HOW TO DEAL WITH PEOPLE IN POST DISPLACEMENT – REINTEGRATION:

THE WELCOMING CAPACITY APPROACH

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Foreword

The Welcoming Capacity Approach originated from the initial stages of the FAO intervention in Angola, at the end of the civil war, in 1999. Millions of Internally Displaced People (IDP) had moved towards urban centers, particularly the capital city of Luanda. In response to this movement of IDPs, International Humanitarian Organizations (IHOs) decided to organize a series of camps in rural areas. Additionally a specific decree by the Government of Angola to address land issues for IDPs was enacted in order to give the needed political cover to the operation.

In parallel with that operation, we had started testing field approaches to the identification and delimitation of communities' territories, drawing upon strategies and experiences from similar work we had developed in Mozambique[1]. When we visited one of the IDP camps in Huambo province, together with our national counterparts from the Ministry of Agriculture, we decided to discuss our community identification and delimitation strategy not only with the IDPs families but also with the surrounding preexisting communities. The approach we were testing was based on a sound dialogue and negotiation with all locally involved stakeholders. This approach helps to ensure not only a sound technical delimitation of the territory pertaining to a community but also provides a social legitimacy to the entire process. We therefore noticed and were left surprised by the total lack of involvement of the local communities, the rights holders, in the discussion concerning the new IDP camp. This discovery showed that an important process has been bypassed in-which hosting communities that hold customary right to the land and natural resources had not been requested or approached by the government for dialogue to obtain their permission for the settlement of the camp. As a result, elders from the preexisting community have maintained that they expected the IDPs would leave their land as the camp terminates its operation.

From that day, the central question of promoting dialogue and negotiation between local rights holders and the IDPs started floating around in our minds and little by little we promoted an internal discussion with many of our field consultants working in countries of protracted crisis, (Angola, Bosnia Herzegovina, Ethiopia, Mozambique Somalia, Sudan, etc.). The approach is thus directly derived from these experiences in post-conflict situations. Some lessons learned have already been distilled in a previous publication[2] to which this one aims to add in terms of how to mainstream land issues in emergency situations, particularly in view of the increasing collaboration with FAO Emergency Division[3].

More recently, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which were endorsed by the Committee for World Food Security in May 2012, have also taken the same approach we have been advocating in the field:

[1] FAO. 2009 *Participatory Land Delimitation: an innovative development model based upon securing rights acquired through customary and other forms of occupation*. Land Tenure Working Paper No.13.
[2] FAO. 2005. *Access to rural land and land administration after violent conflicts*. Land Tenure Studies No. 8:
[3] For more info, please see: FAO. 2007. *FAO Sudan Land Programme: Delicate Balances*.

"Where restitution is not possible, the provision of secure access to alternative land, fisheries and forests and livelihoods for refugees and displaced persons should be negotiated with host communities and other relevant parties to ensure that the resettlement does not jeopardize the livelihoods of others. Special procedures should, where possible, provide the vulnerable, including widows and orphans, with secure access to land, fisheries and forests" (emphasis added).[4]

People require access to land and security of tenure to support sustainable livelihoods, food security, and for various other purposes. The Welcoming Capacity Approach therefore, explores the preliminary ("first step") discourses on land issues which always appear fragmented in post-conflict situations, particularly where land itself has been the source of conflict.

Designing the right approach on land issues can, as a matter of fact, straightforwardly support sustainable peace and is a critical component of achieving long-term reintegration and rehabilitation processes. However, land and land based resources are often considered the national governments' internal issues, too sensitive and more often than not, outside the mandate of UN Agencies and other IHOs. Yet, in addressing emergency and humanitarian needs after conflicts, Humanitarian Agencies frequently face pervasive questions on land issues. And, in many instances, these agencies must balance between finding land for IDPs either temporarily or on a long-term basis that provides adequate safety and at the same time not undermine or threaten the existing customary rights of hosting communities.

However, building long-term social and economic stability requires finding more permanent solutions. Yet, too often, initiatives for recovery and reconstruction are planned without considering the need to resolve land tenure problems. Natural resources (and land in particular) issues should be of particular concern to humanitarian agencies and other organizations involved in IDPs resettlement, post-conflict recovery processes of emergency nature, development and implementation of related policies and programs.

Post-conflict recovery, reconstruction and rehabilitation are usually daunting tasks. And as physical destruction caused by conflicts always requires an enormous amount of resources, different approaches to restore social relationships also require time and huge amounts of resources for trust to develop again. In the context of new Strategic Objectives (SOs), FAO devoted one SO in particular to these concerns, with a particular emphasis on how to increase the resilience of livelihoods to threats and crises (new Strategic Objective 5). This SO challenges development strategies to vigorously reduce risks and promote preparedness and recovery. The Welcoming Capacity Approach should be seen as a contribution to these goals of SO5.

The Welcoming Capacity Approach looks at an alternative option of improving the social relations of hosting communities and IDPs settled within the hosting communities, their

[4] FAO. 2012. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. FAO. Rome.

territorial claims by investing in the analysis of post- conflict situations (soon after the peace pacts are signed), and seeking consensus through inclusive dialogue and negotiations processes by all the actors (hosting communities, IDPs, Humanitarian agencies/organizations, government and the civil societies etc) involved in post-conflict recovery and rehabilitation activities.

The Welcoming Capacity Approach also shifts ground from "top-down approaches" (that usually targets only the IDPs) towards a more inclusive "bottom –up approach" that stresses inclusion of hosting local communities in the negotiation processes. It addresses, the pillars of reintegration by focusing on linkages between hosting communities, IDPs, and various structures of the governments and territorial challenges related to natural resources. Finally, it addresses critical driving questions such as: who and what determine resettlement areas, reintegration and rehabilitation processes, and how inclusive are these processes? What are the conditions on the ground like in terms of social relationships? And, how best should these conditions be improved to avoid renewed conflicts, especially those emanating from the subsequent use of natural resources, stress on the environment and climate changes?

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Acronyms

AFL	Armed Forces of Liberia
AU	African Union
CNTB	Commission Nationale Terres et autres Biens, Burundi
DRC	Democratic Republic of Congo
DUAT	Direito de Uso e Aproveitamento de Terras (State-granted land right according to Mozambique Land Law)
FAO	Food and Agriculture Organization
GoSS	Government of South Sudan
IDMC	International Displacement Monitoring Centre
IDPs	Internally Displaced People
IHOs	International Humanitarian Organizations
LRA	Lord's Resistance Army
SPDC	State Peace and Development Council
PNTD	Participatory and Negotiated Territorial Development
PLD	Participatory Land Delimitation
PRA	Participatory Rural Appraisal
RPF	Rwanda Patriotic Front
UN Habitat	United Nations Agency for Human Settlements Providing Adequate Shelter for All
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UN/R/HR	United Nations Resident Humanitarian/ Coordinator
WCA	Welcoming Capacity Approach

Introduction

In conflict situations, peace settlements and cease-fire agreements may often, end violent conflicts, but do not prevent renewed violence or guarantee a permanent end to conflicts.[5] According to the World Bank, chances that renewed conflicts will erupt are high and even higher when control over natural resources is at stake.[6] In the past two decades alone, Africa has experienced violent conflicts with successive cease-fire agreements and peaceful settlements, which have often been followed by outbreaks of new conflicts. Countries in sub-Saharan Africa such as Burundi, Democratic Republic of Congo (DRC), Rwanda, Sudan, Republic of South Sudan, Somalia, Ethiopia, Liberia, and Uganda are some prominent examples.

There are several dimensions of these kinds of conflicts and they vary from country to country. In certain circumstances, the fighting stopped after a cease-fire or peaceful settlement, but there was "no peace to keep" and soon conflicts resumed: Burundi and Liberia are good examples. The United Nations had to act as a *de facto* administration of these countries until after successful elections. Somalia is on an extreme example that has continued to experience conflicts, with the exception of "patchy" involvement of African Union Peace Keeping Missions, the International Community and highly limited engagement of Humanitarian Organizations as a result of the protracted insecurity.

Recovery and reconstruction from violent conflict is always a daunting task, just like destruction caused by war. It always requires enormous amount of resources to address. Liberia is a good example. In the midst of reconstruction many times, hosting communities' harbor localized tensions which continue to linger on in the form of interpersonal violence, inter–ethnic rivalries and renewed conflicts. Often the main targets and ultimate victims of this violence are the IDPs who were initially displaced by conflict, as it happened in Rwanda and Burundi. Sometimes, increasing crime rates in hosting communities lead to massive numbers of IDPs to migrate to urban centers for security reasons as has been seen in Uganda and Liberia.

Countries emerging from conflicts do face numerous challenges related to post –conflict peace, reconstruction, resources allocation and livelihood opportunities (which are of critical concern) and addressing them correctly from the offset contributes to achieving sustainable peace.[7] Securing access to land particularly, by individuals, hosting communities' organizations, developers/investors and IDPs (access to land in areas of origin after protracted displacements) for various reasons often becomes problematic. In some cases temporary access to land is required (for transit camps and public utilities), while in other cases, for instance involving relocation, more permanent arrangements are needed in cases of relocation.

[5] A *conflict* is a dispute or incompatibility caused by the actual or perceived opposition of needs, values and interests. In political terms, *conflict* refers to wars or other struggles that involve the use of force.
[6] The Washington Post. 2002. "World Bank Study Says 50-50 Chance of Failure."
[7] FAO. 2005. *Access to rural land and land administration after violent conflicts*. Land Tenure Studies N. 8.

The importance of land rights in post-conflict resettlement is often not recognized early enough as an issue of concern to both IDPs and hosting communities. And even when it is recognized, it is often politically or practically (normally "top-down" and done on an "ad-hoc basis") unfeasible to effectively address those issues in the immediate post -conflict period. Rwanda's civil war saw *Byumba, Butare* and *Ruhengeni* Prefectures host up to 1 million IDPs as an immediate post-conflict resettlement. The hosting or local communities perceived the resettlement as an imposition or the arrival of "external foreigners imposed" on them by the Government. Such perceptions contribute to early agitation of localized tensions and "flare-ups" straining already scarce resources (natural resource conflicts driven by scarcity).

Photography: Jim Holmes, IDP Camp – Simpang Lee, Indonesia, February 2005

IDPs reintegration[8] in post conflict situations remains as a considerable challenge to governments, especially after the initial emergency Humanitarian Assistance ends. Competition over natural resources and land in particular, has been a critical cause of renewed violence, massive population movement and forcible displacements in post-conflict Uganda and Burundi, and an underlying factor in many others, like Darfur, Liberia and Democratic Republic of Congo (DRC), where in the last two decades the competition for access and control of natural resources have become a source of tension and conflict[9]. In some post –conflict situations fresh conflicts are linked to competition over scarce resources, increase in population growth and decrease in productivity and/or either limited or no new opportunities to derive income from non- agricultural activities.

[8] The core components of voluntary return, physical, legal, material safety, and reconciliation.
[9] UN Habitat/GLTN. Reforme Foncière. Document de Programmation.

Weak institutions or lack of capacity of national governments (i.e. effective governance at the local levels) also contribute to renewed conflicts, particularly in regard to resolving land claims and access to land after conflicts[10]. For instance, 22 years of war and conflicts in South Sudan, and 14 years in Liberia undermined the already meagre institutional capacity of the governments. During this time the institutions collapsed leaving no capacity whatsoever, to resolve the numerous conflicts raging over access and control of natural resources, land in particular.

Examples of sources of grievances

1. Endogenous **population increase** leading to intensification in resource exploitation and degradation
2. **Exogenous populations immigrating** into lands and communities with established tenure regimes; the increase in population and the diverse cultural backgrounds can be a source of grievance, especially when the immigrants' access to land has no specific time limit, nor does it conform to customary rules; this is the case of displaced or resettled populations;
3. Changes within the endogenous population arising from **shifts in social consensus**, be they caused by internal issues (increased pressure on resources from endogenous growth) or from external sources (new markets driving demand for resources previously untapped)
4. Changes in **land prices and productive potential** (technology, infrastructure development, markets, subsidization, weather, speculation)
5. Confusion among the three **sources of rules**: customary rules, official law and land markets; expressed in different interpretations (of legal designations, zoning, common property, private, open access, boundaries); and their administration (voice and representation, perception of fairness of procedure, transaction costs).
6. Disagreement over **arbitration procedures** and the legitimacy of the mediating organizations.

Source: Ramirez, R. 2002. *Land conflict management: a conceptual map*, FAO Land Reform, Land Settlement and Cooperatives ftp://ftp.fao.org/docrep/fao/005/y3932t/y3932t00.pdf .

According to Ramirez[11], many of the sources of grievances described above are common to many societies and yet they do not necessarily shift into a conflictive situation or into hostilities. In fact, most land tenure systems tend to be resilient to change and can absorb turbulence, but only to a limited extent. Beyond certain thresholds, they can begin to break down. "Serious land conflicts tend to be generated by an accumulation of different sources of tension which result in the erosion or abandonment of previously accepted and socially recognized rules of access to and use of land and other natural resources."[12]

[10] For more detailed information on the Governance of Tenure see the FAO Natural Resources website (http://www.fao.org/nr/tenure/lt_home/en/).
[11] Ramirez, R. 2002. *Land conflict management: a conceptual map*, FAO Land Reform, Land Settlement and Cooperatives.
[12] FAO. 2001. *Land tenure, natural resource management and sustainable livelihoods.* A report for World Food Programme. Land Tenure Service, FAO. Rome.

When several sources of grievances are present at the same time, a situation may become compounded and 'flip' from a balanced dispute to a conflict and hostilities. This flip may be precipitated when one social group seeks to force its agenda on others for political purposes or exploitative aims. A dispute situation that may have been held in balance for years may be catalyzed into a conflict as a result of external interventions, changes in weather, challenges to leadership structures, weak administrative systems, or changes in rules and laws. On the other hand, by understanding the elements that *catalyze* the change in balance, opportunities may be identified to intervene and mediate a conflict.

These factors, in combination with the source of grievances, will contribute to a shift from a dispute to a conflict. This shift is based on how individual and groups perceive the behavior of other parties, in combination with the extent to which they feel they are adequately represented in a process that is fair, where they have a voice and where there is procedural justice[13]. It comes down to how people perceive threat, danger, safety, and security. In the final analysis, it is individuals who make decisions, and threat has been shown to shift decision-making from a rational basis to an emotional or affective one[14]. It follows that conflicts that are basically land-based can escalate into major hostilities and be masked by political interests to appear as ethnic differences, as has been described in the case in Sudan[15]. The conflict in Darfur is an example of i) environmental degradation aggravating concerns about access to land resource (among farming and pastoral groups) and, ii) rivalries over natural resources (competition over water, firewood and grazing land) heightened by people migrating in search of other livelihood opportunities.

It is against this background that Participatory and Negotiated Territorial Development and the Welcoming Capacity Approach are shifting ground from the known traditional "top-down approach" towards a more participatory "bottom –up approach" that stresses inclusion of IDP hosting communities in negotiation processes to address latent conflicts related to competition over access to land and control over natural resources with the aim of laying the groundwork for a transition to a development perspective. Based on secondary data from direct field observations in some countries (Mozambique, Guinea-Bissau, Angola, Sudan) by FAO as well as drawing upon related work done by FAO on the recognition of local communities tenure rights (Participatory Land Delimitation[16], essentially in Africa) and the promotion of a negotiated approach to the management/planning of natural resources (Participatory and Negotiated Territorial Development, Latin America, Africa and Asia) [17]. The Welcoming Capacity Approach focuses on improving trust, strengthening social cohesion and social inclusion in decision-making processes, dialogue and systemic negotiations that induce socially –legitimized results.

[13] Pruitt, D. & Carnevale, P. 1993. *Negotiation in Social Conflict*. Pacific Grove, CA: Brooks/Cole Publishing Co.
[14] Gordon, C. & Arian, A. 2001. "Threat and decision making." *Journal of Conflict Resolution*, 45(2): 196-215.
[15] Suliman, M. 1999. "The Nuba Mountains of Sudan: Resource access, violent conflict, and identity." In Cultivating Peace: Conflict and Collaboration in Natural Resource Management. ed. D. Buckles, pp. 205-20. Ottawa and Washington, D.C.: IDRC and World Bank Institute.
[16] FAO. 2009. *Participatory Land Delimitation: an innovative development model based upon securing rights acquired through customary and other forms of occupation*. Land Tenure Working Paper 13.
[17] FAO. 2005. *Participatory and Negotiated Territorial Development (PNTD).*

Overview of Internal Displacements

The United Nations estimates that close to 1 per cent of the world's population is internally displaced within their own countries due to several reasons.[18] IDMC gave a global figure of 28.8 million of Internally Displaced Persons (IDPs) by armed conflict, generalized violence and human rights violations.

Africa hosts more than one third of the IDPs worldwide at the end of 2011, with 10 million people internally displaced from 22 countries by armed conflict and other forms of violence,[19] resulting, according to the African Union (AU), in "a continent disproportionately affected by internal displacement"[20]. Sudan, South-Sudan, the Democratic Republic of the Congo and Somalia rank globally among the states with the five biggest displacement situations. Additionally, millions of persons are displaced every year by natural disasters[21] and a new offensive of land grabbing originates in the food and financial crises of 2007 and 2008[22].

In the last five years from 2008 to 2012, around 144 million people were forced from their homes in 125 countries, mainly due to climate- and weather-related hazards such as floods, storms and wildfires.

Somalia alone has been hit by a record high displacement of 1.1 million people between the periods 2007-2008. Such a scale of displacement had never been witnessed before. Another more recent sharp increase in displacement has been caused by *Al-Shabaab* militia groups and the protracted drought of 2010-2011. In 2011 the internally displaced persons in Somalia were estimated at 1.4 and 1.5 million tragically outpacing the levels seen in 2007-2008. According to UNHCR and its partners, these numbers have been confirmed through the

[18] The UN Guiding Principles on Internal Displacement defines Internally Displaced Persons as "persons or groups of persons who have been forced or obliged to flee, or to leave their homes or places of habitual residence, in particular, as a result of or in order, to avoid effects of armed conflicts, situations of generalized violence, violations of human rights or natural and man-made disasters, and who have not crossed an internationally recognized state border". IDPs are usually citizens of their countries and thus, entitled to all rights and responsibilities therein. It is not the international community but national authorities that have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced person' within their jurisdiction. From: United Nations. 2007. "The UN Guiding Principles on Internal Displacement." According to the IDMC's data, 32.4 million people were forced to flee their homes in 2012 by disasters such as floods, storms and earthquakes, and 28.8 million by armed conflict, generalised violence and human rights violations. Data released on April-May 2013 from: Internal Displacement Monitoring Centre: http://www.internal-displacement.org/ .

[19] The total number of people internally displaced by armed conflict, generalised violence and human rights violations worldwide as of the end of 2012 was estimated to be 28.8 million. This represents an increase of 2.4 million on the previous year, and is the highest figure IDMC has ever recorded. Around 6.5 million people were newly displaced, almost twice as many as the 3.5 million during 2011. Data from: Internal Displacement Monitoring Centre. 2013. Global Overview 2012: "People internally displaced by conflict and violence."

[20] "Internal displacement and the Kampala Convention: an opportunity for development actors", IDMD 20 November 2012.

[21] Internal Displacement Monitoring Centre, 2013. "Global Estimates 2012: People displaced by disasters."

[22] La Via Campesina. 2012. International Conference of Peasants and Farmers: Stop Land grabbing! Notebook No.3.

collection of information on the movement of the populations in Somalia through Population Movement Tracking system[23].

Displacements -in the words of UN Secretary-General Ban Ki-Moon- remain, arguably, the most "significant humanitarian" challenge that the world faces today. However, internal displacement, whatever the context, is all too often the beginning of an ordeal that may last for years or even decades, marked by suffering, discrimination and a daily fight for survival.

