

Land, conflict and the challenge of pro-poor peace-building: critical issues for discussion

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1. Land, conflict and development

Scarce natural resources, or scarce economic factors of production, provoke competing claims among various social groups within the state and in society. Such competitions tend to lead to conflict, often violent, within and between these groups. Thus, resolving violent conflict and forging peacebuilding process to rebuild and reconstruct communities and societies often requires resolving underlying and (pre-)existing resource-oriented conflicts. Yet, it is quite common to see such conflicts being absorbed – but not resolved – in the process of peacebuilding, leading to relatively peaceful transition in communities but marked by lingering resource-oriented social fault-lines that often erupt sometime in the future.

Land has been one of the most contested resources in various corners of the world, historically. This is so for various reasons, including the following. First, land itself is a very important economic factor of production to produce food and other primary goods: fiber, timber, and so on. In the current context marked by the fusion of and changing context for food, animal feed and biofuel, land has become an even more precious resource. This is reflected by the current global land rush, or ‘global land grabbing’, which has already resulted in large-scale land acquisitions involving as much as 100 million ha by 2011 in various regions of the world. Second, in the context of rising demands for precious minerals and water, land has been re-valued quite dramatically principally because in order to gain access to and control over these scarce resources one has to control land that holds these minerals and water. Third, unlike other natural resources, land functions in multidimensional ways for different people. It is a ‘territory’ for various communities of people. It is a social insurance for many rural households so that its value cannot be assessed by simply accounting for the commercial value of its produce. It has deep cultural significance to many people. In short, land is both a scarce resource with economic significance to people, and at the same time cultural, social and political value.

That land is linked to conflicts, and so to peacebuilding, is not a contentious issue among and between scholars, policy makers and activists across ideological divides. Difficult and complex land restitution policies to resettle displaced peoples back to their original communities (and have them compensated) have been attempted in several countries historically, such as the land restitution policy in post-1994 South Africa. Land policies that try to mediate competing claims over lands and territory brought about by (often ethnic-based) conflicts have been carried out in places like East Timor. Land policies that try to resettle ex-

combatants to old or new lands as part of demobilization have been carried out in settings as diverse as Mozambique and Nicaragua. Land policies that attempt to provide new opportunities to rural poor people who have been in the midst of violent civil wars by providing them funds to purchase lands (market-assisted land reforms) have been attempted in various countries, and most especially in Central American countries post-1996 Peace Accords. Conventional land reform has almost always been linked to attempts in resolving conflicts, either to pre-empt more radical societal transformations or wars (such as the 1981 El Salvador land reform, or the 1950s-1960s land reform), or as outcomes of revolutions or victorious radical political parties (such as the 1910 Mexico revolution, or Chile under Allende). Hence, there is a huge literature from which to draw relevant lessons from the past about the various attempts – successful or failed – at linking land policies with peacebuilding.

But how land policies, violent conflict and peacebuilding are linked, and how to position land policies within peacebuilding initiatives has not generated, and is unlikely to generate, any broad consensus. The market-based land policy in the 1996 Peace Accords in Central America has generated much contention within and between state and non-state actors and observers. The state-driven Fast Track Land Reform from 2000 onwards in Zimbabwe has provoked even more contentious disagreements among affected communities and observers. The hybrid state-driven and market-based post-apartheid land restitution and land reform policies in South Africa have provoked similar disagreements among observers and policymakers. Ongoing negotiations for peace settlements of protracted conflicts, such as the southern Philippines Muslim secessionist struggle has land and territory always the most contentious component in the negotiations for peace settlement

Disaggregating approaches to land policies into state-driven, market-based, or community approaches may be relevant only to some degree; it is limited and problematical in a lot of ways. It is almost always a false division. In the end, reasonable and feasible land policies in the context of resolving conflict requires engagement with all these three institutions. Whatever attempts at packaging and labeling any of these approaches as ‘pro-poor’ does not necessarily make it so. Our point is: the discussion should not be on whether it should be state-driven or community approaches, or market-based; it should not be whether it should be land restitution or forest reallocation program, and so on. It can be any of these, or combination of these, depending on the particular circumstance. The key is to specify the key features of what a pro-poor land policy is. The key is to be clear of what we mean by pro-poor land policies that can contribute towards conflict resolution and push for peacebuilding but at the same time resolving often persistent social conflict among community members. An underlying assumption here is that for any land policies to be socio-economically and politically sustainable in the future it has to be pro-poor as well. We now turn our discussion to this topic.

