



UNITED STATES INSTITUTE OF PEACE

LAND, PROPERTY AND CONFLICT

December 13-16, 2010

Washington, DC

Land and property disputes play a role in many more conflicts than is often appreciated. While the most straight-forward case may be two sovereign states fighting over a piece of territory, disputes and grievance over land and property take a multitude of forms in the intra-state or internal conflicts that have been much more common over the past few decades. In rare cases land may be a primary cause of conflict; more often it is a tinderbox of discontent caused by long standing tenure insecurity and inequities, easily ignited by the flames of violence. During the conflict itself, land is not only a physical battleground, but is often a tool as well as a casualty of war. Control of land may serve a political or ideological aim, such as to control its population, including by mass forced displacement and secondary occupation. It may be financially motivated, to enable armed groups to plunder land and natural resources for direct profit or to reward loyalists. Land and property relations are further profoundly impacted by the dramatic social and political changes that occur during and in the immediate aftermath of armed conflict. The lawless free-for-all that characterizes so many of these transitions creates an environment ripe for land grabs. Mass return of refugees and the displaced – sometimes following generations of absence – together with accelerated rates of urbanization, especially among the landless and unemployed, can put tremendous pressure on a fragile administration. If not adequately addressed, grievances related to land and property – both old and new – may threaten to unravel a hard-won peace.

The *USIP Land, Property and Conflict Course* aims to provide practitioners with analytical tools for assessing and addressing an array of complex land and property disputes, from competing ownership claims and restitution to customary land rights and illegal urban settlements. Drawing on case studies of peace operations and peacebuilding efforts, participants explore the range of entry points (humanitarian, human rights, state-building, development etc.) and options for dispute resolution and structural reform. The course is tailored to professionals who work on conflict management and peacebuilding, whether they come from a legal, development, military, government, NGO, international organization, private sector or academic background.

By the end of this course, delegates will be able to:

- Identify a range of complex land and property disputes and assess their relation to a particular conflict;
- Understand the various mandates and entry points of international actors with regard to land and property disputes;
- Assess the desirability of a range of intervention options for addressing land and property disputes in a given context;
- Apply lessons learned from several case studies of complex conflict-related land and property disputes;
- Understand and apply over-arching “principles of engagement” to interventions related to land and property disputes.

Delivery Methodology

The course will be delivered through a variety of methodologies that seek to maximize the learning experience. With an emphasis on ‘problem-based learning’ or ‘learning by doing’, presentations will be supplemented by simulation exercises, group work/discussion, role-playing, and so forth. Primarily, the training course seeks to cultivate an environment in which delegates can learn from each other through the sharing of knowledge, experiences and solutions.

The training course will be facilitated and delivered by individuals with strong backgrounds in land and property issued in conflict environments, both from an academic and practical perspective. Case studies and examples will be drawn from a variety of states where land and property disputes have played an important role, including Bosnia, Rwanda, Iraq, East Timor, Sudan, Afghanistan, Kenya and Colombia.

Course Requirements

Participants enrolled in this course will find that it is intensive in nature given the breadth of materials being covered. Participants are expected to attend every seminar, and engage in discussions. In addition, participants will be asked to:

- Actively participate in all group discussions, exercises, and case studies; and
- Actively participate in the final simulation at the end of the course

Timing

This course is taught as an intensive 4 day course from December 13-16, inclusive.

Course Facilitators: Deborah Isser, Peter Van der Auweraert

Resource Persons: John Bruce, Conor Foley and Rhodri Williams

DAY 1: Monday, December 13, 2010

8:45 – 9:00 **Registration**

9:00 – 10:00 **WELCOME AND OVERVIEW SESSION**

- Opening Remarks
- Brief Introduction to USIP
- Course Objectives
- Ground Rules

PART I: THE ISSUES, THE ACTORS

This part focuses on an analysis of the intersection of land, property and conflict, and an introduction to the key actors – international and national – who engage with these issues in conflict situations. Our emphasis is on mapping and understanding the various mandates, perspectives and frameworks of these actors.