Causes of displacement

The causes of displacements are many and take place in different patterns with unique experiences encountered by IDPs and hosting communities. Many times, people are forced to flee because of environmental circumstances, magnitude of conflicts, hostilities, threats, fear of reprisals and collective punishments. During conflicts people abandon their homes and communities; thus the effects of displacements on IDPs, as well as on the communities that host them, can be devastating. At the same time, however, displacements affect IDPs and host communities differently. Some sub-groups are more vulnerable than others to the risks posed by displacements. Single parents particularly, members of women-headed households, minors and older people without family support; persons with disabilities or chronic illnesses such as HIV/AIDs, ethnic and religious minorities are more likely to be affected and to be affected differently.

The following are some of the common causes of displacements:

- *Armed-conflict induced displacements because of fear of targeted attacks by parties involved in the conflicts, engagement in banditry, kidnappings and other generalized violence (Darfur is a perfect example).*
  For instance, in Colombia armed groups have forced millions from their homes on an average of 200000 people every year for the past 20 years. UNHCR Chief described Colombian IDPs situation "as one of the World's forgotten crisis." Moreover, according to the Office of UN Resident and Humanitarian Coordinator since January 2008 close to 187 000 people were displaced (by tribal and armed conflicts) in Southern Sudan alone. UNHCR figures for the whole Sudan[24] totals to 4 860 077 or about 4.9 million IDPs[25], an equivalent of 19 percent of the global annual IDP population. In 2011 during the internal crisis in Ivory Coast, more than 100 thousand people moved to Liberia and began to develop agricultural activities around the hosting villages and camps. The local communities perceived that they cultivated abandoned and marginalized land. However, in some cases, they started to encroach on the nearby forest areas, which created tension with local host communities.

[23] It is however important to state that overall figures are not available and estimates vary widely, but 1.5 million people are thought to have been displaced by drought and famine in Somalia alone in 2011.
[24] Darfur internal displacements have emerged from multiple-causes; besides conflicts and insecurity, there are incidences of religious practices.
[25] The United Nation Office for the Coordination of Humanitarian Affairs estimates 4.576.250 IDPs for Darfur, Eastern States, Khartoum and other States, Blue Nile and *Abyei*. The International Organization for Migration's figure is 96 827 IDPs for Southern *Kordofan*.

- *Widespread and gross violation of human rights, persecution and conflicts.*
  According to Refugees International displacements, in Myanmar IDPs are a result of conflicts between the government (SPDC) and ethnic insurgent' groups associated with human rights violations[26]. The army's (*"tatmadaw")* practices of forced labor and restricted movements (IDPs strictly controlled) continue to force civilian populations to relocate. Human rights and local humanitarian groups indicate that close to 3 200 villages were destroyed, forcing civilians either to relocate or abandon their homes to avoid human rights abuses[27].

- *Natural and human–made disasters (droughts, tsunamis, earthquakes, landslides, flooding).*
  In recent years, disasters have caused large-scale destruction, massive displacement, environmental damage and immense suffering around the world[28]. For instance, Cyclone Nargis that hit the Irrawaddy Delta in southern Myanmar caused 800 000 people to be displaced.[29] Additionally, floods in Africa in 2012 (for example, in Niger, Chad and southern Sudan) caused the displacement of 8.2 million people, compared with the 665 000 displaced persons in 2011. The future looks even grimmer given the fact that climate change is increasing the intensity and frequency of extreme weather events.

- *Development induced–displacements (widely remains the sole reason for involuntary displacement).*
  In some circumstances, indigenous groups have faced multiple displacements without sufficient compensation. A good example of an indigenous group displaced is the Indian Indigenous people, called the "*Scheduled Tribes" or Adivasis,* who form only 8 percent of India's total population, yet accounts for the highest number of displaced persons in India [30].

[26] The government has been the biggest perpetrator of human rights violations in the country and to a lesser extent abuses caused by ethnic insurgent groups through guerilla tactics. In "MYANMAR: Displacement continues in context of armed conflicts. From: Internal Displacement Monitoring Centre. 2011. "A profile of the internal displacement situation."

[27] Thailand Burma Border Consortium. 2008. "International Displacement and International Law in Eastern Burma".

[28] The number of large-scale disasters, which commonly cause massive displacement of populations in the affected areas, have quadrupled over the past twenty years according to Oxfam, ruining countless lives and straining the resilience of nations around the world.

[29] Post Nargis Knowledge Management Project.

[30] Brookings-SIAS Project on International Displacement. 2013. "Risks and Rights: The Causes, Consequences, and Challenges of Development-Induced Displacement".

Photography: Asim Hafeez, IDP Camp – Sukkur, Pakistan, August 2010

Consequences of displacement

Commonly, those displaced by conflicts are forced to flee suddenly, losing their possessions and livelihoods sources, even when peace is restored. Other consequences include:

- Those forcibly displaced from their communities experience reduced levels of productivity both in the short-and long-term. The risk for unemployment (especially for skilled IDPs) is always high. IDPs often find it difficult to get a job in their fields of expertise or related to their specific professional background.
- The Country bears the brunt of long-term economic costs partly due to (significant human and economic costs) lost tax revenues and the provision of social services such as health and education.
- Urban sprawl and environmental degradation caused by people migrating from rural to urban centers in search of livelihood opportunities.
- Greater risks to family units, and social structures leading to reduced chances of successful reintegration. For instance, separation of displaced families increases vulnerability because the family usually remains the most important source of protection and stability for every individual.
- Displacements and breakdown of social structures increase the risk of sexual violence. Many survivors of sexual violence suffer from grave long-term psychological and physical health consequences, i.e. traumatic fistula and HIV. Women and girls are the most vulnerable to sexual assault and rape.
- In cases where the male heads-of-household are killed, the women become the sole source of income for the household. This can increase their vulnerability to sexual

harassment, asset stripping, and dispossession of land and exposed to diseases such as HIV/AIDS.

Minority groups are always marginalized. If they are a hosting community, their rights are almost never properly considered. And if they are IDPs, often they are not properly supported.

In some societies, women do not enjoy the same legal capacity as men, and are exposed to further exploitation and gender-based violence. For instance, women heads of households experience additional difficulty in supporting their families if they are denied access to family property, or if customs restrict or deny them access to land and natural resources.

Under *sharia* law, men inherit twice as much as the woman. Women and female heads of households are more likely to be left out of processes of restitution of property to IDPs with major implications for their ability to survive or rebuild their lives and livelihoods after displacement.

Gender-equity is particularly critical in the land restitution activities that follow humanitarian, conflict and natural disasters. Women often face enormous barriers in access to land after conflict and natural disasters, and when land tenure governance is severely challenged, gender equity may not seem an immediate priority. The Pinheiro Principles provide guidance on housing and property restitution issues for refugees and IDPs supported by core values of non-discrimination and gender-sensitivity. In particular, Principle 14 calls for adequate consultation and participation in decision-making, including women's representation and inclusion in restitution decision-making processes, and for ensuring that women have the means and information necessary to participate effectively.

Source: FAO, 2012. *Governing land for women and men. A technical guide to support the achievement of responsible gender-equitable governance of land tenure*

The presence of large numbers of IDPs also has consequence for the communities which host them. Some resentment may grow among local populations, particularly when there is a perception that IDPS are receiving "preferential access to assistance and treatments".

Unwillingness to return

There are various reasons for failure or unwillingness of IDPs to return to their original areas. In the Caucasus and the Balkans for instance, thousands continue to remain in protracted displacements long after the conflicts have ended. Reasons for unwillingness to return include:

i) Lack of security or fears of renewed attacks are some of the main reasons. For instance security threats in Georgia[31] have forced people displaced by separatist fighting in South Ossetia and Abkhazia to remain in protracted displacements. These camps for IDPs are overcrowded collective centers which include transformed schools, hotels, factories and hospitals, majority of which do not meet the basic living standards.
Furthermore, in Burundi, many Tutsi IDPs preferred to stay in the IDP camps and were unwilling to return to their rural homes without security guaranteed for their return.

ii) Sometimes, increasing crime rates cause massive numbers of IDPs to migrate to urban centers for security reasons and in search of alternative livelihood opportunities. . In Northern Uganda IDPs face particular obstacles to returning home because of high levels of criminal activities. The most affected by such insecurity are those IDP groups such as the elderly, the disabled, orphans and children as well as members of women-headed households.

iii) Land scarcity in areas of return may contribute to failure of IDPs to go back. In this regard, Rwanda's historical displacements dating as far back as 1959 posed a big challenge to the government, which has led to the government refusing to allow even refugees from

[31] UN, Representative for Human Rights of IDPs, Walter Kaelin Visit to Georgia, 2005.

neighboring countries to return. These issues of population pressures and land scarcity[32] have affected mainly the Tutsi IDPs who have attempted to return despite the fact that IDPs and refugees have the legal right to return to their land.

In some cases the living conditions in IDP camps were actually better than those in IDPs original homes due to services such as water, permanent housing and sanitation[33]. In Burundi[34]for instance, many IDPs continued to cultivate farms upcountry by day and returned to the camps in the evening because of the improved living conditions.

Similar sentiments were expressed in Gulu District[35] in Uganda, where IDPs resided in camps often within three kilometers of their land. Quite a significant proportion of the IDPs in Gulu District did not intend to move out of the camps at all.

iv) Often the return areas are characterized by high food insecurity either as a result of lack of seeds and fertilizers and/or limited economic opportunities, enhanced by extreme weather conditions.

v) The direct environmental impacts of conflicts contribute to the unwillingness to return due to chemicals and debris generated by detonated and non-detonated grenades and shells, which damage settlements and infrastructure. This was the case, for instance, in the 1999 conflicts in the Balkans triggered by the collapse of Rambouillet peace negotiations which eventually failed to offer a diplomatic settlement to the Kosovo crisis and leaving significant residual damage that posed danger to returning IDPs[36].

vi) Acute risks of landmines and unexploded ordnance (Uxo), weapons containing depleted uranium, and the production, testing, stockpiling and disposal of weapons have huge impact on human health and livelihoods which continuously hinder the return process. "Countries in Latin America are estimated to contain between 300 000 and 350 000 landmines leftover from civil strife and external conflicts with neighboring countries.[37].

vii) So a reason for not being willing to return might even be a new and more profitable socio-economic setting When IDPs have better agricultural knowledge than hosting communities, IDPs can use this advantage to manipulate the local economy and leverage the host community into being a labor force in a relatively short time, which can cause local tensions if hosting community members become wage labourers. For instance, in Angola where IDPs began coming from the central region to some areas of the southwest where soon they became the owners of agricultural lands.[38]

[32] United Nations. 1996. "The UN and Rwanda, 1993–1996." New York; Adelman, H. & Suhrke, A. 1997. The international response to genocide: Lessons from the Rwanda experience, Joint Evaluation of Emergency assistance to Rwanda, Copenhagen.
[33] UN Office for the Coordination of Humanitarian Affairs. 2013. IRIN Services.
[34] Internal Displacement Monitoring Centre. Durable Solutions.
[35] Henneilt, L. 2006. "Night commuting in Gulu, Northern –Uganda from spontaneous Strategy to new social institution." Master's Thesis in Peace and Conflict Studies.
[36] UN Habitat, Human Settlements Programme; Environment Programme;
[37] Smith, Stacy. "U.S. Humanitarian Demining in Latin America."
[38] Unruh, J. 2011. "Landmines & Land Tenure in Post war Angola." McGill University.

United Nations Guiding Principles on Reintegration

The UN Guiding Principles on Reintegration (UGPR) were drafted basically taking advantage of the experience and existence of the International Human Rights Law (IHRL) and International Humanitarian Laws (IHL). Therefore, they contain systemic provisions and indicate complimentary roles and linkages between IDPs and hosting communities' in post–conflict[39] reintegration. Under the general principle in Section V of the UGPR on return, resettlement and reintegration; it is the duty of the government to:

- facilitate voluntary return/resettlement to IDPs
- involve IDPs to participate in decision-making on voluntary return, resettlement and planning for durable solutions including non-discrimination towards reintegration
- facilitate property restitution/compensation and humanitarian access to reintegrating IDPs
- address any discrimination which may work against receiving/hosting communities.

In post–conflicts situations IDPs are usually considered the target for post-conflict intervention on recovery and rehabilitation. They are involved in actions and decision–making processes through representation in organized forums by the international community, humanitarian agencies and governments comprising both national and local levels of governance structure to facilitate a voluntary return, resettlement, reintegration and rehabilitation processes.

On the other hand, hosting communities have always been excluded from such decision-making and negotiation processes. Yet, building sustainable livelihoods and long-term rehabilitation should be an inclusive practice especially where natural resources are at stake. The exclusion of hosting communities perpetuates mistrust and impacts long-term reintegration. For instance, competitions over natural resources and economic livelihoods after return/resettlement processes more often than not "trigger flare-ups" between IDPs and hosting communities. This is because resources usually face destabilization as a result of increased pressure from overuse and lack of regulation.

The use of "top-down" approaches in reintegration by international community, government, mandate-based agencies of the UN, international and local based organizations are oftenbased on the assumptions that:

- IDPs returning to their homes or relocating to other parts of their own country; are able to reintegrate and continue with their normal life.
- Return of IDPs will automatically restore "d estroyed relations" of trust and previous interactions with the hosting/local communities.

[39] Section V Principle 3(1).

- Nothing has changed despite the displacements with regard to previous social, economic entitlements and securities of IDPs and host–communities remain the same. For instance, no special attention is paid to the short and long- term implications of post-conflict transition and eventual reintegration of IDPs at times of weak or lack of effective institutional frameworks.

Even though it is each individual government's responsibility to protect the rights of IDPs to return to the land they were forced to abandon, reintegration has been very difficult because hosting communities' social networks, capacity and willingness to accommodate and absorb IDPs are not recognized or assessed and there is often a strong possibility for it to be weak or nonexistent.

The importance of Natural Resources in Reintegration

Resettlement and restoration of economic activities may create intense pressure on natural resources that hosting communities previously depended upon and sustainably used and regenerated for years. The combined pressure of lawlessness created during conflicts and eventual disintegration of institutional management systems do have serious consequences on resources. The newly created GoSS, right after signing the Comprehensive Peace Agreement, had severely limited institutional capacity and exhausted natural resources for returning IDPs and hosting communities land issues. This led to increased conflict between local communities and IDPs over natural resources and land.

For instance, in Rwanda IDPs were settled in areas that were already confronted with ecological scarcity. Two of these areas are *Ruhangeri* and *Butare* and the increased resource demand led to fierce competition among the IDPS and local communities. "Demand -induced scarcity" due to overpopulation on the one hand and "supply- induced scarcity" due to families with mainly degraded and an increasingly fragmented small per capita land size has pushed the local communities into unproductive lands that were already threatened with massive soil erosion, decline in soil fertility due to over cultivation, degradation of water sheds and depletion of forests along steep hill sides. Host communities continuously raised grievances that linked IDPs to soil erosion in the highlands of the southern Prefectures of *Gisenyi* and *Gikongoro* and parts of *Butare, Byumba*, *Cyangugu a*nd *Kibuye.*

Land resources

Inadequate land tenure and land use planning contributes to increasing vulnerability of communities[40]. Land resources in post conflict situations continue to remain crucial because both hosting communities and IDPs have a right to land. Land is an integral part of social capital on which people assert self-determination and identity within their society, culture and economic contexts.

Security of tenure therefore, plays an extremely important role in resettlement, reconstruction and reintegration processes over and above basic shelter and security. Land access is an essential issue that constitutes the basic building blocks for enhancing and sustaining reintegration for effective peace building and sound reintegration of IDPs and hosting communities alike. The ability to live peacefully depends to a degree on people's ability to address land matters without prejudicing livelihoods.

Land access however, is usually characterized by inequitable distribution and scarcity exacerbated by resource depletion that affects forests and water catchments. Historical injustices inland administrations, inequality and land scarcity in many countries further precipitated conflicts. This situation continues to simmer in many countries and often worsen the fragile post-conflict peace agreements with profound effects on stability and reintegration.

[40] FAO. 2013. Resilient Livelihoods – Disaster Risk Reduction for Food and Nutrition Security Framework Programme. Rome.

One example is the historical inequality and distribution of land in Rwanda[41] that continues to create conflicts among different caseloads of IDPs and hosting communities as population pressure lead to competition over scarce land. The communities continuously fought to preserve access to scarce land and its resources or prevent one another from gaining such access.

The political and social volatility created by this land scarcity presented a window of opportunity for the Rwandan elites who used land to incite the landless Hutu peasants as a grievance to achieve their own interests during the genocide. In certain Prefectures, the scenario related to land and scarce resources was worsened by IDPs resettlements that continuously triggered new conflicts. Thus as the demand for resources continues to grow without being addressed by government institutions, the simmering conflicts will also be intensified.

In post-conflict situations, rural areas are usually the most affected because access to sufficient land is limited and crucial for livelihoods as there are often no alternative economic opportunities to subsistence farming. In this sense, it is clear that competition over land has been a critical cause of renewed violence in (Rwanda, Colombia) and the underlying factor in many others conflicts (such as in Mozambique, East Timor, Sudan and Bosnia).

Access to resources in Emergency Situations

Addressing emergency humanitarian needs after conflicts requires finding places for people to live in the short-term, under conditions that provide safety for them without threatening the rights to land of the hosting communities. At the same time, improving socio- economic stability requires more permanent solutions in which secure access to land is recognized as a crucial factor for in the eradicating hunger and poverty.

The exclusion of hosting communities is usually felt because of the the level or type of protection and assistance provided to IDPs, which they perceive as a ‘noticeably higher standard of comfort . IDPs by circumstance are located in the lowest layer of poverty, in economic and social terms, however usually they are settled in areas where hosting communities, and other parts of the population, are living in equally or worse conditions than them.

Crisis due to changes in social relations as well as scramble for land and other natural resources in post-conflict situations among IDPs, individuals and hosting groups arise when traditional access rights, customary rights and patterns are ignored or have been eroded by the conflict or are conflicting with each other, as in the Democratic Republic of Congo. There the complicated pattern of super-imposed communities has sometimes pitted one customary law against the other and customary laws have become themselves a trigger for conflict.

[41] The background of inequitable land distribution goes back to *Uberetwa* (feudal system under which the poor Hutu farmers exchanged labour for access to land owned by the Tutsi (minority).

Laws and regulations governing land and other natural resources in many countries have a combination of statutory laws and customary practices. Access rights include a spectrum of rights such as use, control, transfer responsibilities and restrains. Land use is usually broadly divided in to agriculture and grazing patterns which may include (and be further complicated by) use by seasonal or migratory populations.

People with insecure rights to land, particularly women and marginalized groups, face the risks of being threatened by compelling claims or of losing their rights through eviction. These different aspects of land tenure may have differing and varying political importance during the post-conflict period.

Providing secure access to land is frequently not easy, particularly in complex situations following violent conflicts where different types of ownership rights prevail. This includes private, communal and open-access, common grazing rights, private residential and agricultural holding and state ownership:

- Informal and formal forms of tenure systems running side by side could create more complexities especially in patterns of rights and interests'.
- Vulnerable groups such as poor, women, orphans, minorities and the illiterate may have difficulties in organizing themselves, and it may not be easy to include them in decision-making processes.
- The importance assigned to land tenure issues by those leading the recovery and reconstruction efforts and people who set priorities may not consider land tenure problems with the same importance that is assigned by people who experience these problems on a daily basis.
- Establishing institutions with the legal authority and capacity to adjudicate land rights and land disputes may not be considered important, may be thought to be too complex, or requiring too many resources.