Links & Literature

[Land tenure and international investments in agriculture](#)

Toulmin, Camilla, et al | Report by the UN Committee on Food Security High Level Panel of Experts | FAO | 2011

[Land, Violent Conflict and Development](#)

Nicolas Pons-Vignon, Henri-Bernard Solignac Lecomte | OECD Development Centre Working Paper 233 | 2004

[Violence and war in agrarian perspective](#)

Christopher Cramer and Paul Richards | Journal of Agrarian Change 11(3) | 2011

[New Frontiers of Land Control: an introduction](#)

Nancy Peluso and Christian Lund | Journal of Peasant Studies 38(4) | 2011

[The agrarian roots of contemporary violent conflict in Mindanao, Southern Philippines](#)

Vellema, Sietze, Saturnino M. Borrás Jr. and Francisco Lara Jr. | Journal of Agrarian Change 11(3) | 2011

2. Key Themes in Pro-Poor Land Policy

A pro-poor land policy is a public policy that categorically aims to protect and advance the land access and property interest of working poor people. In most agrarian settings, the rural poor are various social classes and strata of the landless and land-poor peasants and labourers: small owner cultivators, small-scale cultivators, middle peasants, landless rural labourers, subsistence fishers, indigenous peoples, pastoralists, both male and female. By landed property rights we mean here land-based social relations. It is these relationships between groups of people or social classes that are the subject of any pro-poor land policies. Land policies are not technical-neutral devices. When implemented, land policies impact differently among different social classes and groups of people, favourably or otherwise. Not all land policies are categorically meant to favour the poor. Not all officially labelled as pro-poor land policies automatically result in pro-poor outcomes. Not all well-intentioned land policies actually benefit the poor. There are unintended and unexpected land-policy outcomes, both positive and negative. Therefore, it is important to specify the key features of a categorically pro-poor land policy. In this context, we identify nine interlinked key themes which we deem important to consider for any efforts at pushing for peacebuilding process in the context of resolving resource-oriented conflicts within and between communities.

1. Protection or transfer of land-based wealth in favour of the poor

A pro-poor land policy transfers (or protects) wealth to, or protects existing land-based wealth of, the rural poor (as broadly defined above). Land-based wealth means the land itself, water and minerals therein, other products linked to it such as crops and forest, as well as the farm surplus created from this land. Any pro-poor land policies must involve protection or transfer of land-based wealth in favour of the working poor people. It is only by specifying the direction of the flow of land-based wealth transfers that we will be able to assess whether and to what extent a land policy is truly pro-poor. This is in contrast to an economic doctrine that is concerned solely with the most efficient allocation and use of (scarce) land resources, oftentimes agnostic to the direction of change in property relations.

2. Transfer of land-based political power

A pro-poor land policy transfers (or protects) political power to control land resources to the landless or near-landless rural poor. It is a policy that confronts, and does not back away from, political conflicts that are inherently associated with land-based social relations and any serious attempts at recasting the latter. By political power transfer we mean here the actual transfer of real or effective control over land resources. This means control over the nature, pace, extent and direction of wealth creation from the land, as well as the distribution and disposition of such wealth. It is important to specify the issue of 'real and effective' because there are numerous official and legal transactions that occur only on paper, but not in the real world. There are various types of land transactions which are part of what Herring calls 'apparent but not real' reforms where land records are altered, but not the actually existing land-based social relations. Apparent but not real changes can be coerced, voluntary or manipulated by a variety of actors. This perspective follows the framework on the 'theory of access' to land resources developed by Ribot and Peluso where they argued that the concept of 'bundle of powers' rather than 'bundle of rights' is more useful in understanding current struggles over (land) resources.

