundred hectares* of coastal land to build an industrial shrimp farm.

The land belonged to the town of Union Hidalgo, an indigenous Zapotec community that practices traditional land tenure (as do many Mexican villages). Under this system, the town's land is held in common trust, with individuals permitted to farm, fish, collect plants or build on particular plots. The process serves as a local regulatory system. In the Oaxaca case, a corrupt mayor orchestrated secret, illegal land sales, and the community learned of the sale only after villagers discovered stretches of coastal mangrove forest destroyed. Many villagers were outraged, knowing that the town assembly had not given permission for this deforestation.

So began a three-year battle against the illegal land seizure. The struggle didn't require a set of voluntary international guidelines — the focus of current discussions on regulating land use. It required something more basic and, possibly, more replicable: Local grassroots oversight combined with national regulatory authority to halt the illegal land grab.

The villagers alerted the media and national and international environmental organizations as well as the Mexican environmental protection agency. After much pressure from Union Hidalgo villagers, the environmental inspectors surveyed the damage to the mangrove stands and requested that the investors prepare an environmental impact statement. The agency later rejected the statement as inadequate, halting the building of the shrimp farm.

Such an approach to solving communal land tenure disputes gives everyone a stake and a voice in the conservation of local lands. Because their livelihoods depend on healthy land, villagers have a deeper interest in land conservation than transnational corporations, federal governments or even international agencies.

Unfortunately, this system is threatened. In the 1990s, constitutional changes required in order for Mexico to join the North American Free Trade Agreement forced Mexico to move toward a U.S.-style system of private land tenure. The Mexican government is pressuring villages and towns to discard communal land tenure systems. But in doing so, they may dismantle the local oversight that best protects against illegal land grabs and environmental destruction.



OLIVIER DE SCHUTTER
U.N. SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD

FROM AN ARTICLE PREPARED FOR THE INTERNATIONAL LAND COALITION, WWW.COMMERCIALPRESSURESONLAND.ORG/OPINION-PIECES/HOW-NOT-THINK-ABOUT-LAND-GRABBING

In the international discussion surrounding the phenomenon referred to as “land-grabbing” — the acquisition or long-term lease of large areas of land by investors — the debate has focused on whether or not this development can be regulated at the regional or international level.

Large-scale investments in farmland have been criticized [primarily due to] questions about the capacity of the countries targeted by these land deals, many of which suffer from problems of governance, to effectively manage these investments to ensure that they contribute to rural development and poverty alleviation.

The real concern behind the development of large-scale investments in farmland is rather that giving land away to investors [with] better access to capital to “develop” it implies huge opportunity costs: It will result in a type of farming that will have much less powerful poverty-reducing impacts than if access to land and water were improved for the local farming communities.

There is clear tension between ceding land to investors for the creation of large plantations and the objective of redistributing land and ensuring more equitable access to land — something governments have repeatedly committed to, most recently at the 2006 International Conference on Agrarian Reform and Rural Development.

What we need now is not just investment in agriculture: It is a vision that goes beyond disciplining land deals and providing policymakers with a checklist of how to destroy global peasantry responsibly. If it is to be truly responsible, agricultural investment must benefit the poor in the South, rather than leading to a transfer of resources to the rich in the North. It must be investment that truly reduces hunger and malnutrition, rather than aggravating them.

It is my belief that we have been moving both too slowly and too fast: too slowly, because the increase of commercial pressures and speculation over land has been developing on a very broad scale without the international community acting in a truly coordinated way to guide this development; and too fast, because we have focused on how to promote responsible investment, when investment can only be seen as one small part of a much broader strategy. What we need is, in sum, to think beyond the debate about access to land as it is framed today.

*A hectare is equivalent to about 2.5 acres.

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their houses and erected buffers between their villages and the sea.⁶⁴ Their actions helped to end a generation of conflict in the province.⁶⁵

In Haiti, the Center for International Earth Science Information Network (CIESIN) is taking a similar approach. The Columbia University-based initiative is holding community-level workshops in the capital, Port au Prince, about how to handle land redistribution after the earthquake.

pointees, who organize such things as housing distribution, food rations and other necessities, are then “likely to become figures of authority, power and wealth,” writes de Waal. Indeed, the very systems for “registering newcomers to IDP camps and exercising jurisdiction over where they live are likely to become systems of power over land.”⁶⁷

The solution, experts say, is to work with local elders or other recognized authority figures. When the govern-

OUTLOOK

Climate and Land Disputes

As if legal uncertainty and capital inequity weren't problems enough for rural land users, climate change is altering the landscapes where they earn their livelihoods.