Recovery and reconstruction need to look closely at land problems because:

- Land owners in hosting communities, even if they are a minority, violently struggle to retain ownership making the significance of peace agreements meaningless as hostility, and resentment cause further social tensions towards IDPs or may provide opportunities to seek revenge and to settle old grievances.
- Environmental degradation in the medium or long-term may increase competition over natural resource management, threaten the sociocultural identity and rights to land of hosting communities. For example, in Gambella region of Ethiopia where IDPs from South Sudan have been hosted for more than a decade, the problems are wide spread.
- Recovery from violent conflicts often create more problems like loss of land, destruction of critical infrastructure, collapse of legal system loss of records and expertise, widespread mistrust and confirmed fears and threats of renewed violence.
- Continued violence could also limited capacity of institutions to address the problems of access to land and land administration.

- Security of tenure in post–conflicts usually results in insignificant changes to land tenure arrangements, administration and management.
- Displaced people are often forced to settle on land to which they have no legal claim/across generations.
- Hosting communities in safer areas face increasing competition for access to natural resource given the number of arriving IDPs on secure grounds from displacements. As a result, women and marginalized groups in hosting communities may risk losing access to natural resources.

Security of Tenure and Resettlement

While some hosting-communities are able to "re-establish or re-align" themselves quickly and allow IDPs resettlement, social cohesion always remain elusive, fragile, tense and more often, marred with suspicion because of tenure insecurity.

Hosting communities (who stayed behind) who receive IDPs (who fled) are also not immune to tenure insecurity (emanating from land governance). The total breakdown of the state institutional structures, destroyed or severely weakened during wars, creates a vacuum where conflicts can thrive because of lack of /or non- existing records, enforcement of rights and obligations, and transparency and accountability leading to conflicting land claims and disputed boundaries.

The "resilience[42]" of customary institutions and their "un-codified nature" in the form of customary land governance and administration structures during and after conflicts are usually heavily subjected to abuse and alterations. Disruptions created by dislocations, such as verbal and informal land claims, contribute to renewed conflicts between hosting communities and returning IDPs. For example, Southern Sudan traditional customary/ informal systems of land administrations were allowed to continue in arbitration /handle land cases alongside GoSS[43] land policy development effort. However, these customary institutions were heavily compromised, accused of lack of transparency, and at times, committed out-right corruption as judgments' passed in favor of the powerful/ elites/politicians/ex-combatants. Competing claims for land restitution for IDPs (those lands acquired before conflicts which were then lost) and resolution arising from land disputes usually have a higher probability of aggravating these tensions. The situation in Southern Sudan has resulted in i) compromised dispute resolution mechanisms ii) undercutting positive environmental practices and iii) an uncontrolled system of natural resource exploitation as returnees contribute to serious environmental degradation including deforestation for charcoal burning and firewood.

Moreover, in certain areas conflicts often disrupt land occupation, land laws and private ownership thus resulting in land falling prey to powerful economic interest groups, for

[42] "The ability of a system, community or society exposed to hazards to resist, absorb accommodate to and recover from the effects of a hazard in a timely and efficient manner." From: UN Office for DRR. 2009.
[43] Comprehensive Peace Agreements (CPA, 2004) did not address land ownership, and the southerners' interpretation was "land belongs to the community not the government".

instance, the elite interests /politicians/wealthy land owners who feature prominently in Mozambique's post-conflict reintegration. Hosting -communities (peasant farmers) were faced with acute land conflicts between these private/individuals and elite members' interests. The hosts/peasant farmers were not aware of their land related rights and they remained vulnerable to exploitation by the wealthy and the powerful land owners.

Failure of Resettlement Programs and Reintegration

Resettlement programs adopted in many countries have created long-term tensions and caused more conflicts between IDPs and hosting communities than they were intended to bring about. Kenya for instance, 'insecure rights to land in resettlement programs particularly, issues emerging from historical injustices and overriding ruling class interests' have led to squatters/landless forceful eviction from government gazetted areas by elites and wealthy individuals. The elites and politicians safe guarding own interests at the expense of the poor squatters or landless people manifested in the form of land clashes of 1990s. Politically, motivated interests exacerbated tensions over land issues were still the background on which spoilers build up on during the 2007/2008 post election violence.

A view of an IDP camp in Nakuru, Kenya, April 2008 (Credit: Syprose Achieng)

Resettlement in Kenya in the former white settlers has also been another huddle to cross as the hosting communities where the settlement schemes were established claims land rights on the basis of ancestral land unjustly taken by the government and given to foreigners from other parts of the country. Furthermore, the host communities felt that the historical injustices related to land should be dealt with first before any meaningful land reforms and reintegration could take place.

One of the explanations of these badly managed resettlement/reintegration programs lies in the misinterpretation of the concept of land availability. In countries like Angola, Mozambique and Sudan where large areas of apparently unoccupied and underused, it is not uncommon to hear senior officials talk about the existence of 'land for everyone', with concerns raised about large areas not being used properly. Governments that are seeking out possible investments may tend to give out 'unused' lands legitimizing this under national development plans and anti-poverty programmes. This is assumed to be good for local people; a common argument in the land reform debate is that investment by the private sector in rural areas will bring along economic growth, jobs and new opportunities for all.

In reality areas of good land, with good soils and access to water and other natural resources are far less abundant. Local people have figured out where these areas are generations ago, and it is normally here that we find populations concentrated in otherwise 'empty' landscapes. It is of course these 'best resource' areas that newcomers also want. Competition and conflict then involves relatively small areas, not the extensive areas of more marginal, unused land. In addition, when we add other factors into the equation such as closeness to markets, roads, and availability of energy the ´best land´ shrinks further still, and a relatively elastic supply of land for rural households is far less certain.

Patterns of Land Use and Reintegration

In post-conflict situations hosting communities have always been exposed to land resource capture by the powerful elites or political groups. Population pressure, in turn, leads to unsustainable patterns of land use that include cultivation on steep hillsides, shortening of fallow periods and deforestation to open additional land for farming.

Angolan post-conflict peace has been a good opportunity for both IDPs and hosting communities to appreciate the economic value of land besides the known social, cultural and political interests. The effect of such awareness has been the emergence of new conflicts related to land and increase of cases of land grabbing by the wealthy and powerful commercial farmers and foreign investors. The elite interests and political factors feature predominantly in areas where there are acute land conflicts between private and community interests.

Creation of fences to demarcate farms which in most cases were informally held with no clear boundary has contributed to land conflicts which were unheard of a few years after peace was restored. Reports of recurring conflicts between hosting communities' peasant farmers and commercial farmers are on the rise because thousands of hectares of land once solely the territory of pastoralists and their livestock have been fenced as new private property of wealthy new land owners including government officials.

It is in this process of defining clear boundaries that problems start as the traditional pastoralists and farmers who believed that the land in question which more or less held with the same trend as colonial land concessions was their traditional land. As commercial ranches

encroach upon traditional pastoralists customary land, their traditions and customs which have been passed down over centuries are disrupted.

i) The communities claim their traditional lands have been demarcated as private farms and awarded as concessions to other communities or individuals large tracts of land that were once communally farmed are now in legal possession of individuals.
ii) In addition conflicts are occurring with the government's continuous granting of new and renewed concessions of colonial parcels or as landowners or concessions holders from the past reappear and reassert their rights.

The commercial farmers have claimed the use of old colonial farms concessions on the land, they now occupy in addition to traditional community lands with little or no regard for consultation with communities.

- Traditional pastoralists require more land to sustain their increased total number of livestock but the "carrying capacity "of their land has been reduced.
- Conflicts have arisen as communities have been forcibly removed from their land to give room for fences with no compensation,
- Community access to water is cut off, in some circumstances community land is relinquished in exchange for water rights and, even small enclosed farms with right of tenure secured in exchange for labor and cattle corridors.

Photography: Asim Hafeez, IDP Camp – Sibbi, Pakistan, August 2010

Welcoming Capacity Approach in Post-conflict Reintegration and Natural Resources Management

Welcoming Capacity Approach is a shift of perspectives towards an inclusive address of the pillars of reintegration and natural resource management by focusing on building trust, fostering dialogue and negotiations among hosting communities, IDPs and other actors/stakeholders.

The main objective of the approach is to promote an all-inclusive process where all stakeholders/actors participate and the host communities' negotiate on the processes of how many, and the way in-which, IDPs should be welcomed in post-conflict situations.

The approach provides a practical introduction to systemic processes which offer room for inclusion and recognition of hosting communities' as equally important actors and their engagement in all decisions and implementation. It is a step towards:

- Changing perspectives from focusing on alternatives solutions for IDPs but understanding existing "gaps" that affect the social relationships between IDPs and hosting communities;
- Provides a comprehensive assessment/analysis of the role of hosting communities in promoting peaceful reintegration;
- Raises awareness on natural resource management challenges;
- Provides an opportunity to identify (with the view to prevent) nascent differences or "low–key conflicts" from spilling over into violent widespread confrontations.
- Identify opportunities to compensate hosting communities because they welcome IDPs.

Reintegration is "equated with the achievement of a sustainable return and the ability of the IDPs to secure political, economic, legal and social conditions needed for livelihoods and dignity"[44]. In this context, the willingness of hosting communities is of utmost relevance. The processes allow room for negotiations regarding the number of IDPs welcomed/accepted by the host/local communities, which are critical not only for sustainability but also for broader issues of stability. The approach also asks and addresses critical questions such as: How to closely identify and analyze the conflicting territorial challenges. Who are the "drivers" of conflicts and what are the determinants. What are the conditions. How to improve on the negative conditions. Moreover, what are the "connectors" between seemingly different issues and conditions.

The successful resettlements and reintegration of IDPs therefore is a critical component of rehabilitation and achieving long-term peace.

[44] UNHCR. 1999. *Aiding Peace and War: UNHCR, Returnee Reintegration and the Relief-Development Debate*. New Issues in Refugee Research, Working Paper No. 14, Center for Documentation and Research, Geneva.

Application of Welcoming Capacity using PNTD Phases

According to Ramirez,[45] disputes take place between people, as individuals and as organizational actors, and the nature of the disagreements is expressed through the relationships among them. Gender and power differences will dictate who participates in a dispute, who is left out, and who is consulted. Analyzing the stakeholders involved and understanding why they are involved is an important element in conflict management. *Who* is involved is interrelated with many other factors: a dispute about boundaries will affect which groups or individuals are involved, what customary rules or legal mechanisms they may agree to refer to, how they relate to one another, and this in turn can be the very source of a conflict. [46]

Intervening in a conflict requires a map of the choices, phases, methodologies, and expected outcomes. The following are ten general principles about conflict management that serve as an overall guide for practitioners intervening to manage conflicts.

1. conflicts are a mix of procedures, relationships, and substance (solution don't just come from technical solutions to substantive problems, but also from relationships and procedures used to work out disagreements),
2. to find a good solution, you have to understand the problem (need to untangle the muddle of emotions, perceptions, needs and cross-purposes that surround the issues)
3. take time to plan a strategy and follow it through (the strategy should focus on a) finding a common definition of the problem, b) determining mutually satisfactory procedures for carrying out a negotiation, c) identifying the issues and interests of each of the parties, d) developing a range of options for solving the problem, e) agreeing on a solution, and f) deciding exactly how agreements will be implemented.
4. progress demands positive working relationships (data alone will not solve a conflict, parties must be willing to exchange information)
5. negotiation begins with a constructive definition of the problem (avoid a problem statement that can be answered with a yes or a no)
6. parties should help design the process and solution (parties need to have a stake in the method of making a decision)
7. lasting solutions are based on interests, not positions (by talking about their interests, hence about themselves, parties lose their adversarial tone; people in conflict will have one position, but many interests; most interests are reasonable and can be described; often the other side will find out that their interests are not mutually exclusive)
8. the process must be flexible (time requirements, the cast of characters, perceptions of the issues, and many other elements will change as problems are analyzed more carefully; a process plan a preliminary blueprint that gives initial direction but is continuously modified as a more adequate methods are identified.

[45] Ramirez, R. 2002. *Land conflict management: a conceptual ma*p, FAO Land Reform, Land Settlement and Cooperatives.
[46] FAO. 2005. *Participatory and Negotiated Territorial Development* (PNTD).

9. think through what might go wrong (be prepared for the unexpected, have options at hand)
10. do no harm (example given of a federal agency that allocated 12 weeks to a consensus process that took longer: end result was harmful)[47]

Based on our (limited) field experience, we do propose to go about using the following logical sequence of phases:

Views Phase: Participatory Territorial Diagnosis

The objective of this phase is to carry out a systemic gender-sensitive territorial diagnosis in emergencies and post-conflict situations.

The identification, examination and analysis of actors /stakeholders' institutions in post-conflict situations offers opportunity to undertake a thorough assessment of the realities on-going on the ground (local/micro) and national levels without making unfounded assumptions. Territorial diagnosis helps in identifying who the actors/stakeholders[48] (direct and indirectly involved) are, what are their interests, potentials, constraints, opportunities and strengths? What are the roles and responsibilities of the actors (i.e. it is important to understand hosting communities' and IDPs potentials, livelihood strategies, coping mechanisms, and inter- dependencies)[49].

It is important to note that participatory territorial diagnosis varies within contexts and at different levels. In certain socio-cultural contexts gender roles, responsibilities and relationships within social system or subsystem on access to land are strongly determined by socio-economic factors. For example, access to land among different households and within households is strongly influenced or determined by social -cultural structures/ family /lineage (through marriage and inheritance systems).

Key questions to address include:

- What types of social relationships and interdependencies exist regarding equitable access to land?
- How gender roles affect men and men access to land?
- Do gender inequality dynamics and unequal power relations affect access to land?
- How do social patterns like population growth affect gender sensitive access to land and other natural resources?

The diagnosis should pay special attention to i) the different roles of women and men, boys and girls as members of families and households within social structures, ii) the position -

[47] Carpenter, S. L. & Kennedy, W. 1988. *Managing Public Disputes*. San Francisco, London, Jossey-Bass Publications.

[48] Governments, IDPs, hosting communities, International and local agencies.

[49] Understanding the issues at stake, socio-economic and political organization (Strong ethnic, political and gender related tensions come into play adding controversy to rights and underlying socio-economic inequalities).

roles and responsibilities - of different family members (men and women) vis-à-vis access to, management and use of land, and iii) intra-and inter household dynamics and decision-making over land, productivity and use of income.

The examination of institutions' constraints, opportunities, and capabilities to resolve real and perceived conflicts related to reintegration, rehabilitation and natural resource management (competition over resources) provides important information for a territorial diagnosis. What are the institutional needs/gaps in enhancing relationships? What are the "driving-forces that influence" (internal and external) change?

Historical analysis provides a coherent understanding of communities' social organization (social exclusion and vulnerabilities), livelihoods strategies, socio-economic and historical events, land and land based resources rights and relationships within production chains. It is important to understand the history of land occupation, resources exploitation (soils, forests, water) and whether these rights existed for the hosting communities or not (before and after conflicts).

It also offers a unique opportunity for examining and assessing of land tenure arrangements (customary and statutory) and determining how they could contribute to fresh or renewed land use conflicts or relate to competition over resources. Who determined these rights? What were the conditions? What has changed and how best can it be improved? What changes have taken place (i.e. disasters such as drought and flood, effects of climate change, conflicts/wars and economic conditions) during and after? How has massive internal displacements disrupted land occupation?

Horizons Phase - Dialogue and Proposals

The objective of this phase is to open up discussions among all actors over resettlements, reintegration, and rehabilitation and development processes of the territory (post-conflict situations).The dialogue processes starts from the evidences and analysis provided by the first phase (Participatory territorial diagnosis) above as well as with quantification and physical location of IDPs among the hosting community's territory and also the whole process of development process. For instance, what development processes are foreseen for the area both in the short and long-term (duties and obligations of all concerned stakeholders) to increase food security?

The dialogue processes in essence aim to support the actors in creating a coherent, feasible and collaborative perspective for the future of their territory in terms of reintegration and natural resource management. Special efforts thus need to be made to ensure meaningful participation of all, women and men and marginalized groups. The actors become aware of all issues at stake within the territory and start supporting the formulation of possible proposals for common ground and eventually set up a negotiation table.

Once the actors have accepted the different views or areas of concern in regard to reintegration and natural resource management, preconditions for dialogue must be discussed

and met; concrete proposals are then elaborated to meet specific needs of each actor. Given the complexity of the issues in post-conflict situations it is evident that there is no single or simple model for actors to emulate and each situation should be analyzed and addressed individually.

However, dialogue should be based on a more careful understanding of the dynamics of underlying conflicts (such as competing claims over resources) and requires significant involvement of all actors at all levels. It is most important that all efforts should contribute towards social and political stability particularly at the grass-roots levels. Dialogue therefore should address a) hesitancy and fear of some parties by offering reassurance to different actors of the necessity and benefits of long–term dividends of peace, b) effective (internal and external) interventions are only possible when all sources of conflicts are recognized c) understanding of the dynamics between, decision-making and peace building initiatives, and d) inclusion (all actors involved should participate) because failure to involve other actors/parties could lead to ignition of renewed conflicts.

The role of a facilitator[50] in this phase is crucial just like in other participatory methodologies aimed at reducing unequal power relations among actors, which hinders bargaining capacities/opportunity even if a common ground might have been identified from negotiations. There is increasing recognition that centralized top-down decision-making about resettlement land and land related resources not only creates conflicts but also fails to take into consideration local/indigenous knowledge, which could help in building social cohesion and avert conflicts/controversies.

Government and all actors must be open and actively involved in the dialogue processes in order to identify lasting solutions for reintegration and natural resource management related conflicts, which are always intimately related. This is a long-lasting intervention and changing the minds of decision-makers is probably one of the most difficult areas of work for a WC approach. The willingness to initiate/participate in dialogue is not always an easy endeavor even if the actors could have voiced some skepticism about the objectives and conditions for participation in an open dialogue and negotiation. Many times, people are engaged in relatively passive positions, observing their own participation.

Secondly, the actors' willingness to participate in the dialogue is always related to their perceptions, and experiences of the obstacles and limitations of such a process. This is related to the point of personal credibility of the facilitators/mediators who are engaged with this process. What should not to be forgotten is that usually these interventions do happen in countries where governments have little credibility in the eyes of local population. Therefore, even in the best cases, some initial skepticism is to be considered as "normal". The more the process becomes more and more popular, conducted in a transparent and participatory way, the easier it will be to reduce the fears and move on into the negotiation process.

[50] FAO. 2013. *DTPN- La Facilitation pour la Gouvernance Territoriale*.

Negotiation Phase

The Welcoming Capacity Approach heavily invests in confidence building among actors, which is one of the main objectives of the negotiation process. The building of trust (among actors involved is both a means to open dialogue and an end to it and the structuring of a collaborative decision-making processes shall influence their willingness to participate in the dialogue. If it ispossible during the previous phases (views and horizons) to increase trust between concerned stakeholders (or at least to reduce lack of confidence), then the negotiation process will materialize, such as in deciding **how many** (families of IDPs will be accepted by hosting communities)? The **where** (whose pieces of land will be allocated to them)? Moreover, **for what** (what are the benefits for the hosting community)?[51]

During the negotiation phase, actors will confront their views and proposals in a collaborative and through consensus processes aimed towards achieving a socially legitimized agreement. It is essential in this phase that a wide array of actors be represented to assess the proposals for negotiation and convinced that negotiation is the best way to pursue their interests.

Just like in the previous phases and processes the ability to accommodate divergent views or combine different proposals in a win-win solution and set up appropriate ground rules for neutralizing as much as possible the asymmetries (unequal power relations) in bargaining power, capacities and skills which the previous stages of the Welcoming Capacity process could not have completely addressed or balanced.

[51] However, it must be remembered that, especially at the beginning of the process, the benefits for the hosting communities could be very little. For instance in Somalia IDPs face major protection challenges – including abuse and aid diversion by camp gatekeepers. The gatekeeper system developed and evolved over years of 'remote-control' service delivery. Limited oversight and combined with fragile government institutions, have allowed gatekeepers to steal with minimal consequences. From: UN Monitoring Group on Somalia and Eritrea. 2012.