Links & Literature

[Land to the Tiller: The Political Economy of Agrarian Reform in South Asia](#)

Ronald Herring | 1983

[A Theory of Access](#)

Jesse Ribot and Nancy Peluso | Rural Sociology, 68 (2) | 2003

3. Class-conscious

A pro-poor land policy is class-conscious. It ensures that the policy benefits the landless and near-landless working classes. Land policies should be informed by the notion of heterogeneous agrarian societies or communities, by the notion of 'social differentiation of the peasantry'. It means that a community is usually made up of various social classes, which are in turn defined by their mode and degree of control over productive assets, especially, but not solely, land. The subject of (re)distribution, or the original entities that controlled wealth and power, may be the landed classes or the state. When implementing a land policy, land-based wealth transfers may occur, but these transfers may or may not benefit the working-class poor. For example, mainstream land titling and land-rights formalization initiatives carried out in settings marked by a high degree of inequality and power imbalances between social classes are likely to benefit local elites, not the rural poor. But even some radical conventional redistributive land reforms that are blind to social-class differentiation may, at best, benefit only a small section of the rural poor, usually the better-off section of the rural dwellers. In this context we should take note that heated debates about the role of class and class agency in land reform and rural development studies are not confined to the mainstream economics-versus-left-wing academics circles. Heated debates about this question have marked the ranks of radical critics of mainstream land reform and rural development policies, broadly between the radical agrarian populists and class-based perspectives.

For our purposes, a pro-poor land policy is one that recognizes that the interests of landless and near-landless rural poor are *plural*: landless peasants, rural labourers, indigenous communities, artisanal fisherfolk-cum-rural labourers, male and female, and so on. By specifying the plurality of classes and groups among the rural poor, a land policy will be aware of the differential impact of a land policy even among the rural poor. By specifying the *plurality* of sub-groups among the rural poor, we will be able to *disaggregate the outcomes* of a land policy and see its *differentiated impact* upon the socially differentiated rural poor. This is especially because it is a case that a land policy may benefit one section of the poor, but not another; or benefit one section of the poor, but harm another. Making land policies more inclusive is a difficult challenge, whose resolution may lie within resolving the land question *and beyond*, to include other reforms within the agrarian structure and rural livelihood complex of the poor, especially labour reforms. Class-blind land policies are likely to favour the non-poor and nonworking classes. '*Too land-centred agrarian reform*' advocacy may overlook critical *labour reforms*, with strategic negative implications.

4. Historical

A pro-poor land policy is historical in its perspective. This means the policy should understand the issue of land-based wealth creation, political power transfers and recipients from longer historical perspectives. This allows for a 'social justice' framework to be fully developed. By embedding a land policy view from deep historical circumstances, it is able to detect and prevent possible pitfalls in land policy frameworks that may undermine some sections of the poor. Problems of social conflict and political instability may occur when ahistorical land policy is carried out, based solely on the 'here and now' calculations which are often guided by monetary considerations, e.g. market value of the land, 'legitimate legal' claimant of the land. Straightforward ahistorical land policies – or ahistorical interpretations of land policies – are likely to result in anti-poor outcomes. Ahistorical land policies are likely to undermine the legitimate claims of other poor people and unable to contribute to inclusive development or political stability. Even apparently progressive land policies, such as the 1988 land reform law in the Philippines, can deliver social justice to one section of the poor,

while the same policy process can commit social injustice to another section of the poor – when interpreted and implemented out of any historical context.

5. Gender-sensitive

A pro-poor land policy is one that at a minimum does not undermine, and at a maximum promotes the distinct right of women for their own land rights – as peasants or rural labourers and as women. In many instances, women have access to land resources distinct from men within their households, such as by being a farmworker, a (part-time) farmer, firewood gatherer, and so on. These links to land entitle them to their distinct land rights. They are thus entitled to land as peasants – and as women. However, it is well known now that previous land policies, especially land reform policies, excluded women. This is shown in many studies in different contexts.