Longer and more frequent droughts are complicating agriculture in some regions, and deserts are expanding, especially in Africa, leaving fewer places for roving pastoralists to graze their livestock.⁶⁸ China's first-ever comprehensive environmental survey found that its northwestern Kumtag desert is expanding in all directions, and even some of Latin America's most fertile territories have been experiencing puzzling droughts.⁶⁹

In India, indebted farmers are being squeezed between creditors and changes in land ownership laws — a situation exacerbated by environmental disasters, says a regional analyst. “There is a very high percentage of farmer suicides in India due to the fact that people are not able to pay their dues on losses incurred because of flood or drought,” says the International Land Coalition's Gaikwad. The Indian government estimates that 200,000 farmers have committed suicide in the last 13 years.⁷⁰

Scientists acknowledge that in some cases, it may be too soon to blame ongoing weather aberrations on climate change. “Climate change cannot be characterized by one single event, but rather by a series [of events] over the long term,” according to climatologist Vicente Barros, a professor emeritus at the University of Buenos Aires, in Argentina, and a member of the U.N. Intergovernmental Panel on Climate Change (IPCC). Nevertheless, the IPCC projects that



AFF/Getty Images/Stan Honda

World-renowned Peruvian economist Hernando de Soto has argued that helping the poor obtain titles to their property gives them the economic power to get credit and raise capital. His work led Peru to issue 1.2 million land titles in the 1990s, a move heralded by the World Bank and others.

Humanitarian organizations, however, can inadvertently exacerbate land conflicts by altering the power structure in communities long after the groups have left, points out Alex de Waal, a Sudan expert and a regional adviser to the Conflict and Peace Forum of the Brooklyn, N.Y.-based Social Science Research Council. The organizations often tap local people to help organize the internally displaced persons (IDPs) seeking help.⁶⁶ Those ap-

ment or outside organizations have taken this locally based approach, the results have been positive.

“It's hard sometimes because the experts come in with their view of what's right, and the locals have their view of what's right, and it may be difficult for them to reach mutual understanding,” says Columbia University's Coleman. “But that's key, because that's what allows a locally sustainable solution.” ■

150 million people worldwide will be displaced by 2050 due to changes in climate.⁷¹

Even if climate change isn't the real culprit in all cases, analysts have found a relationship between the environment and conflict, according to Hsiang, at the Woodrow Wilson School's Program on Science, Technology and Environmental Policy. Scientists have found clear relationships between what happens in different societies as temperature and rainfall fluctuate.

In China, for example, temperature data from the last millennium show that cold periods were accompanied by more warfare and dynastic changes.⁷² Likewise, an analysis of global rainfall levels suggests that below-average rainfall elevates the risk of high-intensity conflict.⁷³ In Africa, warmer periods correlate with more war, leading to projections that Africa will see a 54 percent increase in armed conflict by 2030.⁷⁴

Hsiang recently published a study suggesting a close relationship between rainfall and conflict. "In the modern world, the global climate goes back and forth between something we call a La Niña phase and an El Niño phase; it happens all the time," he says. "Basically, in the El Niño phase, the tropics become a lot warmer and a lot drier." When that happens, he says, "civil conflicts in the tropics double." Hsiang's findings were published last month.⁷⁵

The numbers look small — Hsiang estimates the risk of conflict at from 3 percent to 6 percent — but their effect is significant. "We go back in time and think about how many conflicts since 1950 could have been affected by El Niño," he says. "We estimate that about 20 percent of all conflicts we observe had some sort of influence by El Niño. It's a very big effect."

Unlike other researchers, Hsiang resists predicting how these relationships may affect future conflict. "There may be future impacts that we've never seen, in which case data from

the past is not going to tell us anything," he says.

Coleman, of Columbia University, also resists pessimism about the future relationship between climate change and conflict. "This problem could be a uniting challenge," he says. After all, climate change is one factor that will affect everyone, universally. "As the water table rises, it's going to flood shores; it's going to flood rice fields; it's going to flood Manhattan."

If that happens, analysts fear the domino effects will be significant. A decrease in global land mass means less food and fewer natural resources — and, in all likelihood, greater competition for those resources, especially as the global population continues to grow. ■

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About the Author



Jina Moore is a multimedia journalist who covers human rights and foreign affairs from the United States and Africa. Her work has appeared in *The Christian Science Monitor*, *Newsweek*, *Foreign Policy*, *The Columbia Journalism Review* and *Best American Science Writing*. Her report for the May 2010 *CQ Global Researcher*, "Confronting Rape as a War Crime," received an honorable mention in the Best Reporting on a Significant Topic category of the American Society of Journalists and Authors' 2010 awards.

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FOR MORE INFORMATION

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The Next Step:

Additional Articles from Current Periodicals

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Citizens in Peru’s Cusco province are disputing claims to land and water as desertification encroaches on the region.

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“China Invests, People Protest,” *Canberra (Australia) Times*, Aug. 13, 2011.

Political tensions have increased in Australia as Chinese companies have begun investing in farmland and agricultural businesses.