Welcoming Capacity as an Interest-based Negotiation Process

Most current negotiation approaches are centered on problem resolution and have, in recent years, received much theoretical attention on collective negotiation approaches that abandon the obsession for a 'win-win' solution and instead emphasize more the process rather than the outcome.

In interest-based negotiation, welcoming capacity suits well in the basic principles that enhance the processes and inclusion. For instance, the first principle is to deal separately with the demands of the individuals (actors) and the issues debated by the parties. The process requires i) mutual respect and confidence by the participants to the negotiation ii) Frank and open discussions and recognition of the legitimacy of each party to defend their interests.

The second principle which constitutes the cornerstone of interest-based negotiation processes consists of focusing on the interests at stake instead of concentrating on the positions. Multiple interests lie behind each of the actors' positions and therefore, the actors' interests define the problem and open the way for its solution.

The third basic principle of interest-based negotiations concentrates in formulating a vast range of options prior to making a decision. It is necessary to have brainstorming sessions, which implies that the parties have previously expressed and discussed their respective points of view on the problem, and thus possess all the information needed to elaborate different scenarios of possible solutions, while taking into account the interests of each of the parties.

Finally, the fourth principle relates to the evaluation of each option's feasibility based on objective criteria defined by the parties which can be in terms of laws, regulations, costs, etc. in order to avoid conflicts in the implementation of the agreed solutions.

An interest-based negotiation process for conflict management has three main stages:

- The identification and discussion of the issues at stake;
- The examination of the identified possible solutions;
- The elaboration of a comprehensive set of decisions that may materialize in the form of a Social Territorial Agreement.

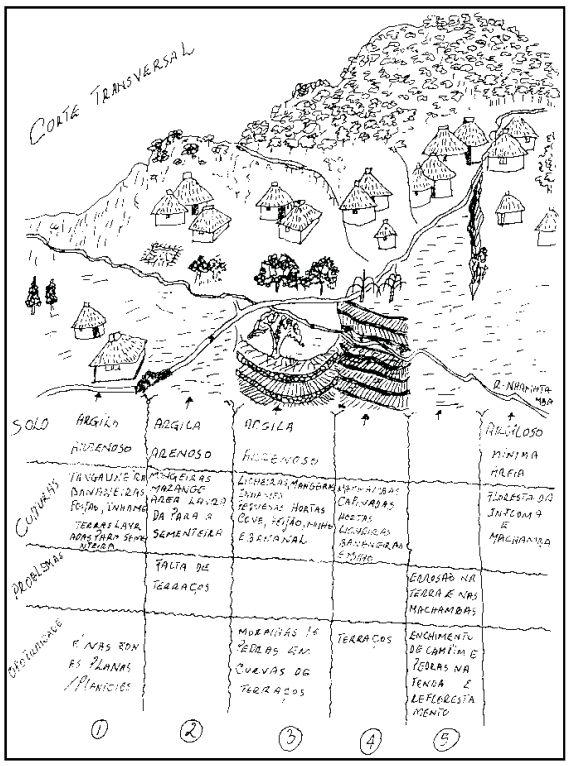
Welcoming Capacity and Participatory Mapping

Sometimes, the whole process of negotiation and resettlement of IDPs within hosting communities has to go hand-in-hand with the elaboration of physical evidences of the territory occupied by the hosting community, as well as the tract of land to be allocated to IDPs, in order to avoid future conflicts.

Participatory mapping is the process whereby the techniques of PRA are applied, in close collaboration with the community, to gather information about its borders, the rights of well-documented routes, key physical points of reference, and other relevant details. This information forms the basis of a set of community-developed maps which are quite rudimentary to begin with, but which evolve into relatively accurate visual representations of the land area the community occupies and uses.

PRA is used in this instance to *help the community go through a process of self-definition, both as a social and land-rights holding entity, and as a management entity with specific borders defining its area of jurisdiction.* Information is collected on historical occupation and social organization. These and other aspects such as cultural sites (e.g. cemeteries, sacred forests) all help to prove the existence of the DUAT acquired by occupation.

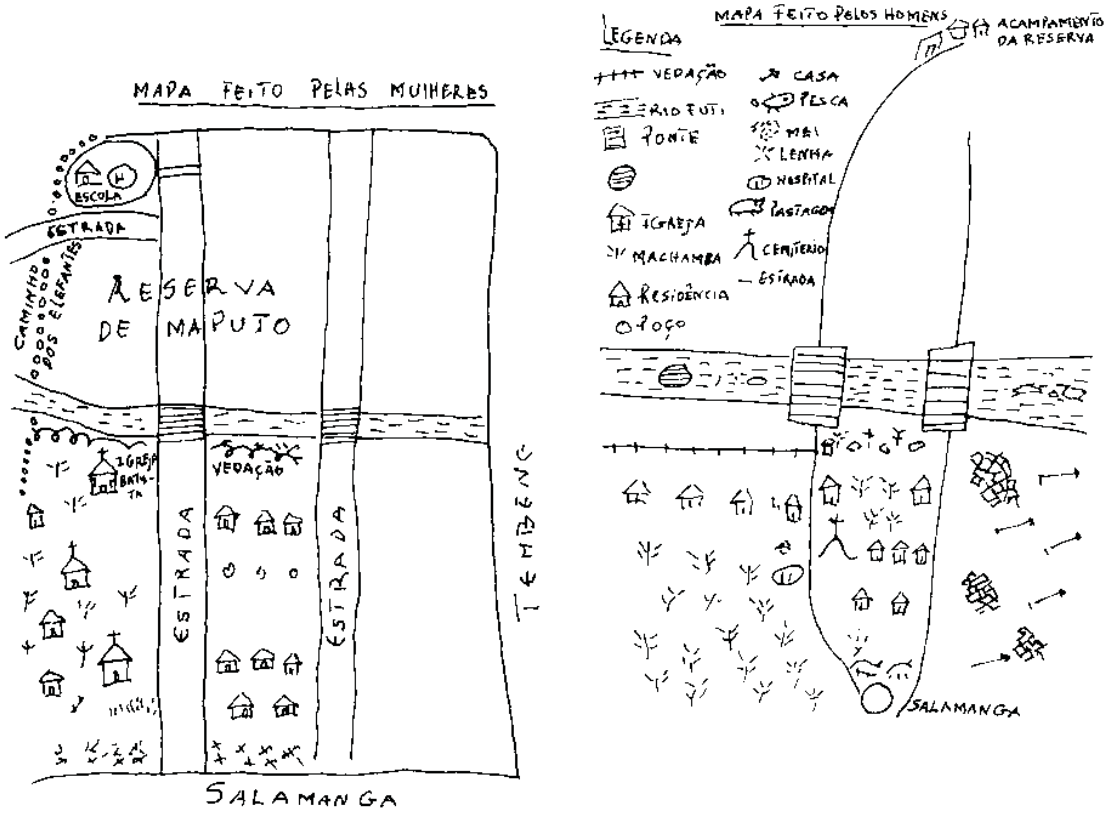
The mapping exercise involves identifying the spatial dimensions of a community – its borders and other features of the land it occupies according to customary norms and practices. Once these are recorded on a map, the *location* of that community is also established *vis à vis* other land users and occupants.



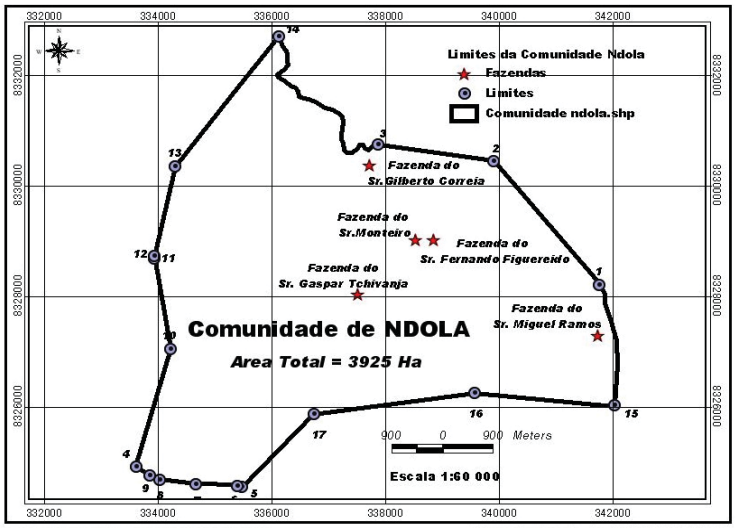
To establish the limits of the community, a variety of techniques are used i) Time line of important events in the life of the community, ii) Venn diagrams to establish which institutions and key actors are 'inside' or 'outside', iii) Land use patterns is an essential element in this process, investigated not simply in terms of current use however, but in terms of the overall land use *system* of the community.

v) Transects walking across the community to obtain a transversal slice of what they produce and where (see diagram on the left).

Initially rudimentary sketch maps are produced by different interest groups, (see below an example community maps; with women's maps on the left and men's maps on the right) which will then be consolidated into a one single community map. Then, through GPS and GIS technology, it will be possible to prepare a geo-referenced map where land allocated to IDPs will be easily identified[52].



[52] For more methodological details see: FAO. 2009. *Uma metodología para delimitação participativa de terras em Angola.* FAO project: GCP/ANG/035/EC; FAO. 2009. *Participatory Land Delimitation: an innovative development model based upon securing rights acquired through customary and other forms of occupation*. Land Tenure Working Paper No.13.



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States of Africa

Land, Natural Resources Management and Post Displacement Reintegration: case studies

Burundi

Burundi has experienced several phases of ethnic related conflicts in 1972, 1988, 1993 and 2005 causing widespread displacements[53] of population internally and externally into Tanzania, the Democratic Republic of the Congo (DRC), Rwanda and other neighboring countries. There were four main causes of displacement in Burundi: i) as a result of inter-ethnic violence, ii) the 1993 coup *d'état,* iii) fighting between government forces and rebel groups, and iv) the government's order to relocate civilians into "regroupment camps" as part of a military strategy against the rebel groups.

It is noteworthy to recognize that Burundian conflict was also fuelled by violence in the wider great lakes region as well, particularly the genocide in Rwanda and two major wars in the 1990s in the Democratic Republic of Congo. Displacements occurred in central, northern and southern parts of Burundi. The Southern parts of the country were the worst hit by the ethnic conflicts particularly, the provinces of *Bururi, Makamba* and *Rutana*.

In *Bururi* Province for instance, areas along lake Tanganyka such as *Rumonge* were the worst affected by the 1972 Hutu resistance against *Micombero*'s government[54] near what is commonly referred to as *Murere*, which saw a number of Tutsi ethnic group killed. *Micombero'*s government has retaliated by killing considerable number of Hutu and forcing many more into displacement to Tanzania. The Hutus fled and left behind their fertile land suitable for palm growing. The government distributed the fertile palm lands that belonged to these refugees mainly to Tutsi and some Hutus from *Bururi* province, who currently occupy the land. Despite the government's involvement in allocating such land there are serious simmering land disputes between Hutu returnees (from Tanzania) and Tutsi and more recently between Hutus and Hutus returnees in these areas.

Makamba and *Rutana* situated on the highland south east along the Tanzanian border were also severely hit by the 1972 war. Many people were displaced from this area to Tanzania and some of the vacated land was redistributed to Rwandan refugees (during the Rwanda genocide in 1994) while the rest was taken over by the sugar processing factory (SOSUMO Société Sucrière du Moso), and the Agricultural Research Institute (ISABU Institut des Sciences Agronomiques du Burundi). It is important to note that the three provinces hosted considerable numbers of returnees who had fled the country in the major waves of displacements and continue to suffer issues relating to the return of IDPs, as well as

[53] 100 000 internally displaced people (IDPs) were living in mid-2011 in settlements in the north and centre of Burundi. Now IDP in Burundi are 78 800. 2013 data. IDMC.

[54] Michel Micombero (1966-1976) emerged as the central actor in the organization of the killings beginning with the brutal repression of Hutu suspects in *Bururi*, the physical elimination of all Hutus troops within the army and the transformation of regionally based repressive measures into countrywide genocide.

numerous other complex displacement-related issues related to land. The government has not been able to adequately address the land problem between returnees and IDPs to this date.
Traditionally, land ownership in Burundi was based on inheritance whereby a son inherited his father's land which has inevitably led to decreasing size of plots, especially for those with larger families. Girls often have no access to their land of origin, as many are excluded from inheriting land according to Burundian tradition, despite the legal equality between men and women enshrined in the Constitution. The inheritance process of land sub-division and additional acquisition systems were traditionally monitored by *Abashingantahe*.[55]

It is important to mention that the informal customary tenure that enjoys social legitimacy existed alongside the statutory system called the Land Code 2011. This document is a revised version of Land Code of 1 September 1986, widely known in Burundi as the reference Law n°1/008 of 1 September 1986. The Constitution of Burundi, adopted in 2005, has also a reference to this effect guaranteeing the right to property, and incorporates international human rights instruments. As aresult, the Land Code of 1986 or in short the Land Code, appears to be inconsistent with its provisions that prompted its revision. For example, the Land Code recognizes acquisition of land by prescription or adverse possession in cases where the land has been "peacefully occupied" for 30 years, notwithstanding the means of acquisition of the land.

Another important aspect to consider is Burundi's population pressure[56] and the demand for land by returning refugees and IDPs that have added more problems already caused by land scarcity, dysfunctional land administration systems and long standing problems of illegal allocation of public land. There are general difficulties to guarantee tenure security to facilitate proof of land rights for the refugees and IDPs. The reality and magnitude of land tenure issues dawned

[55] Informal structures of communally appointed elders who mediated conflicts and dealt with any land issues using principles and procedures of customary law.
[56] The average size of family farms is less than 0.5 hectares and is divided up among two to four parcels. From: World Bank, 2008.

on Burundians after the Arusha Peace and Reconciliation Agreement of 2000 was signed.[57] The new political dispensation (National Council for Defense of Democracy-Forces for the Defense of Democracy coming to power to form the current government) was immediately reawakened by the real challenge created by large number of returning refugees[58] and internally displaced peoples with severe land tenure insecurity.

The reintegration of 50,000 refugees who fled in 1972 presented extraordinary challenges for the government because their land had been occupied, expropriated, sold or redistributed to others. The government resettled the internally displaced peoples in the land in and around urban centers' which either belonged to the government or refugees who fled the country. After the war the IDPs did not want to vacate such land (they wanted to retain their new homes), and at the same time, they were not willing to relocate to their original homes/land, while some wanted to share their land with refugees[59].

The refugees have failed to repossess or secure their land and property either from the government or the IDPs. Some of the returning refugees who were unable to recover their land or were landless joined the IDP settlements. The biggest challenge facing most IDPs is their insecurity of tenure in the settlements. Initially IDP settlements were set up on what was thought at the time to be State land but the ownership of settlements has been disputed by individuals or organizations. IDPs look at it as the government's responsibility to resolve land disputes and to settle any related claims for compensation, given that it was the State that authorized their settlement in the first place. In contrast, most people holding rights (mainly returning refugees) over the land on which IDP settlements have been built have applied to the CNTB in search of compensation or in some cases the restitution of their land.

It is estimated in mid-2011 that approximately 100,000 Burundians (which include refugees, IDPs and minorities) have either not returned to their homes or have returned to find their land occupied whereas 80 percent of persons displaced by conflict are landless.[60] The worst affected are the minority *Batwa* ethnic group, where at least half are landless, having been forced out of the forests they depended on for their livelihoods and have not been able to secure other land. For the IDPs and refugees access to land is seen as the only meaningful access to socio-economic rights, but also as a symbol of re-assertion of national identity in a context in which, historically, access to rights and in particular the right of access to land has often been contingent upon ethnic allegiance. The ability of refugees to reassert claims over land is not only a source of economic empowerment, but also an important indicator of reintegration and the reinstatement of active citizenship and inclusion.

[57] According to the Arusha Accord, Article IV, guaranteed returnees access to their property, or adequate compensation, and recognized the need for the equitable apportionment and redistribution of national resources throughout the country.

[58] UNCHR, in 2009 , reported that at least 500,000 Burundian refugees returned to Burundi from 2002 to 2009, mostly from Tanzania.

[59] "Two people can't share the same pair of shoes neither really profit since it becomes useless sentiments" expressed by a returnee, in temporary hosting site, Bukemba, July, 2009.

[60] Internal Displacement Monitoring Centre. 2013 Burundi – Secure Tenure and Land Access Still Challenges Long-Term IDPs.

Burundi is facing general difficulties to guarantee tenure security and facilitate the proof of land rights, as land registration procedures are complicated, long and expensive for refugees. It is important to note that the government has adopted short and long-term mechanisms to address land problems among returnees and the ever increasing population but land reforms are still far from solving Burundi's problems. The government's strategy of establishing peace villages for healing and reconciliation to the landless (locally known as the *sans reference* refugees) notably, those who were returning from neighboring countries and the *"villagization* programmes" commonly known as *paysannat* are not sustainable. This is given the fact that no guarantee on security of tenure exists in terms of ownership, access, disposal and transfer of rights over such land.

The 'peace villages' are not seen as a long lasting solution for neither reclaiming land lost to government and corporations nor offering the opportunity for reintegration into the social fabric of Burundi society and citizenry. Instead, they are fostering feelings of injustice and resentment that do not portend well for Burundi's efforts to rebuild society and persuade its citizens to return home.

It is informative to note, that several rights are granted to the State, under the categories of "public domain" which is inalienable and "private domain" which can be conceded to private entities by public officials. Navigable water bodies, flood plains, and areas designated specifically for protection (including national parks and forest reserves) are considered the State's private domain. However, the State public domain is much broader, and includes "vacant" lands; land expropriated for reasons of public utility, confiscated lands, non-navigable water bodies (including marshes and wetlands), and forests.

Welcoming Capacity approach would be an appropriate means of addressing land rights of the refugees, IDPs, minorities, private investors/corporate bodies, religious institutions who own large chunks of land and the government of Burundi. The ownership of much of the land on which IDPs settlements were established is disputed, and tenure risks are an obstacle to local integration.

Although Burundi has developed a comprehensive land code, that should help IDPs and refugees certify and identify their land under the national *villagisation* schemes (2011) which was considered by the government to facilitate durable solutions for IDPs and refugees, land disputes are still common in Burundi and are often violent (access to land was a contributing factor to the ethnically based civil war). According to field interviews carried out in August 2012 among sampled informants in Bujumbura, *Mwaro, Gitega, Kirundo,* an estimated 90 percent of all court cases are related to land rights, and 60 percent of all crimes are linked to land. Some informants went further to predict that the next war in Burundi should be over land and not ethnicity. Disputes occur over claims of ownership and boundaries which are exacerbated by waves of displacements and returns that took place in response to periods of violent conflicts.

Burundi has ratified the Great Lakes Pact and signed the Kampala Convention in 2009 that should comprehensively address the issues of internal displacement[61]. So far, there are no indications of efforts of seeking durable solutions for IDPS and refugees alike. Despite the Kampala Convention that reaffirms that national authorities have the primary responsibility to provide assistance to internally displaced people Burundi' biggest problem is land (for agriculture and settlements) scarcity[62] with increasing population lasting solution still remains a mirage for the government.

[61] The Kampala convention came into force on 6th December 2012, as a continental instrument that binds African governments to provide legal protection for the rights and well-being of those forced to flee inside their home countries due to conflict, violence, natural disasters, or development projects.
[62] Global Rights Voices. 2005. "The Long Road Home". Burundi.