Recent land policies started to incorporate women into the agenda. Where it has been done, implementation is a major challenge, as in the case of South Africa. Land policies that are gender-blind are likely to undermine women's rights, and by implication for some types of households in some settings weaken the capacity of the households to combat poverty. But recent studies have also cautioned us not to see allocation of separate land titles to women as always appropriate in all places at all times, and not to assume that joint titling is a 'magic bullet' that could deliver women's empowerment.

6. Ethnic-sensitive

Similar to that of the issue of gender, a pro-poor land policy is one that at a minimum does not undermine, and at a maximum promotes the distinct right of ethnic groups (and other race- and caste-related groupings) to their territorial claims, often as peasants and as a people. This is especially important in national settings that are ethnically diverse. Previous land policies, especially land reforms, have been generally ethnic-blind. Land policies of colonization or public land resettlements as well as extractive industry policies have, in varying extents, encroached into the territories of indigenous peoples, undermining access to and control over land resources and territories by indigenous peoples. Many contemporary land-oriented violent conflicts have some degrees of ethnic or indigenous peoples dimension to them. Partly due to the increasing mobilization of indigenous peoples, especially in Latin America, during the past decade or two, there has been an increasing consciousness about indigenous peoples and their land and territorial rights, and land policies are becoming more sensitive to these issues.

Mainstream development perspectives on land that put a sole premium on the economic importance of land are generally not sensitive to the ethnic dimension of land–property relations. This has led to competing and tension-filled relationships between those that promote a western concept of property rights as a component of capitalist development strategies on the one hand, and indigenous non-western concepts of property. This is in contrast

Links & Literature

[Resources, Agency, Achievement: Reflections on the Measurement of Women's Empowerment](#)

Naila Kabeer | Development and Change, 30 (3) | 1999

[Who Owns the Land: Gender and Land-Titling Programmes in Latin America](#)

Carmen Diana Deere and Magdalena León | Journal of Agrarian Change, 1 (3) | 2001

[Engendering the Political Economy of Agrarian Change](#)

Shahra Razavi | Journal of Peasant Studies, 36 (1) | 2009

[Piety in the Sky? Gender Policy and Land Reform in South Africa](#)

Cherryl Walker | Journal of Agrarian Change 3.1 and 3.2. | 2003

to emerging human rights-based (including social, economic and cultural rights) framing of indigenous peoples' movements and their civil society allies. A land policy that is ethnic-blind is likely to benefit only the dominant and powerful groups and classes in society, and undermine the historical land claims by the weaker ethnic groups. Ongoing expansion of oil palm in the Afro-Colombian territory in Colombia partly demonstrates this. However, it has also to be acknowledged that there is a potential danger in promoting ethnic-conscious land policy; indeed, the other edge of the sword is that it might encourage ethnic tension and fragmentation. In other settings, real control of indigenous territories can be passed on to traditional leaders or chiefs who are not accountable to the communities they represent. In today's global land grabbing context, often the local chiefs act as brokers for such land deals that often result in the expulsion of poor people from their land.

7. Productivity-increasing

A pro-poor land policy contributes to increasing land and labour productivity. This means land policy leads to more intensive land and labour use after land policy implementation. One of the arguments for, and against, land reform is the question of land and labour productivity in the context of scale and productivity. The debate goes on, without a decisive conclusion, with one position maintaining that small family farms are more efficient and productive than large farms, and the other camp arguing that large farms are more efficient and productive than small family farms. These two competing perspectives largely shape the debates whether to carry out land reform, how and with what development orientation. The debate is not limited to land reform.