10:00 – 11:00 **INTRODUCTION: LAND, PROPERTY AND CONFLICT**

Resource Persons: Deborah Isser and Peter Van der Auweraert

- Explore the relationship between land, property and conflict
- Develop a framework based on the cycle of conflict

11:00 – 11:15 ***Break***

11:15 – 12:15 **INTRODUCTION, continued.**

12:15 – 1:15 ***Lunch***

1:15 – 2:30 **INTERNATIONAL ACTORS AND MANDATES**

Resource Persons: Conor Foley and Rhodri Williams

- Map the range of international actors engaged in land and property issues
- Understand the various mandates, perspectives and entry points of these actors and how this has evolved.

2:30 – 2:45 ***Break***

2:45 – 4:15 **NATIONAL ACTORS AND FRAMEWORKS**

Resource Person: John Bruce

- Map the national actors engaged on land and property issues
- Understand different national legal frameworks for land and property, including customary law and legal pluralism

DAY 2: Tuesday, December 14, 2010

9:00 – 9:15 **Reflections and Overview**

PART II: GRIEVANCE AND GREED

This part focuses on four types of land and property conflicts: (1) mass displacement and conflicts related to putting things back together; (2) insecure tenure and conflicts related to securing protection for what one has; (3) inequity, landlessness and power, and conflicts related to not having in the first place; and (4) high value natural resources and conflict related to greed, exploitation and corruption.

9:15 – 10:45

MASS DISPLACEMENT

Resource Person: Rhodri Williams

- Explore the land and property aspects of displacement and return
- Critically assess the emerging international legal framework concerning property rights and displacement
- Case studies: Balkans, Iraq

10:45 – 11:00

Break

11:00 – 12:30

HIGH VALUE NATURAL RESOURCES

Resource Person: Raymond Gilpin

- Understand the relationship between HVNR and conflict
- Assess programming for mitigating resource-related conflict

12:30 – 1:30

Lunch

1:30 – 3:00

INEQUITY, LANDLESSNESS AND POWER

Resource Persons: Peter Van der Auweraert and Conor Foley

- Explore the conflict potential of inequities related to land distribution
- Assess the challenges of addressing inequities
- Case Studies: East Timor, Colombia, Afghanistan

3:00 – 3:15

Break

3:15 – 4:45

MOVIE AND POPCORN (Budrus)

DAY 3: Wednesday, December 15, 2010

9:00 – 10:30

INSECURE TENURE

Resource Person: John Bruce

- Explore how tenure insecurity can lead to conflict
- Understand forms and causes of tenure insecurity
- Case studies: Sudan, Kenya, China

10:30– 10:45

Break

PART III: PROGRAMMING OPTIONS

In this part we will map an array of programming options to manage land and property conflicts and assess the appropriate conditions and resource requirements for such options.

10:45 – 12:15

EMERGENCY RESPONSE

Resource Person: Conor Foley

- Land and property programming during conflict and crisis
- Scenario-based exercise (shelter, livelihood, record and evidence preservation, etc)

12:15– 1:15

Lunch

1:15 – 2:15

DISPUTE RESOLUTION

Resource Person: Peter Van der Auweraert

- Programming to support peaceful means of resolving disputes related to displacement and otherwise
- From property claims commissions to community mediation

2:15 – 3:15

LAND POLICY AND ADMINISTRATION

Resource Person: John Bruce

- Programming to support legal protection of property rights
- Programming to support land reform (redistribution, land use management, access to housing)

3:15 – 3:30

Break

3:30 – 4:00

CONFLICT PREVENTION

Resource Person: John Bruce

- Strategic use of land and property programming to prevent conflict

Day 4: Thursday, December 16, 2010

9:00 – 9:15 **Reflections and Overview**

PART IV: DESIGNING STRATEGIES

This part will explore how to develop strategic responses to land and property conflicts in crisis and peacebuilding situations. Participants will put this into practice in a simulation exercise.

9:15 – 10:45

PRINCIPLES OF ENGAGEMENT

Resource Persons: Deborah Isser and Peter Van der Auweraert

- What are key principles guiding strategic responses to land and property disputes?
- How can different actors at different phases of conflict operationalize these principles?

10:45 – 11:00

Break

11:00 – 12:15

CAPSTONE SIMULATION PART I

12:15 – 1:15

Lunch

1:15 – 3:00

CAPSTONE SIMULATION PART II

3:00 – 3:15

Break

3:15 – 4:15

DEBRIEF FROM EXERCISE

4:15 – 4:45

Evaluation and Closing of Course