Ethiopia: the case of Gambela region

The State of Gambella is situated in the Southwestern part of Ethiopia bordering the Sudan Republic to the West. Modern Gambella is inhabited by several ethnics groups such as the Anuak, Mezenger, Opuo, Kommo, Nuer, Olam, Dhwok, Bula and Maw. The Manjanger ethnic group is located in northwestern part of the region and occupies the mountainous region. Komo and Opwo are found in the northwest of the region bordering Sudan and Wello. Bula, Dhwok, and Olam are located in the southern part of the region. Nuer is based on the west part of the region while Anuak is found in most of the central, west and east parts of the region. Anywaa, Komo, Opwo, Bula, Dhwok, Olam and Manjanger are all natives of the region. Nuers are Sudanese and they infiltrated Gambella region mostly starting in 1950s as a result of the protracted civil war, including Southern Sudanese and northern-based subsequent governments. The initial population of Nuers who arrived in the east of the region were very few.[63]

During the Military Government (Derg), the Gambela region was identified as a resettlement area for the program known as "Derg's villagization." Thousands of highlanders coming from the centre and north of Ethiopia (Amahara and Tigray region in particular) were resettled and land was provided to them by the government. Originally the resettlement programme aimed to ease the tension due to farmland scarcity in the central and northern of Ethiopia and combat food insecurity, which was very critical in those regions and was strongly affected by problems of low productivity and drought. The program was developed as a voluntary programme but immediately reverted to a non-voluntary based programme. At country level during the ten year plan (1984 – 1994) more than 600 000 settlers moved from their original areas, and out of that about 150 000 were resettled in Gambela region.

Bonga refugee camp

Bonga camp was one of the three Sudanese refuges camp (the other two were Dima and Fugnido) that were set up in Gambela region (West Ethiopia) starting from 1980's to shelter tens of thousands of Sudanese people fleeing the long civil war in the south of their country that only ended in January 2005. Despite the end of the war, refuges from South Sudan are still present in the region and periodically new arrivals continue to join the ones already present in west Ethiopian regions (Gambela and Benishangul). In 2012, Fugnido camp in Gambela region arrived to host more than 32 000 refugees[64].

Bonga camp was located on the riverbanks of Baro River and hosted around 20 000 refugees for more than fifteen years. Refugees' camps were never meant to be permanent and the area was not selected for a long-term settlement. After the peace agreement in Sudan the first group of 500 refugees left Bonga camp in December 2006 and only in February 2008 other 17 000 refugees were repatriated with the support of UNHCR. The remaining refuges were resettled in other camps in the region and finally in May 2008 the Bonga refugee camp was officially closed by the government.

[63] Gambela Today.
[64] UNHCR Ethiopia.

Several factors at the institutional and community level have contributed to the increasing environmental degradation in and around the Bonga Refugee Camp. These factors mainly include:

- The lack of policy guidelines in refugee affairs at the regional level.
- The increasing expansion of agriculture by refugees into the surrounding woodland forest resulting from their efforts to supplement their food rations.
- The failure of the existing environmental protection schemes to take into consideration the needs of the community.

Since the beginning, one of the most evident problems was the lack of sufficient available land allocated for agriculture activities compared with the number of refugees present in the camp. Resource demand dramatically accelerated the conversion of forest to agricultural land, collection of wood for fire and construction, extraction of surface and ground waters, fishing and hunting from a wider area outside the official boundaries of the camp. It is important to recall that this area was heavily affected by deforestation also before the arrival of the refuges during the 90's years when nearly 3,000 hectares of forest land were lost. Originally, Gambela region was fully covered by natural forest and in the 80's UNESCO identified it as a "potential reserve areas" to be protected. Today, most of Ethiopia's remaining 3 percent forest cover lies in this western region of Ethiopia. However, deforestation and the increase of slash and burn agriculture practices in the surrounding hillsides, has left the soil exposed during the rainy seasons and, on hillsides, provides conditions for gully and sheet erosion. After the closure of the camp, the government requested UNHCR to environmental rehabilitate the surrounding area of Bonga camp. In 2007 a project of environmental rehabilitation financed by UNHCR and implemented by a local NGO started in two of the three refugee camp of Gambela (Bonga and Fugnido). Despite the activities conducted, the results of this intervention seem not to be in line with government expectations. The approach seems to be once more focused on a short-term vision and "visual impact[65]" more than a long-term and sustainable perspective.

The consequence and impact of the refugee camps on the environment today are dramatic. The surrounding area appears completely degraded, the forest has disappeared, and there are serious problems of soil erosion and land degradation visible in the entire watershed. On top of that, there are increased tensions among communities and between communities and the government concerning the land rights over Bonga camp immediately after the closure of the camp. In fact the area not only represents a potentially fertile area for agriculture purpose and also has infrastructure including 100 ha of irrigation works that were never properly utilized due to tensions among potential users.

A new road (Addis – South Sudan border) was constructed and an agreement between Ethiopia and South Sudan has been reached for the construction of a second road (Falluj-Pagak road). This road will be tarmacked to alternatively transport oil by truck through Ethiopia to Djibouti and facilitate trade between South Sudan and Ethiopia. Potentially the

[65] During a field visit organized with Regional Bureau of Agriculture it was observed how the approach of afforestation focused intensively on the introduction of foreign trees species like Nim (Azasirachta Indica) and not on reintroduction of more valuable and adaptable local tree species.

economy of the region will grow and the agriculture sector will be one of the sectors with greater growth potentiality.

The current policies of the Ethiopian government also promote the trend of large-scale agricultural projects in the country and Gambella is one of the most attractive regions for investors. Many foreign companies are coming into the region. Land is leased or available for lease to investors who are creating vast plantations of agro-fuels and food crops, mostly for export. As an example, about 100,000 hectares of land have been leased to a private company, with an option to increase to 300,000 hectares. This land deprives about 5000 Ilea indigenous people from the lands they use for farming and from their sacred village along the Openo River, which they have protected in accordance with their traditional customs and beliefs for generations. Indigenous people say that land is not only an economical factor, it is historical, political and spiritual and through it, there is a strong link between past and new generations. Apparently, the process of leasing this area was not conducted with the full participation of local indigenous people and, as a result, there is tension across the region between the local communities and local farmers. Several incidents and attacks have been registered in the region over the last few years. During the last years, the Ethiopian government started a new process called "villagization program" that aimed to provide infrastructure for the new villages and assistance to ensure alternative livelihoods. Although the movements are said by the government to be voluntary many from local NGOs say that in Gambela region, the program is taking place in areas where significant land investments are planned or occurring.

Common experiences of insecure land ownership by local communities are likely to generate not only new tension among community and other potential actors interested in land in the region, but also dissuade local communities from investing in environmental rehabilitation efforts on their land.

Watershed management is also one of the major problems in Gambela region. Absence of qualified government staff and a system of patrol and management of natural resources (forest and wetland areas) have contributed to aggravate the problem of massive environmental problems in the region. Floods are also normal phenomena in the region but in recent years, the intensity and impact of floods have strongly affected the local population. There is an evident relation between land degradation in the upper part of Baro River and the devastating effects of recent floods in the down part of Baro River including Gambela town. Therefore other humanitarian emergencies occurred more frequently in the region during the last years and thousands of people were forced to leave their home to be settled somewhere else in the region. If land tenure component is not be considered as a priority during emergency interventions, new tensions between community and new displaced people could emerge especially if displaced population are forced to remain away from their land for long periods of time.

Kenya

Land conflict and internal displacement are not a new occurrences in Kenya's history. The colonization period ushered in a new land policy, which favored the settler communities and alienated Africans in squatter settlements, where they provided cheap labor force to the settlers who engaged predominantly in agriculture. Africans were practically dispossessed of their land mainly the *Kikuyus*, *Kalenjin*, and *Maasai* ethnic groupings among many others. The famous white highlands spread across Central Kenya, the Rift Valley Nyanza, and the Western Provinces. This process was legalized with the implementation of an individual freehold title registration system at the expense of the customary land tenure system.

The unresolved historical land grievances of colonial dispossession were aggravated by politics as soon as the nation got its independence. The first President retained the freehold land titles and did not question how land had been acquired, so that land could revert to indigenous owners. Instead the government embarked on a series of resettlement programs on former settler ranches and farms based on the willing buyer -willing seller" basis. Land buying companies were formed based on a market system, which was biased towards those with the financial means to acquire land. Meanwhile, corruption and ethnic politics supported patronage networks and favored certain communities, particularly the Kikuyu, who settled in the fertile areas of the Rift Valley, at the expense of others, such as the *Maasai* and *Kalenjin* ethnic groups (who were the original indigenous owners).

Politics continued to play center stage on land matters in Kenya and the the repeal of section (2A) of the old Kenyan Constitution was the climax of land and politics in Kenya. During President Moi' rule, the "political stand was that Kenya was not ready for multi- party rule" and should follow the constitution as stipulated in Section 2A. Political utterances escalated inter-tribal feuds and land was used to divide Kenyans in the then Rift Valley and Coast provinces. The land clashes of 1990s caused the parliament and the then rulling class to repeal section 2A of the constitution making Kenya a multi-party state. Displacements instigated by political motives become the norm, commonly referred to as "land clashes" of 1992, 1997, 2004 and 2007/2008. The internal displacement crisis following the 2007 elections was thus not an anomaly rather; it was part of a sequence of recurrent displacements which stemmed from unresolved and politically aggravated land grievances, in a context of population growth, poor governance and socio-economic insecurity.

The government strategy for facilitating the return of displaced people called "*Operation Rudi Nyumbani*" in 2007/8 post poll violence, in the absence of efforts to address the underlying structural causes, created the conditions for further rounds of violence and fresh displacement. The IDPs were reluctant to return, particularly to areas affected by land disputes and put forth a precondition that measures be taken in a record time to ensure that land issues were resolved.

The IDPs who bought land in the rural areas of Rift Valley were most impacted by lack of tenure security because access to land was not only problematic but also very crucial to

livelihoods as there were no alternative economic opportunities to subsistence farming[66]. IDPs that opted for resettlement on alternative sites also faced complex situation because of land tenure issues and complex processes that could not be considered durable unless accompanied by a resolution on the land question more broadly. There were fears of violence, in case that resettlement aggravated existing land grievances, particularly in areas of the Central provinces, where population density was high and land already scarce.

This case of a failed resettlement program by the government created long-term tensions and caused more conflicts between IDPs and hosting communities due to Kenya's insecure rights to land (some of them arising from historical injustices) and overriding the ruling class interests in resettlement programs. The injustices related to squatters/landless, including those who are evicted from government gazetted areas, which manifested in the form of land clashes in the 1990s. This was also exacerbated by politics. Resettlement programs have been abused by elites, the socially powerful-wealthy, and politicians to safe guard their interests at the expense of the squatters/landless themselves.

On the other hand, the hosting communities of former white settlers' farms where the settlement schemes were established feel their ancestral land was unjustly taken by the government and given to settlers from other parts of the country. As a result, they reasoned that historical injustices should be dealt with first before any meaningful land reforms and reintegration t took place. Land resource in Kenya continues to remain crucial because both hosting communities and IDPs have a right to land, and land is an integral part of social capital on which they assert self-determination within their society, culture and economic contexts. The government has not addressed land issues including developing a comprehensive land policies which could lead to laws that could handle land grievances particularly, in the Rift Valley, Coast Province and Mount Elgon areas. Security of tenure therefore, plays an extremely important role in the reintegration processes over and above basic shelter and security.

Land access is an essential tool (constitutes the basic building blocks for enhancing and sustaining reintegration) for effective peace building and reintegration of IDPs and hosting communities. The ability to live peacefully depends, to a degree on the ability of IDPs and hosting-communities to resolve land matters without prejudicing livelihoods. While some hosting-communities are able to "re-establish or re-align" themselves quickly and allow IDPs resettlement, social cohesion always remain elusive, fragile, tense and more often, marred with suspicion because of tenure insecurity. PNTD and Welcoming Capacities would be the most suitable means of attaining long lasting solutions in Kenya situation.

[66] Personal interviews with IDPs in the Rift Valley, April 2008.

Liberia

A close historical analysis of the political conditions in pre-war Liberia is necessary in providing insights into the internal displacements and refugee crisis. Beginning in the early 1800s[67], a small number of liberated slaves from the United States (termed Americo-Liberians) began colonizing the coastal regions of Liberia, at the expense of the indigenous peoples.[68] The indigenous African population, which maintained a community-based form of customary land tenure, maintained control of the rural areas of in-land Liberia.

The Americo-Liberian communities eked out a precarious existence on the coastal regions, and as they expanded deeper into the Liberian mainland, conflict with the indigenous communities related to claims over land became common. By 1923 the influx of Americo-Liberians had led to the development of a dual land tenure system which comprised of the settlers' Western style tenure system and the legally recognized indigenous communities' customary tenure systems, which were controlled and administered by the communities themselves.[69] The Americo-Liberians' tenure system was based on written law derived from statutes and case law with land ownership evidenced by deeds.[70]

In 1949 the Hinderland Act was passed by the colonial government to integrate the two tenure systems, and in-turn offered an opportunity for tribal lands to be formally recognized within the Americo-Liberian land administration by allowing tribal chiefs to apply for land deeds in fee simple.[71] Thirteen chiefdoms applied for deeds, resulting in 2.3 million acres being legally deeded to the communities who owned the land collectively.[72]

The ruling Americo-Liberian class practiced a system of patronage and dominated the country's politics for over a century. The colonial political environment controlling both the government and economy included owning a significant majority of the country's wealth, much of which resulted from natural resource exploitation, and resulted in long-term tensions between the Americo-Liberian and the indigenous communities. These tensions were exacerbated in 1957 when the government changed its approach to land tenure, claiming all of the country's lands for the State and forcing the indigenous communities to become land tenants rather than land owners.[73] Over the following two decades additional laws and policies [74] were enacted that further confused the country's land tenure system and generally disenfranchised local communities of land and natural resource rights.

[67] The American Colonization Society was established in 1817 in Liberia as a place for freed slaves to call their home.
[68] Knight, R. 2012. "Protecting Community Lands and Resources." Namati and the International Development Law Organization. Rome.
[69] USAID. 2010. *Liberia Country Profile: Property Rights and Resource Governance*.
[70] Knight, R. 2012. *Protecting Community Lands and Resources*. Namati and the International Development Law Organization. Rome.
[71] Ibid, 21.
[72] Wily, L. 2007. *So Who Owns the Forest?* The Sustainable Development Institution, FERN.
[73] Ibid., 21.
[74] Such as the Public Lands Act of 1972 and the County Land Commission.

In 1980 Liberian government was toppled by a coup d'état that resulted in a decade of violent instability. By 1989 the country was immersed in full-scale civil war. The war had various related and overlapping factors such as ethnic divisions, predatory elites who abused power, a corrupt political system, and economic disparities[75] but land and natural resource access rights were significant issues[76]. However, what started as an attempt to oust Samuel Doe degenerated into ethnic massacres that displaced thousands of Liberians into Guinea, Ivory Coast, Ghana, Mali, Gambia, Nigeria, Sierra Leone among other west African countries.[77]

As instability continued into the 1990s with the emergence of Charles Taylor's National Patriotic Front of Liberia, the war fanned ethnic hatred and consequently, the course of the rebellion changed into unrestrained killings on a mass scale and the number of displaced persons and refugees skyrocketed; by 1996 several hundreds of thousands of civilians had fled to displacement camps while 150 000 people are estimated to have been killed.[78] Major factors contributing to the displacement of civilians included[79]:

i) Civilians became direct targets in the conflict as ethnic hatred between different communities was promoted by warring leaders.
ii) Human rights abuses were common as rural communities and IDP camps were invaded because they lacked physical security, exposing the displaced to physical abuse, torture, massacre and further displacement.
iii) In 1991 Taylor's NPLF incursion in Sierra Leone caused another wave of displacement as a result of border clashes between Taylor's NPLF and Sierra Leonean forces. Thousands of Liberian refugees in Sierra Leone escaped the fighting in that country and returned to Liberia, while some along with Sierra Leonean refugees, went to neighboring countries such as the Guinea.

After 14 years of civil war, "the process of return and reintegration of IDPs was launched in November 2004, as, on completion of the disarmament and demobilisation process, the counties of return were declared ready to receive returnees."[80]

But the 'right to return' promoted by international organizations through the United Nations Principles on Housing and Property Restitution (2005, 2.1) has not yielded many positive results in-terms of peaceful reintegration. The Principle clearly states that: *"All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any property*

[75] The Liberian Truth and Reconciliation Commission found that underlying those proximate causes, the seeds of conflict were sown by the historical decision to establish Liberia as a state divided between natives and settlers, and the use of force to sustain the settlers' hegemony.
[76] USAID Liberia Country Profile: Property Rights and Resource Governance.
[77] In the West African region in 1991, the refugee population grew to 875 000. The bulk of Liberian refugees fled in large numbers to Cote d'Ivoire, Guinea, Sierra Leone, while Nigeria, Ghana, Mali, and Gambia hosted smaller numbers. About 325 000 sought asylum in Guinea, 300 000 in Cote d'Ivoire, 125 000 in Sierra Leone, 8 000 in Ghana, and 1 500 in Nigeria. From: UNHCR, 1991.
[78] IDMC Liberia Country Profile.
[79] Ibid.
[80] Ibid.

that is factually impossible to restore. In reality, this has not worked on the ground. For instance, the Liberian government has chosen to give "legitimate IDP status only to those Liberians living in official camps. This approach left out of the return process those people who had found refuge in Monrovia and who are still occupying public or private buildings. The Liberia Refugee Repatriation and Resettlement Commission has drawn up a list of public buildings occupied by "squatters" but has made no suggestions on how and where to relocate these people."[81] Throughout Liberia, waves of displacement altered the composition of the entire country. Some IDPs exercised their right to resettle in parts of the country different from their native regions, while others chose to stay in proximity to former IDP camps where they had developed social networks over the many years.[82]

For those IDPs who have returned to their native regions, when they returned to their abandoned properties they often found them occupied by others, resulting in rising tensions and increasingly frequent outbreaks of violence. As such, Liberia's post-war stability is closely tied to the performance of the systems that can diffuse or resolve land conflicts. For example, Nimba county, which saw some of the heaviest fighting during the civil war, tensions between ethnic Mandingo groups, many of whom backed the Liberians United for Reconciliation and Democracy (LURD) rebels during the war on one side, and the Gio and Mano people, many of whom fought for Charles Taylor on the other.

The result has been eruptions of violence as the Mandingo people have returned from camps within Liberia and across the sub-region to find their homes occupied by Gio and Mano people.[83] In some places these lands are being occupied by persons who were fleeing their own homes. In such situations, both the occupiers and returnees are experiencing tenure insecurity. While the former might have no home or land to return to, the latter might have no documentation with which to prove their claims to the land. Thus, these land conflicts are invested with important ethnic and political dimensions.

Despite the government's recognition of escalating violence related to land and the formation of the Land Dispute Commission, land problems have persisted countrywide. A combination of returning IDPs, refugees, historical land tenure tensions, and lack of transparent mechanisms to address land conflicts continue to contribute to disputes. The assessment carried out in May 2012 in Grand Gedeh; presents a snap-shot of what the entire country is experiencing in-terms of land problems and post-displacement reintegration of IDPs and refugees:

i) Security of tenure has not been achieved after the end of the conflict by returning IDPs and refugees. Tenure insecurity among Liberians is clearly evident, particularly customary claims in the rural areas where most returnees were settling. Before the war, customary land tenure systems based on community or collective rights were respected and land was managed by local governance institutions. Access to land was governed by a set of rules shared by one or more lineages that settled in the area and

[81] Ibid.
[82] Ibid.
[83] United Nations Office for the Coordination of Humanitarian Affairs. IRIN Service. 8 February 2007; GoL/Ad Hoc Presidential Commission, October 2006.

first cleared the land. Claims to land are highly nested, typically ranging from claims held by the lineage-based chieftaincy or clan, extended families, and households and individuals.