Our point regarding this matter is that potential for productivity increase – or decrease – after policy implementation is not inherently associated with any particular type of land policy. In different places and in varying conditions, we have seen productivity increases through conventional land reform, through leasehold or rental arrangement, or through group stewardship contracts. The conditions of existing agrarian structures play as much a role in shaping the impact of policy upon land and labour productivity as the land policy itself. For example, providing lands to sugarcane seasonal farm workers who have no prior experience whatsoever in individual farming without a package of support such as infrastructure, technical training, capital, and so on, is likely to result in lacklustre, if not totally failed, farm development efforts, as demonstrated in the difficulties encountered in contemporary land reforms in this sector in the Philippines, Brazil and South Africa. Thus, large-scale public programmes that support land and labour productivity, as well as the manner in which land policies are integrated (or not) to national development or industrial strategies, do matter.

This is a critical dimension of any land policy debates today in the context of global land grabbing because the key assumption underpinning the latter is that there is a need for expansion in agricultural production for food, feed, biofuels and other primary commodities –

Links & Literature

[Land Tenure, Land Law and Development: Some Thoughts on Recent Debate](#)

Willem Assies | Journal of Peasant Studies, 36 (3) | 2009

[The rifle and the title: paramilitary violence, land grabs and land control in Colombia](#)

Jacobo Grajales | Journal of Peasant Studies, 38(4) | 2011

Global land grabbing and trajectories of agrarian change: a preliminary analysis, Saturnino Jr. Borrás, Jennifer C. Franco | Journal of Agrarian Change, 12(1)

Links & Literature

[Challenges posed by the new wave of farmland investments](#)

Klaus Deininger | Journal of Peasant Studies, 38(2) (*JPS Forum on Global Land Grabbing*) | 2011

but that this should not be a problem because of the existence of global land reserves, estimated to be at a minimum of 445 million ha and at a maximum of 1.7 billion ha. Land reserve is defined as ‘marginal, under-utilized available lands’ – which strikes right at the heart of how productivity is seen, defined and interpreted.

8. Livelihood-enhancing

A pro-poor land policy contributes to building diverse and sustainable livelihoods. Land policies are usually thought of as something to do with agricultural or forestry development. While to a large extent this is correct, greater understanding of the complexity of livelihoods of the rural poor demonstrate the extent to which on-farm and off-farm sources of livelihood are, to varying extents, mixed from one household to the next, from one country to the next. Hence, it is important to view land as part of this diverse portfolio of livelihood strategies of the rural poor. ‘*Too farm-centred agrarian reform*’ may prove to be problematic, counter-productive and non-viable in many cotemporary rural settings today.

In many cases, land is valued by a household not as a current active farm productive asset, but as a future social safety net. This also means avoiding land policies that undermine existing diverse livelihoods in and around the distributed land. For example, formalization or demarcation of forest lands to individual households may secure land access of the recipient families to the said land. The same process may also put an end to previous porous boundaries in the forest spaces where people are free to access various non-timber forest products, thereby undermining sources of food or income to other people. This is one problem that hounds many of the formalization, titling and demarcation programmes of forest lands in Latin America, Asia and Africa. A land policy that is viewed and treated in the narrow perspective of farming alone is bound to be ineffective in the long run and may provoke new generation of conflict.

9. Rights-securing

Finally, a pro-poor land policy is one that contributes to effectively securing the rights of poor people to occupy and use land for purposes and in ways of their own choosing. Although this aspect has already been touched upon in much of the previous discussion, it constitutes an underlying, bottom-line principle that in the real world is too often taken for granted and therefore warrants more explicit emphasis. Land tenure issues and the importance of protecting the land-based wealth of the poor tends to take a backseat to issues of redistribution. Yet they can be at the centre of processes such as elite capture within redistributive or distributive reforms, or the ‘formalization of inequality’. Inattention to defining and securing property rights in appropriate ways after land redistribution in relation to both class and gender, and thus, to the need to democratize land governance at the local level, has often been an Achilles heel for land reform. A clearer focus on these issues is critically important for the design of effective, pro-poor land reform and for activists involved in struggles over land. Many questions arise here to be dealt with, including whether to confirm community or individual titling, whether or not to award beneficiaries rights to alienate land, as well as the role of ‘customary’ tenure and ‘traditional’ authorities in (re)distribution processes and contexts.