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Foreign investment in Africa’s farming firms may lead to a successful business model that could help solve the continent’s hunger and food security problems.

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China, India and Brazil are investing in Africa’s land.

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A network of local communities in Liberia is recommending that the government hold a national referendum to address land dispute issues.

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The Norwegian Refugee Council has set up a project in Liberia to promote practical and accessible solutions for individuals and communities engaged in land disputes.

Diaz, John, “Without Paper Trails,” *The San Francisco Chronicle*, Dec. 12, 2010, p. D6.

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Craig, Iona, “Yemen’s Deadly Fight for Land and Water,” *Yemen Times*, Oct. 28, 2010, www.yementimes.com/default.det.aspx?SUB_ID=34959.

Violence over access to water and land kills more Yemenis than the secessionist conflict in the south and armed rebellion in the north combined, according to a report by the Yemen Armed Violence Assessment.

Glennie, Jonathan, “Land Grabs Have Dominated Colombia’s History,” *Guardian (England)*, Jan. 31, 2011.

Natural resource exploitation and farming are the foundation of the Colombian economy, creating a long history of land grabbing.

Kershner, Isabel, “Rival Claims to Sea Territory Made By Israel and Lebanon,” *The New York Times*, July 11, 2011, p. A6, www.nytimes.com/2011/07/11/world/middleeast/11israel.html.

Israel is submitting a claim to the United Nations that demarcates its maritime boundary with Lebanon along the Mediterranean Sea, an area potentially rich with energy resources.

CITING CQ GLOBAL RESEARCHER

Sample formats for citing these reports in a bibliography include the ones listed below. Preferred styles and formats vary, so please check with your instructor or professor.

MLA STYLE

Flamini, Roland. “Nuclear Proliferation.” *CQ Global Researcher* 1 Apr. 2007: 1-24.

APA STYLE

Flamini, R. (2007, April 1). Nuclear proliferation. *CQ Global Researcher*, 1, 1-24.

CHICAGO STYLE

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Voices From Abroad:

GAVIN HALES

**Lead Researcher, Yemen
Armed Violence Assessment,
Yemen**

Pre-emptive measures

“Undoubtedly there are significant hurdles to be overcome, but it is hoped that land and water resources can be given the urgent attention they require, by the state and communities alike, to avoid even bigger problems in the future.”

Yemen Times, October 2010

GUGILE NKWINTI

**Rural Development and
Land Reform Minister
South Africa**

Ensuring productivity

“We need to review the whole system of restitution so that when we give the land back it is land that is used productively.”

*Business Day (South Africa)
December 2010*

MANMOHAN SINGH

Prime Minister, India

An equitable process

“I do recognise that land acquisition has become a very sensitive issue and that the acquisition of prime land arouses valid concerns and they have to be addressed. . . . That process has to be equitable and one way to ensure it is so is to see that land acquisition does

not become an instrument of depriving farmers of their livelihood.”

The Hindu (India), May 2011

SUTHEP POR- WARETWITTAYALAN

**Director, Royal Forest
Department, Thailand**

Don't challenge the government

“If they (developers) cannot present any documents to prove their ownership of the land, we will strictly enforce the law against them, as they have challenged the government's power.”

*The Nation (Thailand)
August 2011*

PHILIP OCAYA

**Resident, Lakang village
Kenya**

'It belongs to us'

“Land is life and no one will succeed in claiming ownership of this land, it belongs to us, the people of Lakang, and we are defending it without fear.”

U.N. Integrated Regional Information Network, February 2011

SANTOSH KUMAR

**Superintendent of Police,
Nagapattinam, India**

Not knowing the difference

“There is a world of difference between a civil dispute and land grab, and most

cases that have arrived here were mostly civil disputes.”

The Hindu (India), July 2011

NESTOR CUTI

Resident, Espinar, Peru

A bleak future

“In the future we know we will have less water. We cannot trust the rainy season any more. Every year the water levels are diminishing. Climate change and global warming indicate in the next years we will have even less. You don't need to be clever to see climate change is affecting everything here.”

Guardian Unlimited (England), September 2010

KAEW WONGKRAI

**Chairman, Alliance of
Northeastern Villagers
Thailand**

Skirting the issue

“Many communities in Isan (Thailand) have been holding talks with local au-

thorities on the community land title deed issue, but they prefer to work with easy cases rather than those with serious problems, especially those facing bitter disputes with government agencies.”

Bangkok Post, February 2011

LUNGISILE NTSEBEZA

**Professor of Sociology
University of Cape Town
South Africa**

A political matter

“The majority have been robbed of the means of production. In Africa, the majority are landless and land has been alienated from the indigenous. There are disagreements on land issues. The issue is not about land but bio-politics (land grabs for biofuels versus land needs for the poor). The land remains critical to the rural poor.”

*The Herald (Zimbabwe)
December 2010*