After the war, the Government did not endow traditional leaders with the authority to govern land, nor has it recognized communities' primary claims to the land unless they have a formal deed. This has increased tenure insecurity, particularly among IDPs, refugees and the host/resident communities that depended on customary land rights.

In certain circumstances the IDPs, refugees and even hosting communities located nearer to urban centers or areas with high-value resources have been further exposed to displacement by the state. Legally, the state has a right to utilize its dominion over the land, such as granting concessions to mining, logging, and agricultural companies, and has claims for other land use i.e. national parks and reserves.[84] In other areas, local authorities have sold land to outside buyers without the agreement of those who claim the land under customary tenure, mainly the IDPs and refugees who either returned late or have not returned.[85] For example, several people who fled Grand Gedeh County into Ivory Coast during the civil war have lost their land. Despite these issues, the majority of rural Liberians continue to claim land under customary tenure as statutory tenure has altered the tenure structure of returnees and host communities alike.

According to the Public Lands Act, the President has the authority to lease public lands not appropriated for other purposes to individuals, corporations or companies for agriculture or mining for up to 50 years, with a potential another 50-year extension[86]. The assessment highlighted the fact that Liberians do not know about concessions before the agreements are signed. It also indicated that legally mandated stakeholder consultations are not conducted, and those concession negotiations usually prioritize the government's claims to land over community's claims under customary tenure:

ii) The assessment provided insights on how the Land Law provides a process for individuals and communities to purchase public land and thereby convert the land into private ownership in the form of a public land sale deed. The process has also contributed to dispossession of for the IDPs and refugees. The process begins with the acquisition of a Tribal Certificate. The Tribal Certificate provides the consent of the Clan Chief or Paramount Chief to have the parcel of land sold to the applicant by the government. After the chief signs the document, the District Commissioner confirms that the land in question is not already owned or occupied by another person and signs his agreement that the land may be sold to the applicant. After acquiring the Tribal Certificate, the claimant has seven years to complete the necessary steps to obtain a

[84] Buntzel, R. June 6, 2013. *Taking the land without encumbrances*, http://www.rural21.com/english/a-closer-look-at/detail/article/taking-the-land-without-encumbrances-0000740/.
[85] Buntzel, R. & Wollor, E.T. 2013. *Large-scale Land Acquisitions in Liberia,* http://www.brot-fuer-die-welt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Analyse/Analyse_39_large_scale_land_acquisitions.pdf .
[86] Knight R. 2012. *Protecting Community Lands and Resources*. Namati and the International Development Law Organization. Rome.

public land sale deed. In some cases, rural citizens and even entire communities acquired Tribal Certificates, believing the certificates would provide security of tenure. However, it is increasingly understood by rural people that Tribal Certificates do not provide proof of ownership, and respect for former community boundaries has decreased accordingly. The process is marred with outright corruption and lack of transparency as the rich gain access and control over land through formal deeds at the expense of the poor and the illiterate members of the community.[87]

iii) The assessment found out that there were several improper transfers of land held under customary tenure to elites, often facilitated by local authorities. Most of the land belonged to either IDPs or refugees. In areas where demand for land is rapidly increasing, particularly in communities near to urban areas such as Zwedru, Ganta and Monrovia etc, local authorities, both statutory and traditional, have capitalized on the lack of recognition for customary claims and transferred large portions of community land to elites coming from outside the community. In addition, such land in most cases belongs to IDPs and refugees.

The assessment also revealed that lack of appropriate documentation to prove and protect claims to land, often arising from the cost and complexity of pursuing formal documentation of rights**.** As previously mentioned, very few communities or rural individuals have formal documentation to their land. However, communities are increasingly coming to know that it is necessary to acquire a deed in order to protect their claims. However, the process is too expensive and complex and not achievable by many. The worst affected segments of the communities are women, minority groups, IDPs and refugees who returned after the conflicts with no proper documents to claim ownership.

iv) Distrust and lack of capacity of government institutions in which rights are vested is a very common phenomenon. Deeds for land in rural Liberia are often held by individuals from outside the community or well-connected local elites who have acquired the land through non-transparent processes. A story was narrated in Grand Gedeh County how youths have resorted to violence to protect communal land that was unlawfully given to County Superintendents, senior police officers, elites and other government officials from other parts of the Country. Young people are constantly questioning the veracity of these claims.

v) Government acquisitions of land claimed under customary tenure and the historical precedent of undocumented land belonging to the government has also led to dispossession of land among IDPs and refugees and even local communities. The historical precedent of the government claiming land held under customary tenure has negatively affected many rural Liberians' sense of tenure security. In parts of Sinoe, Gbarpolou, Grand Cape Mount, Grand Gedeh and Montser Rado and Maryland Counties, the government has acquired large tracts of land claimed under customary tenure to either establish National Parks, concessions for mining, palm oil production, logging limiting locals' access to land for farming, hunting, and the collection of non-

[87] Syn, J. 2012. *Mediating Land Disputes in Liberia.* Conciliation Resources – working together for peace.

timber forest products. These have affected post-displacement reintegration where IDPs and refugees lose customary land rights to the government.

vi) The assessment clearly identified land conflicts as the major reason preventing reintegration in Liberia. Conflicts over land ownership in Nimba and Lofa Counties are common as ex-combatants feel they liberated the indigenous ethnic groups from oppression and land grabbing and thus they are entitled to land resources. Then there are the violent disputes linked to contested boundaries. For instance, in Maryland County intra-ethnic group violence occurred over housing growth on farmland as a result of returning refugees from neighboring Countries. The residents of *Wetchuken* village claim that Rock Town Village annexed a piece of farmland between their settlements known as *Mahfliken* to build houses for returning refugees. Such boundary conflicts are common in Liberia and can be very violent.Traditional boundaries were marked by geographic features, trees and footpaths; knowledge of these boundaries is passed down through generations, but this traditional knowledge system was impacted by the civil war. Traditional boundaries are increasingly being contested by neighbors, IDPs and refugees returning who are crossing boundaries to cultivate crops on others' land. To make their claims more durable, encroachers will plant "life trees" on the land they have usurped. Under customary law, planting life trees asserts a permanent claim to land. In some cases, customary authorities favor the claim of the usurper because they have planted trees, causing the original claimant to lose their land rights.

The WC approach should be applied in Liberia to address long-term peaceful reintegration because long-standing tensions and historical land alienation remain volatile and emotional issues in almost all Counties in Liberia. The long-standing ethnic tensions among the Mandigo, Mano, and Gio ethnic groups in Nimba, Mandigo and Loma in Lofa Counties are flash points where land has been seized by other ethnic groups while IDPs continue to return to their native regions.[88]

On the other hand there are the Americo-Liberians, some of whom still reside abroad seeking to invest in property they claim to own, and the tension with the indigenous populations who are claiming either customary rights or more recent squatter rights. For decades Liberia has lacked transparent and accountable systems for restitution and compensation for properties, and land disputes remain rampant. With the development of a new (and first) Land Rights Policy in May 2013[89], the WC approach can play an important role in addressing land conflict and promoting tenure security in Liberia.

[88] Norwegian Refugee Council. 2010. *A Comparative Analysis of Land Conflicts in Liberia*, Grand Gedeh, Lofa and Nimba Counties.
[89] UN Habitat. 2013, May 13. Press release: "Liberia's first land rights policy presented to the government."

Rwanda

Rwanda is one of the smallest and most densely populated countries in Africa with more than eight million people sharing little more than 26,000 square kilometers.[90] The land has historically been shared between Hutu farmers, Tutsi pastoralists and Batwa, who make up 85, 14 and 1 percent of the population respectively; the three groups share the same language and culture.[91]

Since the 1950s, the population of Rwanda has almost quadrupled, causing enormous land pressure. In 1934, the population was 1.5 million; by 2003, it had risen to 8.16 million. In the 1960s, agricultural land density was 121 persons per squared km, which increased to approximately 262 persons per squared km in 1990. Today, the national average is well above 350 persons per km, but in some areas, it is even higher.[92]

Around 90 percent of Rwanda's population live in rural areas and 90 percent depend on agriculture, and more than 70 percent of the poor reside in rural areas. While recent estimates put the number landless at about 11 percent of the population.[93]. The level of women-headed households has decreased over the past two decades, but at least 20 percent of households are still headed by women,[94] most of whom are genocide survivors.

Environmental degradation due to these population pressures is a great source of concern in Rwanda. The need for wood for uses such as fuel and timber is the major agent of environmental degradation in the country. Human settlements, diversified agro-pastoral practices, consumption of forest products, bush fires and urbanization have caused the disappearance of the natural climatic conditions to more than 90 percent.[95] Primary forest once covered 80 percent of the country; today only 5 to 8 percent is left. The search for more land for cultivation has also led to high altitude degradation. In the past, cultivation was practiced at a maximum elevation of 1 800 m, today the maximum is 3 000 m. [96]

As in most parts of the region, the land tenure system in Rwanda before colonization was characterized by the collective ownership of land. Families were grouped in lineages, and these were in turn grouped in clans which were represented by their respective chiefs.[97]

[90] Government of Rwanda. 2002. *Rwanda Development Indicators*. Ministry of Finance. Kigali.
[91] Norwegian Refugees Council. 2005. *Ensuring durable solutions for Rwanda's displaced people: a chapter closed too early*.Global IDP Project.
[92] Government of Rwanda. 2002. *Poverty Reduction Strategy Paper*. National Poverty Reduction Programme. Ministry of Finance. Kigali.
[93] FAO. 2006. *Improving Tenure Security for the Rural Poor*.
[94] Government of Rwanda. 2002. *Poverty Reduction Strategy Paper*. National Poverty Reduction Programme. Ministry of Finance. Kigali.
[95] European Commission and Republic of Rwanda. 2006. *Environmental Profile of Rwanda.*
[96] Baechler, G**.** 1999 *Violence through environmental discrimination: Causes, Rwanda Arena and Conflict Model*. Kluwer, Dordrecht.
[97] *National Land Policy* of the Republic of Rwanda, 2004.

Based on the customary Rwandan inheritance tradition, land rights were passed on from generation to generation.

At the beginning of 21th Century, the German colonizers recognized the existing land tenure systems and the land management systems through the traditional royal administration. After the Germans left Rwanda, the country was occupied by Belgian forces who imposed a new legal and administrative system. In spite of the introduction of written law by the colonial authority, the dual tenure system persisted and customary land tenure continued to be the dominant land tenure system.[98]

The ethnic[99] conflict between Hutu and Tutsi began during the second half of 1800, when Rwanda was ruled by an increasingly centralized Tutsi kingdom. The kingdom's expansionist policies involved a drastic alteration of autonomous or semi-autonomous clan-structures and manipulation of traditional socio-economic categories. The kingdom[100] increasingly gained control over access to land and managed, to a great extent, to replace the Hutu ruling elite with Tutsi, paving the way for collective sentiments of superiority and inferiority between the two groups.[101] The ethnic rivalry was worsened by the colonizers, who initiated a racist political hierarchy based on the belief that the Tutsi minority were a superior race, and installed an indirect Tutsi rule over the Hutu majority.[102]

After decolonization, Hutu activists of the emancipation movement of the Revolution of 1959, moved violently against the Tutsi, forcing more than 100,000 people to seek refuge in neighbouring countries. Cycles of violence followed, with exiled Tutsi (organized in the Rwandan Patriotic Army-RPA[103]), attacking from neighbouring countries, and the Hutu retaliating with large-scale slaughter and repression of the Tutsi.[104]

After the Revolution, the 1962 Rwandan Constitution (Article 108) recognized Belgian land tenure regulations as binding, stating that lands occupied by the original inhabitants were to remain in their possession, all unoccupied lands belonged to the state, all sales or gifts of land were to be approved by the Minister of Agriculture and lands belonging to persons who were not original inhabitants had to be registered. After a Land Law of 1976 (confirming the Constitution's statement), the land issue was dismissed from the government agenda, despite the fact that there was a great insecurity rate of tenure and access to land, worsened by the population growth and the internal displacement of people. The situation was characterized by a context of juridical uncertainty, and by an associated tenure insecurity linked to land disputes, generated by the confusion raised by the technical illegality of land transfers.

[98] Payne, G. 2011. "Land issues in the Rwanda's post conflict law reform" Local Case Studies in African Land Law PULP.
[99] Defined "emic" rather than "ethic" by the International Criminal Tribunal for Rwanda.
[100] The king Rwabugiri who held the kingdom from 1860 to 1895. Prunier, G. 1995. *The Rwanda Crisis, 1959-1994; History of a Genocide*. London, Hurst & Company.
[101] Prunier, G. 1995. *The Rwanda Crisis, 1959-1994; History of a Genocide*. London, Hurst & Company
[102] Norwegian Refugees Council. 2005. *Ensuring durable solutions for Rwanda's displaced people: a chapter closed too early*. Global IDP Project.
[103] The RPA was composed of Tutsi refugees who had fled several pogroms in the post-colonial period, most notably in 1959-1961, 1963-64 and 1973.
[104] Prunier, G. 1995. *The Rwanda Crisis, 1959-1994; History of a Genocide*. London, Hurst & Company.

These transfers were occurring in a context of multiple population movements and redistribution of lands, directed by the national and local level government. The evolutionary and flexible nature of customary systems, which is often a strength in terms of their ability to maintain general social cohesion, had, to varying degrees, been overwhelmed by the sheer scale of the changes in these years, and especially by the weakening of community relationships.[105]

The '80s experienced an economic crisis, and the effect of 1990 and 1992 structural adjustment programmes increased poverty and unemployment. This was further aggravated by a major internal displacement situation caused by incursions of the Rwandan Patriotic Army (RPA) in the 1990s. In 1990, the RPA invaded northern Rwanda, initiating the Rwandan Civil War, ended with the Arusha Peace Agreement. During the war, the Tutsi occupation of the Northern areas caused the displacement of over 1 million Hutu farmers. One year later, between 500,000 and 1 million Tutsi and politically moderate Hutu were killed. The genocide caused almost 2 million Hutu to seek refuge in Zaire, Burundi, Tanzania. Another 1.2 to 1.5 million people fled in the south-west of Rwanda and became internally displaced until the last camp, hosting around 120,000 people, was violently dismantled by the RPA in April 1995 forcing people to return to their home regions still in conflict.[106]

The war and genocide had many causes, all of which were worsened by land scarcity. The Arusha Peace Agreement, signed in August 1993, tried to assess the land problem by stating that people were free to return to his/her country and settle in any area as long as he/she didn't infringe on someone else' rights, with the exception that Rwandans who spent more than 10 years outside the country could have no claim on the land. The returnees after more than 10 years were allowed to cultivate land on a temporary basis. [107] After the genocide though, it was impossible to apply the Arusha Peace Agreement, because during the massacre, refugees occupied the abandoned land of who fled the genocide.

In December 1996, the National Habitat Policy, also known as villagization policy, provided for the relocation of all Rwandans living in scattered homesteads to government-created villages, and later was supposed to solve the country's internal displacement problem. Soon

[105]Huggins, C(no date). *The Challenges of Land Scarcity and Protracted Social Conflict in Rwanda: A Discussion Paper*. African Centre for Technology Studies (ACTS), Nairobi.

[106] Kleine-Ahlbrandt. 1998. FMR.

[107] *"Article 2*

The return is an act of free will on the part of each refugee. Any Rwandese refugee who wants to go back to his Country will do so without any precondition whatsoever. Each person who returns shall be free to settle down in any place of their choice inside the country, so long as they do not encroach upon the rights of other people."

"Article 3

For purposes of settling returnees, the Rwandese Government shall make lands available, upon their identification by the "Commission for Repatriation" so long as they are not currently occupied by individuals. The Commission shall be at liberty to explore and choose, without any restriction, resettlement sites throughout the national territory. The selection of sites, their occupation and farming shall take due consideration of the protection of endangered animal species, especially the mountain gorilla. Depending on the protection requirements and the planned farming development activities, the transfer of those species into compatible ecosystems is recommended." Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front.

after the adoption of the policy, in December 1996, the government – with the support of donors, the UN refugee agency UNHCR, World Food Programme (WFP) and NGOs - initiated a construction period that lasted only until 1999, when donors started receiving reports of coercion and use of force from the authorities. Despite the magnitude and the drastic consequences for so many people, the policy has never been subject to any democratic scrutiny or consultation.[108]

In 1996, a RPA attack to the Hutu refugee camp of Zaire (now Democratic Republic of Congo) forced 1 million Hutu to return to Rwanda. Between 1997 and 1998 the RPA forced around 650.000 people to move into makeshift camps, to stop the insurgency.[109] Instead of letting the internally displaced return to their scattered homes on the hills, the government decided to relocate the displaced people from the makeshift camps and resettle them collectively in newly established group settlements under the on-going national villagization programme.[110]

The villagization programme raised many concerns, because the State took the land to build the villages from evicted landowners who were never compensated;[111] in many cases, people were forced to move into the new settlement and were obliged to destroy their homes; conditions in the villages are appalling, often lacking sanitation services, or schools. The National Habitat Policy increased the constraints to accessing land for people who were displaced in the villages, and failed to create non-agriculture opportunities. Furthermore, it was criticized for having beneficed only some categories of refugees.[112]

Even if, according to UN, many of the villagers cannot be defined IDPs since 2000, the situation in Rwanda is still extremely critical, with people still complaining of unequal treatment between Hutu and Tutsi; the government denies any difference between the two groups, as a way to overcome the racial hate, but on the practical plan this behavior could underestimate concrete conflicts, and true discriminations.[113]

Since 2000, Rwanda made several attempts to develop the country; in 2000 the Republic of Rwanda published a document called Vision 2020, that identified six interwoven pillars, including good governance, an efficient State, skilled human capital, a vibrant private sector, world-class physical infrastructure and modern agriculture and livestock, all geared towards national, regional and global markets. [114]

[108] Human Rights Watch 2001.
[109] Norwegian Refugees Council. 2005. *Ensuring durable solutions for Rwanda's displaced people: a chapter closed too early*. Global IDP Project.
[110] United Nation Office for the Coordination of Humanitarian Affairs 2000; World Food Programme 1999.
[111] Bruce, J. 2009. International standards, improvisation and the role of international humanitarian organizations in the return of land in postconflict Rwanda. *In* S. Pantuliano. *Uncharted Territory Land, conflict and humanitarian action.* Warwickshire, Practical Action Publishing.
[112] Norwegian Refugees Council. 2005. *Ensuring durable solutions for Rwanda's displaced people: a chapter closed too early*. Global IDP Project.
[113] Ibid.
[114] See the Rwanda Vision 2020 at: (http://www.minecofin.gov.rw/home/ministry/key-documents/rwanda-vision-2020.html).