Links & Literature

[More than Socially Embedded: the Distinctive Character of “Communal Tenure” Regimes in South Africa and its Implications for Land Policy](#)

Ben Cousins | Journal of Agrarian Change, 7 (3) | 2007

Of fundamental importance in any land policy effort is the task of deciding ‘what kinds of rights, held by which categories of claimants, should be secured through tenure reforms, and in what manner, in ways that will not merely “add to possibilities of manipulation and confusion’ (Cousins). Securing the land rights of the poor involves both defining their rights on paper and recognising their rights in reality – each of which are tasks easier said than done, but failure to accomplish would be disastrous to the rural poor on many dimensions. One problem is that too often land policymakers fail to take into account the ways in which poor people already do occupy and use land, but instead approach the land resource in question as a kind of ‘tabula rasa’ (blank slate) just waiting to be ‘filled in’.

In this way, new land policies, even those purporting to help the poor, can end up undermining well-established practices and holds on land by poor communities and individuals. For this reason, as Cousins argues with regard to many parts of the African continent in particular, an approach is needed that emphasizes ‘mak[ing] socially legitimate occupation and use rights, as they are currently held and practised, the point of departure for both their recognition in law and for the design of institutional frameworks for mediating competing claims and administering land’. But even where the goal is to redistribute land-based wealth and power, the property rights of the rural poor – and specific segments of the rural poor – must be defined and secured appropriately if a land policy is to succeed.

3. Concluding remarks

It is relevant to point out that the ideal situation is when all these nine key aspects are obtained in a land policy, and its implementation in settings where this is warranted. Linking socially just resolution of land issues and gaining momentum in strategic peacebuilding is promising in this given context. The nine features are necessarily complementary to each other. In the real world, however, it may not always be easy and straightforward to achieve this, especially in places where there might be some contradictions between two or more aspects. Take, for example, where a contested land is limited in quantity and the land claim makers – all legitimate on the bases of the key aspects discussed here – are far more abundant. If forced to choose to include some and exclude others, which feature weighs more: class-based, ethnicity-based, gender-based social justice, or productivity considerations? These are not easy choices – and mistakes are certainly not the monopoly of governments and international development agencies because many progressive, left-wing, rural social movements have often committed similar errors borne out of making difficult trade-offs in their calculation and decision. When and where these happen, conflicts are absorbed – not resolved – in the peacebuilding process. There is no ‘magic bullet’ that can guarantee that the key aspects are attained in every land policy, especially because the latter is a contested process itself.

Conflict resolution mechanisms linked to land – whether of the state-led or community/non-state types – can be useful and effective under certain conditions and within particular contexts, and not should not be treated in a ‘one size fits all’ fashion. Franco (2008) demonstrated that village level, non-state justice conflict resolution mechanism usually work when conflict is between parties of more or less the same socio-economic and political class and social status; it does not usually work when the contending parties are of unequal social classes contesting key resource such as land. Key is to take the nine discussion points offered here as a guide for reflection and action in various contexts.

Links & Literature

[Peripheral Justice? Rethinking “Non-State Justice” Systems in the Philippine Countryside](#)

Jennifer Franco | World Development, 36 (1): 1858–73 | 2008

Finally, locating conflicts over land within the broader processes of peacebuilding requires a mutually reinforcing and reform-oriented interaction between key state and non-state actors: state, civil society groups, local communities, international development agencies. Yet, it is critical to point out that it is not simply a question of the mere presence or absence of such a 'multi-stakeholder' process – but rather, it is the very content (the nine features of a pro-poor land policy discussed above) and character of this interaction that matters. These state and non-state actors come from different, often competing and conflicting perspectives, over the question of land. It is rather naïve to expect them to discard of their structural and institutional interests in coming to the negotiation process for conflict transformation and peacebuilding. The key is to provide an institutional arena within which actors will be able to interact with each other in a mutually reinforcing and reform-oriented manner – despite the process itself being conflict-ridden. This is the only way any potential reformist concessions towards conflict transformation and peacebuilding can have higher chances of getting realized.

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