Given the dependence of most Rwandans on land as the source of their livelihoods, and the need to prevent any future socio-political conflict based on land resources, it was imperative for the Rwandan government to introduce a land reform programme in the aftermath of the 1994 genocide. The government developed the land policy in a continuum with the National Habitat Policy. Despite governmental attempts to carry out consultations for it, the effective involvement of population was judged ineffective.[115]

The National Land Policy (2004), the strategic document preceding the Land Law, stated that the Land Law, in order to achieve tenure security and rational use of land resources, should:

• put in place mechanisms which guarantee land tenure security to land users for the promotion of investments in land;

• promote good allocation of land in order to enhance rational use of land resources according to their capacity;

• avoid the splitting up of plots and promote their consolidation in order to bring about economically viable production.[116]

The Organic Land Law of 2005, following the national Land Policy, promotes an individualistic property regime, in opposition with the traditional communal land tenure.[117] One side, the Land Law seeks to secure the highly unstable land tenure, and tries to reduce land disputes, but the extremely high number of title to be registered (roughly 8 millions) could cause shortfalls leading to new tensions.[118]

On the other side, the law is market-led and marked-oriented, if not carefully managed, it could harm who cannot resist to the market dynamics, normally the poorer farmers and the smallholders, and could attract big foreign investors. Indeed, it is reported that in some areas, in the attempt of applying the law and facilitating the intervention of land developers, local administrations set the land prices in advance, and at rates often considerably below marked values.[119] Having acquired prime urban land at these discounted values, the city authorities then sold the land to property developers at a high price. This market-based displacement benefited developers and investors at the expense of existing land owners, who lost their lands and houses for compensation sometimes insufficient even to allow them to purchase an undeveloped land parcel in the urban periphery. [120]

[115] Huggins ,C. & Musahara , H. 2004. Land Reform, Land Scarcity and Post Conflict Reconstruction. A Case Study of Rwanda. *Eco-Conflicts,* Vol. 3. Nairobi: African Centre for Technology Studies.
[116] *National Land Policy* of the Republic of Rwanda (2004).
[117] Payne, G. 2011. *Land issues in the Rwanda's post conflict law reform*. Local Case Studies in African Land Law PULP.
[118] *Ibid.*
[119] *Ibid.*
[120] Hitimana, B. 2012. "Will Rwanda's land reforms dig solutions?" *The Independent*.

Finally, the Land Law recognizes some land rights to women, but the equality between all Rwandan citizens affirmed in the Rwandan Constitution is far from being reached.[121]

Land access and tenure in Rwanda keep being a delicate issue and, despite institutional efforts, livelihood is still critical and poverty widespread. Furthermore, the situation with IDPs and refugees continues to mark the reality of the country. According to a UNHCR report of 2013:

"Rwanda enjoys a relatively stable political environment, but the country has felt the reverberations of the violence in the neighbouring Democratic Republic of the Congo (DRC). Violent clashes fuelled by ethnic tensions and conflicts over land in the DRC's North and South Kivu provinces at the start of 2012 had by September pushed some 20,000 new refugees into Rwanda.[...]

In addition to the new arrivals, Rwanda hosts another 43,000 refugees, more than 99 per cent of whom are also from the DRC. [...] This brings the total of refugees and asylum-seekers in Rwanda to more than 57,600. The worsening security situation in the DRC limits these refugees' prospects for return.[122]

The delicate situation in Rwanda, with ethnic rivalry still open but unconsidered by the authorities, poor conditions in the National Habitat Policy villages, land law increasing competition over land and high number of new refugees in some areas, leads to the conclusion that the Welcoming Capacity would benefit the Country's efforts to face land problems.

[121]Uwayezu E., Mugiraneza T, 2001. *Land policy Reform in Rwanda and Land Tenure Security for all Citizens: provision and recognition of women's rights over land. Rwanda.*
[122] UNHCR. 2013. *Rwanda Country Report Profile.*

South Sudan

Following the signing of The Comprehensive Peace Agreement in 2005 between the Government of Sudan and the Sudanese Peoples Liberation Army (SPLA), southern Sudanese who have been in displacements and refugees residing mainly in Kenya, Uganda, and Ethiopia as well as outside the continent, felt it was safe for them to return home. One of the greatest challenges however, was finding places for people to live in the short term, under conditions that provided safety for them without threatening the rights to land of hosting communities' (those who remained behind/not displaced) At the same time, improving socio- economic stability in the south also required more permanent solutions to which secure access to land was a crucial factor in terms of eradication of hunger and poverty.

The hosting communities felt excluded by the level or type of protection and assistance provided to IDPs they "perceived it as a standard of comfort noticeably higher than theirs". It is true that IDPs were, by nature, were the bottom of the marginalized groups in economic and social terms but equally they were settling in areas where hosting communities were living in worse conditions particularly the outskirts of big towns such as Juba, Yei, Rumbek etc.

There were changes in social relations and a scramble for land among IDPs, wealthy individuals/ex combatants and hosting communities who had insecure rights to land. They felt threatened by compelling claims of others or in some cases faced the risk of losing their rights through eviction because government institutions had little or no authority to protect or assist them. Securing access to land was not easy for IDPs because of different types of ownership rights that existed in South Sudan such as private, communal and open access, common grazing rights, private residential and agricultural holding and state ownership.

Research[123] carried among returnee women in the Greater Equatorial States and Bar El Ghazal should that IDPs had no legal binding documents to prove ownership of land both in the urban/towns and rural areas of return. At the same time, access to communal land was based on kinship systems which did not favour women heading households returning without male relatives. Informal and formal forms of tenure systems were operating side by side and created more complications especially on patterns of land rights and interests'. The vulnerable groups mainly the poor, women, orphans, minority and the illiterate had difficulties in securing land access and many of their names were not included in the list of land claims.

The low value and weight assigned to land tenure issues by the government and humanitarian organizations and those leading recovery and reconstruction efforts did not - match with the magnitude of the problems and the importance assigned topeople who were experiencing these problems on a daily basis. In addition, it was not easy to establish institutions with the legal authority and capacity to adjudicate land rights and land disputes.

[123] Personal interviews conducted in South Sudan, September-November 2007.

According, to the field work carried out in South Sudan in 2007, natural resources underpinned livelihoods opportunities for hosting communities, refugees and IDPs alike in the Central and west Equatorial States, Lakes and Western Bar el Ghazal States where returnees were resettling. The field work also indicated that generally, the relationship of sustainable management, environmental degradation, population growth and conflicts were inextricably linked.

Resettlement and restoration of economic activities for instance, created intense pressure on natural resources, land and water in particular, that hosting communities previously depended upon. The combined pressure of lawlessness created during conflicts and eventual disintegration of institutional management systems had serious consequences on land resource. The then newly formed Government of South Sudan (GoSS) had severely limited institutional capacity and resources to respond to returning IDPs and hosting communities particularly on land tenure issues.

In situations where hosting-communities, were receiving large number of IDPs, the research highlighted that, the hosts themselves were not immune to tenure insecurity related problems, mainly emanating from land governance. The state's institutional structures were totally broken down, destroyed or severely weakened during protracted wars, which in turn, created a political power vacuum and conflicts. There were lack of /or non- existing land records, no binding rights and obligations, no transparency and accountability, overlapping land claims and disputed boundaries.

The "resilience" of customary institutions and their "un-codified laws" and land tenure systems were subject to abuse and alterations during the 22 years of civil war. In this context, particular attention was never given to women's access rights to land and other natural resources that might be lost in the customary context. Women headed households and IDPs were severely disadvantaged because according to the customary rules, land belonged to male members of the communities and women only had secondary user rights.

The disruptions created by displacements, verbal informal land claims, contributed to renewed conflicts between hosting communities and returning IDPs in places like *Yei*. Southern Sudan traditional customary/ informal systems of land administrations were allowed to continue arbitration and handling of land cases alongside GoSS[124]. However, these institutions were heavily compromised and accused of lacking transparency. In many cases, the judgments' passed were in favor of the powerful elites/politicians and/or ex-combatants. Competing claims for land restitution for IDPs, including those who acquired land legally before the conflicts and lost them after was a huge problem. The resolutions arising from such land disputes have consistently showed higher probability of aggravating tensions.

The situation resulted in i) compromised dispute resolution mechanisms ii) under-cutting of positive environmental practices and iii) an uncontrolled system of natural resource exploitation. The impact of returnees on environmental degradation as a consequence of

[124] Comprehensive Peace Agreements (CPA, 2004) did not address land ownership, and the southerners' interpretation was "land belongs to the community not the government".

massive exploitation, including deforestation for charcoal burning and firewood, are serious and potential causes of renewed conflicts.

One of the explanations for poor management of resettlement and/or reintegration programs derives from the misinterpretation of land availability. As South Sudan has large areas of apparently still unoccupied and under-usetilized, it was not uncommon to hear senior government officials talk of ´lots of land for every Sudanese without concerns being raised about underutilization.' In areas such Yambio land held under customary land rights by the Zande are not exploited and the population is still smaller compared with other areas of South Sudan. In reality areas that were perceived as fertile land with ample rainfall and access to water and other natural resources were far less abundant. Hosting communities had figured out where these areas were during the conflict and it was normally such lands that populations concentrated on in otherwise empty landscapes.

It was of course these 'best resource' areas that IDPs also wanted as an area for settlement which drew endless disputes. This kind of competition fuelled land related conflicts involving relatively small but fertile areas such as *Yei*. Other deriving factors related to the conflict in *Yei* were its closeness to socio-economic infrastructure such as schools, hospitals, markets and access roads as well as the availability of water. This was exactly why so many IDPs insisted on returning to the urban centers such as *Rumbek, Juba* and *Wau* among many others.

Another scenario that was facing not only IDPs but hosting communities alike was the exposure to land grabbing by the powerful elites, ex-combatants, political groups and senior military officers. Sudan civil war "opened up a new chapter" of enlightenment for both IDPs and hosting communities to appreciate the economic value of land besides the known social, cultural and political interests. The effect of such awareness has been the emergence of new conflicts related to land and increased cases of land grabbing by the wealthy and powerful commercial farmers. The elite interests and political factors feature predominantly in areas where there are acute land conflicts between private and community interests.
Recovery and reintegration in Sudan needs to closely look at land tenure problems because:

- The hosting communities' landowners, even when they are a minority, should be protected and retained. Otherwise, ownership claims could significantly make peace agreements meaningless; hasten hostility, and resentment, and social tensions between theIDPs and the hosting communities.
- Environmental degradation in the medium and long-term may also increase competition over natural resource management, threaten social stability, and infringe on cultural identity and rights to land of hosting communities.
- Recovery from violent conflicts create more problems related to loss of land, destruction of critical infrastructure, collapse of legal systems, loss of records and expertise, widespread mistrust and confirmed fears and threats of renewed violence.
- The current spiral downwards into violence experienced in the new Republic of South Sudan could as well have come about by limited capacity to address the problems of access to land and land administration and natural resources in parts of *Jongolei* States for instance.

- Security of tenure in post –conflicts usually resulted in insignificant changes to land tenure arrangements, administration and management.
- Displaced people were often forced to settle on land to which they have no legal claim across generations.
- Hosting communities in safer areas also faced increasing competition for access to natural resource given the number of IDPs arrival on security grounds from displacements.

WC approach should be used to reduce land conflicts, foster trust and confidence among the IDPs, refugees and the hosting communities in South Sudan.

Initial Application of Participatory Negotiated Territorial Development /Welcoming Capacity Approach

Sudan, Darfur

The conflict in Darfur is the product of a complex set of factors. It has been described both as an ethnic cleansing campaign carried out by the Sudanese government and its allied militia groups, and as a local struggle over natural resources between non-Arab farmers and Arab herders. [125]

The roots of the conflict are complex with several elements attributed as contributing to it: inequitable distribution of economic and political powers; absence of strong and just governance structures; ethnic divisions; economic influences; climatic and environmental factors; deficiencies in land tenure rights; historical feuds; and more recently, militarization and proliferation of small arms.

The conflict has been characterized by UNEP as being caused by an erosion of natural resources leading to climate change, which in turn has led to social strife and ethnic conflict. The long-standing and primarily local conflict over land and grazing rights between non-Arab farmers and Arab pastoralists has been made worse by climate change. Sudan in general has suffered several long and devastating droughts in the past few decades causing widespread displacement and localized famine. The scale of historical climate change, as recorded in Northern and Central Darfur for instance, indicated prolonged drought that sped up desertification processes and a reduction in rainfall that has turned millions of hectares of already marginal semi-desert grazing land into desert.

FAO's engagement in specific land issues in the Sudan dates back to 2001, when the organization was invited as a partner of the Intergovernmental Authority on Development (IGAD) Partners' Forum (IPF), with the sole objective of carrying out a quick assessment on access to land, water and grazing land.

Through its presence in the Sudan – albeit limited in terms of human resources and somewhat restricted in the context of emergency relief – FAO began to build a stronger platform for dialogue on land issues with different partners, including the Government of Sudan, the Sudan People's Liberation Movement (SPLM), different UN organizations, NGOs, the academic institutions (e.g. the Universities of Ahfad, Bahr El Gazal, El Fasher, Khartoum) and donors. FAO was also requested by a number of partners to extend its mandate and start addressing issues of access to land and natural resources in the Darfur area.

[125] For more details see FAO. 2012. *Addressing natural resources issues in Darfur through a Participatory and Negotiated Territorial Development approach: preliminary results*, FAO Land Tenure Journal, No.2.

Emphasis was placed on the need to recognize and legalize – in an inclusive fashion – land rights acquired by local populations through historic occupation, as well as rights-of-way, acquired through customary norms and practices since time immemorial.

At the beginning of 2010 a new FAO project[126], specifically addressing these issues in the context of Darfur, was approved and is actually under its second phase stage of implementation. At the beginning of the project, in March 2010, it was clear that the different ethnic groupings were fissured, had become conspicuously polarized, and developed antagonistic and ethnically based attitudes towards each other.

These antagonistic attitudes were manifested in mistrust, bitterness, rivalry and suspicion, besides practical sufferings involved in the large-scale physical displacement of many people, loss of property and life. Minor disputes that were previously settled at community levels escalated into ethnic differences in which hatred and deep mistrust reigned supreme, as ethnic groups were branded either pro- or anti-government loyalists. The different communities in conflict had all lost trust and confidence in the government as an 'honest broker' and its abilities as a mediator for peaceful co-existence and community reconciliation. At the community levels the government had become party to the emerging ethnic conflicts and was not at all a neutral arbitrator.

Many people were forced into displacement from their own farms as a result of fear of attack from their neighbors, irrespective of whether they supported the government or rebel groups. The proliferation of arms and the rampant insecurity caused by tribal militia groups, government fighters and armed gangs of criminals, significantly contributed to internal displacements.

Insecurity in most areas of the three Darfur States in the North, South and West also heightened crime-related violence and threats to people's basic physical security, e.g. sexual gender-based violence (SGBV) such as rape.

These seemingly ever-present and widespread dangers resulted in restricted movements both for humans and animals. The situation not only led to environmental degradation, but also to intense conflicts over water resources in areas perceived relatively safe. There were disputes between farmers and pastoralists over the destruction of crops by animals, particularly in the months of October to December.

There were also incidences of recurring conflicts caused by agro-pastoralists encroaching or expanding farming activities into traditional animals' migratory routes and grazing corridors. The pastoralists were also creating new animal routes on former farming lands / plots.

In Darfur the soils of crop farms were previously sandy (qoz). Because of population increases, household land holding has been reduced and farmers have started moving to clay

[126] See: UNJP/SUD/076/DPF "Increasing cooperation between conflicting communities through promoting dialogue and enhancing livelihoods and natural resources management in North and West Darfur States." https://extranet.fao.org/fpmis/FPMISReportServlet.jsp?countryId=SD&div=&fundG=&type=countryprofileopen&lng=EN&qlfrs=&UF=N&typeUF=&colorder=2345&pwb=&sorttype=1 .

(wadi) soils. In some areas both agro-pastoralists and pastoralists have adopted strategies aimed at increasing their productivity by converting their own former pastureland to farmland. The conversion of farming land has also been carried out on former animal migration routes without allowing corridors for the animals to graze.

Customary leaders (Malik, Nazir, Shartai, Furshas, Amirs, Omdas and Sheiks) were in the forefront of handling ethnic disputes related to natural resources and community reconciliation. The native administration (Idara Haliya) continued to remain a very important source of legitimate jurisdiction, recognized and trusted by communities. They still commanded a lot of respect at the village / community levels, more than the government. It's in this context that the project 'Strengthening community-based institutions for participatory peace building, conflict resolution and recovery planning' in Darfur was formulated and is actually being implemented, with the aim of bringing together different ethnic groups that were in conflict to address the above mentioned problems, in particular, problems related to competition or restricted access to common natural resources.

Application of PNTD Approach in Darfur

A conflict assessment was carried out using the Participatory and Negotiated Territorial Development approach (PNTD)[127]. The assessment showed Darfur's case as a complex transforming conflict. The discord over resources has been clothed in the symbolism of ethnic survival and fuelled by a vicious cycle of revenge which may continue to simmer long even after the initial resource disputes have been settled if not addressed peacefully. The project was taking place in an environment where different ethnic groups in conflict were polarized and natural resources and peace building were considered very sensitive issues by the government and other administrative authorities.

The Darfur Peace and Stability Fund project implemented through FAO, and the Sudan Emergency and Coordination Unit adopted the PNTD approach by identifying views/diagnosis of the territory that provided useful information on who the stakeholders were (Institutions, individuals, social groups and parties), how they were directly and indirectly involved in the conflicts, as well as their interests, visions, positions and power imbalances at the community and locality levels. The stakeholders' analysis was useful in identifying the processes of reducing suspicion and mistrust and better understanding the other people's views and, problems before embarking on dialogue negotiations and consensus building.

Using PNTD/WCA the project organized participatory dialogue to discuss and negotiate land tenure issues such as blocked migratory routes in the El Salaam Locality. The *Fur* and *Turjem* ethnic groups in the El Salaam Locality discussed the history of land tenure/*hakura* system (rights to own, transfer/disposals, use) in El Salaam Locality.

[127] More info on PNTD approach: FAO. 2005. "Participatory and Negotiated Territorial Development (PNTD)".

The Fur complained about *Turjem* "occupation of their land and property" during the conflict. The participants (*Fur* and *Turjem* ethnic groups) negotiated on joint platform/arena and reached a consensus through dialogue. The *Turjem* voluntarily vacated the "occupied" Fur Land/houses/property and surrendered the farms they had been cultivating[128]. The *Turjem* agreed to share part of their land with the fellow kinsmen in *Amara* east of *Wadi Um bagertain*, *Tibnat, Dagaris, Umdrisaia, Umkhabrni*, *El Sheikh Mahdi* and *El Dodo Hajar bagari* and *Darin in Gusa.*

The project supported the reconciliation of the two major ethnic groups that were in conflict and have been involved in resolving emerging disputes among them. The HLC have been actively involved in the process of ensuring that the Fur IDPs have access to their land/houses by July 19th ,2011. 600 households have been vacated in Fur land and resettled at *El Darien*. The HLC have also negotiated access rights among other Arab nomads over blocked migratory routes in El Salaam by agro-pastoralists improving trust and confidence.

The project, in close consultation and collaboration with El Salaam Locality, UNICEF and Afag[129] have supported provision of water digging of six wells and hand pumps in the new areas occupied by the *Turjem* ethnic groups besides provisions of agricultural inputs, establishment of pasture enclosures to preserve pastures (range management in the new areas) and supported youths through IGA (cheese making) to reduce unemployment and the culture of violence.

During the displacement the IDPs were usually considered the target for post-conflict intervention (recovery and rehabilitation) and they were more involved in actions and decision–making processes in (represented) organized forums by international community, humanitarian agencies and government (national and local levels of governance) on voluntary return, resettlement, reintegration and rehabilitation processes.

On the other end, hosting communities in places such Zalinge, Kalma, Dar el Salaam among other camps felt excluded from such decision-making and negotiation processes. Yet, building sustainable livelihoods and long-term rehabilitation should be inclusive especially where natural resources are at stake. The exclusion perpetuated mistrust and impacts on long – term reintegration for IDPs who did not wish to return to their original homes. For instance, competition over natural resources and economic livelihoods after return/resettlement processes more often than not "trigger flare-ups" between IDPs and hosting communities because resources may face destabilization because of increased pressures. For example, there were violent conflicts among the hosting communities in Zalinge over massive deforestation by IDPs.

The use of "top-down" approaches in reintegration by international community, government, mandate-based agencies of the UN, international and local based organizations are often based on assumptions that:

[128] In Abujazo the Turgem were to leave *Maraisy, Awain Rad* east of *Wadi Esledgi, Boron Brom* and in *Bul bul dal alal angra Marhabieb*, *Al daga, Jabaroma, Missic, Tatries* and *Kabakata* Locations.
[129] South Sudan National NGO.

- IDPs are returning to their homes or relocating to other parts of their own country and they are able to reintegrate and continue with their normal life.
- Return of IDPs would automatically restore "destroyed relations" of trust and previous interactions with the hosting/resident communities since the conflict is over.
- Nothing had changed despite the displacements (previous social, economic entitlements and securities of IDPs and host – communities remain the same). For instance, no special attention is paid to the short and long-term implications of post-conflict transition and eventual reintegration of IDPs (at times, with weak or lack of effective institutional frameworks).

Even though it is the government's responsibility to protect the rights of IDPs to return to the land they were forced to abandon, reintegration has been very difficult because hosting communities social networks built to accommodate and absorb IDPs are not recognized and sometimes weak or nonexistent after conflict.

Uganda

The roots of the conflict in Northern Uganda fundamentally date back to 1986, when Ugandan President Tito Okello, an Acholi by tribe, was overthrown by the National Resistance Army (NRA) of Yoweri Museveni. Numerous insurgencies resulted in Acholiland, with the most destructive being a rebel movement called the Lord's Resistance Army (LRA) led by Joseph Kony. A history of hostility between the Acholi (the people of northern Uganda and South Sudan) and politically influential tribes of southern Uganda contributed to the formation of the Lord's Resistance Army (LRA) in 1987. The movement, led by Joseph Kony, who proclaims himself the "spokesperson" of God and a spirit medium, aims to overthrow Museveni's Ugandan government and to establish a theocratic state based on the Ten Commandments and Acholi tradition, according to its leaders.

It is important to note that the long-running conflict in northern Uganda between the government and the Lord's Resistance Army (LRA) is often considered as one of Africa's forgotten humanitarian catastrophes. During the past two years, the profile of the war has been raised, both politically especially with the involvement of the International Criminal Court and in humanitarian terms.

The majority of displacements were as a result of:

i) LRA attacks on civilians caused large-scale displacements,
ii) People voluntarily became displaced by the fear of rebel attacks and
iii) Government policies/decisions which took place in two waves led to mass displacement. The first the government decision in 1996 to force civilians into IDP camps which it described as 'protected villages'[130]. In most cases, this displacement was carried out without prior discussion with host communities on land rights. The second round of government organized displacement took place in 2002.

It is noteworthy that northern parts of Uganda land was held under customary tenure systems where people owned land simply because they have always lived on it and because they have always been regarded by everyone else as the 'owners' of their land. They have no official papers proving that they own the land and giving them rights over it[131]. Under customary ownership land is assumed to have "legally equal to having title" and subject to 'customary' rules of ownership, for instance inheritance or various rights to use land which other members of the family may have.

[130] Mulumba, D., Mlahagwa, W. 2009. *Policy Analysis Report: Mapping Migration in Uganda.* Department of Women and Gender Studies - Makerere University Kampala and Department of Development Studies Mbarara University of Science and Technology.

[131] In 1998, the Land Act recognised for the first time customary tenure alongside other forms of land tenure (freehold, leasehold and Mailo), however the translation of customary rules into modern law has not been straightforward due to their complexity and the myths that surround them.

Another important factor to take note of is that before the LRA insurgency, land conflicts were infrequent in northern Uganda and where they occurred, they tended to be minor disputes between individuals fighting over encroachment or over boundary. With the progression of LRA insurgency to a more turbulent stage from 1996 to early 2000, the Government of Uganda forced thousands of peoples to move into IDP camps, also known as 'protected villages', and on the grounds of protecting lives and property from LRA attacks[132].

The impact of the government's forced encampment policy resulted in large areas of arable land remaining largely vacant and unoccupied and therefore vulnerable to occupation and land grabbing. By the end of 2005, about 1.8 million people have been moved into IDPs camps.[133]

Peace negotiations between the Government of Uganda and the Lord's Resistance Army (LRA) ushered in relative peace in northern Uganda. Despite the fact that the LRA leader Joseph Kony has not signed the Final Peace Agreement, improved security meant that many IDPs could access their farmland and begin rebuilding their homes. Security improved and many IDPs returned home following the 2006 signing by the government and the LRA of the Cessation of Hostilities Agreement (CHA). Return has been the settlement option preferred by most IDPs in northern Uganda. Thanks to improved security, most of the 1.8 million IDPs who lived in camps at the peak of the conflict have returned. Most have gone back to areas of origin while a minority has resettled elsewhere.

Displacement, being moved from one's land and being forced to settle somewhere else, is considered an issue of legal land rights. While the impact of displacement is a humanitarian concern, land rights themselves were rarely considered. Several acts of parliament dealt with land rights, but the two key documents are the 1998 Land Act was passed when most people were in displacement, and the Ugandan Constitution of 1995. These provisions give landowners three clear sets of rights, which are relevant to displacement:

- The right to be compensated if the state compulsorily removes them from their land.
- The rights to protect their land from squatters, even if these are IDPs who are unwillingly forced upon their land – Unless the state claims the right to temporarily take over their land, paying them full compensation is automatically in order.
- Rights over their land while displaced, including the right to cultivate land and the right to compensation if any, including the state or its organs, destroys crops or property on their land.

[132] The Government of Uganda's policy of "protected villages" began in 1996 as a way to provide better security and a tactical advantage by assigning a military detach to each settlement. These "protected villages", formerly larger towns, trading centers or strategically placed villages, were quickly overwhelmed with IDPs generally coming from a village of origin between 5-20 km away. Prior to displacement, families were scattered across great distances, relying almost entirely on farming. From: UNHCR. 2012. "A Time between. Moving from internal displacement in northern Uganda." AVSI.

[133] UNHCR 2012.

Recognition of land rights for IDPs and hosts has been complicated by the question of who is a landowner. Ugandan law recognizes what is called 'customary ownership' of land. For instance, it accepts claims to ownership which are recognized locally, whether or not the claimant has any formal papers to 'prove' ownership e.g. Cases where there is no title deeds. This would also mean that displacing them from one place to another within their clan territory would not violate their legal 'ownership' rights, as long as they could find some land or any land – in the place to which they had been moved. In other words, hosts would have no more rights, or compensation, than the clan kin forced onto 'their' land because displacement was at short distance such as within 5km.

Development efforts in areas of return have not been sufficient. Returnees, together with other residents, have dealt with continuing difficulties in the face of inadequate basic services and limited support to rebuild their livelihoods. The majority of the 30,000 IDPs remaining in camps most of which have been officially closed cannot manage the return process on their own. This is due to illness or disability or in some cases they have no land to go back to[134]. In addition, the lack of economic opportunities often forces IDPs to sell their small plot of land as it is the only resource or asset that they own. Many widows and orphans are denied access to land of deceased husbands and fathers.

The process of closing camps by the government, facilitated by the Office of the UN High Commissioner for Refugees (UNHCR), in some cases happened prematurely. Following the 2008 government promulgation of Camp Phase out Guidelines[135] some landowners on which IDP camps had been established started pressuring IDPs to leave. Those holding land title to IDP camps have received no compensation for the protracted use of their land, although there are provisions in Ugandan law to do so.[136]

The IDPs' return process has been accompanied by many conflicts related to land, sometimes leading to violence and secondary displacement. Land disputes are undoubtedly a serious problem across the Acholi sub-region. 94 percent of all cases presented to LCII executive court committees and 70 percent of all cases presented to traditional leaders were directly related to land issues[137]. Defining solutions to land disputes must necessarily involve IDPs active participation. Their livelihoods depend on their ability to farm their land and sell their crops to the market. Thousands of people have been expelled as a result of transfer of land to investors, reportedly in violation of legally-defined consultation and compensation mechanisms.[138] Many people have also reported to lose plots of land and crops during preliminary tests to search for oil.[139]

Uganda was one of the first African countries to develop a policy for responding to internal displacement. Its 2004 Policy guarantees the right of IDPs to freely choose between return,

[134] UNHCR. 26 December 2011.Government of Uganda.
[135] OPM, May 2008.
[136] World Resources Institute. 2010. "Focus on Land in Africa Brief. Uganda".
[137] United Nations Resident Coordinator's Office (UNRCO). 2011. *Identification of good practices in land conflict resolution in Acholi.*
[138] Oxfam. 2011. *Oxfam warns that modern day land rush is forcing thousands onto greater poverty*.
[139] Associated Press, February 2012.

local integration or settlement elsewhere in the country. Subsequent government policies and practices have focused on return. In January 2010, Uganda became the first state to ratify the African Union Convention for the Protection and Assistance of IDPs in Africa known as the Kampala Convention[140].

In October 2007, the government launched the Peace, Recovery and Development Plan (PRDP) for Northern Uganda[141]. Intended as a three-year framework to enable development and restore law and order in conflict-affected areas, it has four strategic objectives: consolidation of state authority; rebuilding and empowering communities; revitalizing the economy; peace building and reconciliation. Despite a visible reduction in poverty nationally, there remains, on most indicators, a significant divide between Northern and Southern Uganda, especially in those districts most directly affected by armed conflict.

According to UNHCR, important development initiatives, such as the Recovery and Development Initiative for Northern Uganda, have focused primarily on commercial agriculture and manufacturing which has little immediate impact for IDP returnees.

Application of PNTD Approach in Northern Uganda.

It's in this context that FAO, working in close collaboration and consultation with other development partners and key stakeholders, carried out an initiative in order to support the IDPs and host communities. Below are the steps followed in the process:

1. A more in-depth analysis of the territorial system was conducted to identify potential and actual areas of conflict and possible conflicts resolution mechanisms.

The territorial analysis highlighted that since the start of the transition to peace, parts of northern Uganda have experienced considerable loss of life through violence, and much destruction of homes and property., Property has also been lost through evictions by government agencies, private individuals and investors. This has inevitably undermined confidence and trust, which are both much-needed ingredients in the post-conflict recovery process.

In essence, the neglect of land and property issues has threatened the central tenet of post-conflict recovery and reconstruction processes that it is necessary to nurture an environment conducive to reintegration and development in safety.

[140]African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. (Kampala Convention). Article 11, Clause , under Obligations of States Parties relating to Sustainable Return, Local Integration or Relocation, requires States Parties to "seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and circumstances of safety and dignity.

[141] See http://www.internaldisplacement.org/8025708F004CE90B/(httpDocuments)/F9933A32534907A8C12573B700779C11/$file/PRDP+Sep+2007.pdf.

The diagnosis further revealed that it is vital that post-conflict land reforms focus attention on reducing tensions and conflicts. It can also promote socially and economically productive land uses. This includes focusing on issues of land access, land ownership and land use to help prevent future re-displacement. Most importantly, the displaced populations themselves should be involved in all aspects of the return processes. The land conflict in northern Uganda therefore, calls for a re-examination of the management of the entire return process. This is particularly relevant to how increased attention to fundamental aspects of security such as land ownership could reduce the potential for new or repeated displacement. What is the impact of land-related conflicts on the potential for a return to conflict? What are the implications of land-related conflicts for the re-displacement of returnees? Who is responsible for ensuring the safety of returnees as well as the return of their property and land?

2. **Participatory boundaries identification** exercises piloting in two areas have been carried out with the support of the Centre of Reparation and Rehabilitation (CRR). The boundaries identification activity was divided into four phases:

(a) Supporting enhancement of communities' negotiation capacities, through training sessions on land rights recognition. The methodologies used are:
the Participatory and Negotiated Territorial Development approach (PNTD)[142] and CRR community dialogue approach. These sessions targeted in particular the local communities including the most marginalized groups such as women, IDPs, as well as clan leaders, local council courts and local government institutions.

b) Land demarcation activities with the support of CRR expertise and FAO Participatory Land Delimitation approach.[143]

(c) Extract lessons learned from those field oriented activities in order to support national work on policy/legal instruments.

(d) On the basis of the experience carried out at field level, FAO and other UN Agencies such as UNOCHR are set to join in collective action in order to push the issue of land certification and community land protection at central government level. In this regard, an operational proposal is actually under discussion. The objective of this proposal is to contribute towards a clear and defined land rights regime in the region in order to reduce conflicts and promote a better management of land and other natural resources. This further step implies serious engagement and discussions with government both at local and national level, who has to be largely involved in the whole process. The main responsibilities of higher-level activities are to create the framework conditions in which a local level negotiated approach can be effectively implemented.

[142] For more details, see chapter 'Application of Welcoming capacity using PNTD phases' from FAO. 2005. *Participatory and Negotiated Territorial Development (PNTD)*.
[143] FAO. 2009. *Participatory Land Delimitation: an innovative development model based upon securing rights acquired through customary and other forms of occupation*. Land Tenure Working Paper No.13.

3. Huge efforts are needed to **restore peoples' trust** in government. In this sense strengthening capacity and participation of local government is essential in order to guarantee a real process of reconciliation and to restore people's sense of dignity and hope. Considering this, initiatives such as *Perceptions of Peace building in Northern Uganda, a Research Conference*[144] in Gulu, can help in facilitating exchanges and enhancing social stability. Communities in northern Uganda have expressed great need for reparations and reconciliation and further efforts are needed in order to face these challenges.

[144] "Perceptions of Peace building in Northern Uganda, a Research Conference", at http://gulupeace.wordpress.com/2012/05/03/perceptions-of-peacebuilding-in-northern-uganda-background-and-objectives/ .

Somalia

Somalia has experienced massive displacements, which resulted in a strong presence of internally displaced people (IDPs are estimated around 1.1 million individuals[145]) and refugees hosted in neighboring countries (Somali Refugees in the Horn of Africa and Yemen are estimated to around 1.1 million[146]). Due to different circumstances (including improved stability in Somalia and reduced protection space in country of asylum) there is a growing interest in return to the areas of origin by the IDP population hosted in Somalia and Refugee population outside the country. Urban areas have also been growing fast and this process has been aggravated by recurring severe drought. The incapacity of urban areas to absorb the large numbers of IDPs has resulted in uncontrolled sprawl and densely populated informal and formal settlements, inhabited mainly by new-arrival communities.

Building longer-term social and economic stability requires finding more permanent solutions and often many initiatives for reconstruction are planned without considering the need to address land tenure problems. As a consequence, access and use to land should be of particular concern to humanitarian agencies involved in post-conflict recovery processes and dealing with IDPs. It is evident the necessity to ensure IDPs sustainable livelihood opportunities and, at the same time, to not threaten the rights of land of hosting communities. The lack of institutional capacity to effectively deal with land issues and the settlement of IDPs and returnees is a crucial matter that need to be faced. Safe and sustainable solutions to displacement must be found, including not only the option of voluntary return but also other possible solutions, for instance IDPs' local integration or settlement elsewhere in the country, in full consultation with IDPs.

Although it is true that IDPs are sometimes able to return to their areas of origin before the end of hostilities, their greatest challenge is tenure security. As long as tenure insecurity exists or local communities are not ready to accept returnees, durable solutions to displacement will not be possible. Failure to address displacement can create tensions between returnees, IDPs and hosting communities, which provokes the rejection of any peace agreement and will foster latent disputes that can impede the peace building process.

Furthermore, the absence of a solid legal framework to prevent and find solutions to forced displacement is a destabilizing factor in the country's reconstruction process. For these reasons policies, laws and regulations regarding internal displacement need to be urgently drafted. They have to be elaborated with strong binding obligations on parties to the conflict to protect individuals in all phases of displacement, in accordance with international human rights law standards and the Guiding Principles on Internal Displacement

[145] Figure endorsed by HCT Somalia in August 2013.
[146] Somali Refugees in the Region, UNHCR May 2013.

Application of PNTD approach in Somalia

In light of the above considerations, FAO seeks to strengthen its engagement with relevant technical Ministries and Units when planning reintegration assistance. Most significantly, FAO wishes to support the provision of secure tenure and aims to guarantee to IDPs/returnees the right to participate in public decision-making on all aspects of post-conflict governance and recovery.

On the basis of PNTD approach and territorial diagnostic conducted, FAO intends to propose to reinforce institutions and communities capacities to engage in land governance issue. The idea is to pilot PNTD/PLD methodologies in South-Central Somalia in order to effectively support concerted initiatives at field level and help in reducing conflict over natural resources. As part of this process, the process will be to support the return of IDPs to their area of origin, facilitating negotiation mechanisms related to land conflicts and land demarcation interventions in areas of high level of return.

The geographic areas of interest are those with the highest potential area of return based on IDPs intention surveys: Lower Shabelle (Afgoi), Bay Region (Baidoa), Mogadishu with the highest concentration of IDPs and high potential for local integration; Gedo Region (Doloow) given link with FAO Resilience strategy, the access we have and presence of IDPs.

Below are the steps followed in the process:

I. Create awareness among resident communities on land rights through sensitization and mediation.

I.1) Facilitate and organize meetings on land issues through PNTD approach.

I.2) Support a pilot exercises intervention for participatory land demarcation wherever possible, in close consultation with local communities, customary representatives and local institutions.

In the areas where awareness has been conducted, support IDPs local integration or IDPs return in their areas of origin and re-establish their livelihood and shelters. This process includes the following steps:

- Facilitation of consultation mechanism with local authorities and IDPs.
- Localization of the area of origin/return in close collaboration with UNHCR and and Return Consortium
- Establishment of negotiation tables through PNTD approach for managing land conflicts/disputes involving IDPs, returnees, local municipality, hosting communities.
- Reaching an agreement between actors involved.
- Implementation of the agreement and support to IDPs return and re-integration in their place of origin provided by other FAO livelihood support interventions.

The process will be promoted by FAO in close consultation with partners already working on land issues and stakeholders operating in interested areas.

In addition to the partners, FAO will engage with line ministries, local authorities, customary representatives, private sector, NGOs and CSOs and other UN Agencies (UNHCR, UN Habitat, Somali Youth Development Network-Soyden) for effective collaboration and for strengthening national ownership of the development process. A strong coordination mechanism will enhance understanding of the objectives and implementation expectations of the program by all stakeholders. The authorities will be key players in establishing the policy documents and giving required support at community level. They will also provide support in ensuring smooth monitoring and evaluation processes of the component.

Conclusion

While the relationship between conflicts, reintegration and natural resources are linked, they are often too complex and should not be addressed with short –term post conflict and early recovery perspective alone but also in a way, that addresses long-term issues. It is clear how competition over land has been a critical cause of renewed violence in some post-conflicts situations and as soon as the ink dries on peace agreement papers.

Access, use and management of land and other natural resources should be of particular concern to humanitarian agencies as well as other organizations involved in post-conflict recovery processes, especially with respect to the return, resettlement and integration processes.

Agencies tend to look at land rights problems as "too sensitive to be addressed and as a result approaches tend to be superficial and ad hoc. Welcoming Capacity looks at the other options of investing in the analysis while the conflicts are still going on and promtoes proposals for reintegration and natural resources management which are be inclusive and recognize the rights of hosting communities.

The WCA is a powerful tool not only for protecting mutual land rights, but also for empowering both IDPs and hosting communities and preparing them for the development process ahead. This means assessing the needs of all stakeholders and developing a prioritized set of reconstruction and development initiatives, such as strengthening social services especially education and health. Community leaders and the population in general must learn about their rights, and local land management structures are made more accountable and stronger. Women should be brought into land management institutions, and over-arching provisions that safeguard their rights should be explained and implemented without jeopardizing the wider objective of securing local rights.

A well applied WCA approach can both mitigate existing conflicts caused by resource pressures, and prevent conflict and promote development, by providing a clear picture of local rights. This empowering impact enables communities, both hosting and new arrivals to negotiate more effectively. It is more likely in this context of peaceful dialogue that a negotiated package of tangible benefits will have a real impact on local livelihoods. This involves not only compensating communities for the loss of their resources, but also generating real added-value for local people through partnerships. This approach also builds upon other agreements made with the Government, the Humanitarian agencies as well as with future investors who can come to prospect land for business investment, thus supporting sustainable development over the long-term.

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