

Toward sustainable livelihoods after war: Reconstituting rural land tenure systems

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Abstract

Land tenure plays a primary role in sustainable development efforts. However armed conflict and its repercussions reconfigure the network of social relations upon which all land tenure systems depend. In post-conflict settings new laws have the opportunity to address tenure issues in the context of what people are already doing 'on the ground', with a view to moving from the fluidity of post-conflict situations to a more solidified and peaceful social and legal environment. However there exists a lack of tools to analyze postwar land tenure and the prospects for reconstituting tenure systems to support recovery and development. This paper uses the Sustainable Livelihoods framework to examine postwar land tenure issues in order to draw out latent opportunities within emergent informal smallholder tenure constructs which may have utility in the reconstitution of national tenure systems.

Keywords: Postwar land tenure; Sustainable livelihoods framework; International development; Recovery; Land rights.

1. Introduction

Postwar scenarios are arguably some of the most dynamic and fluid circumstances regarding the interaction between society and land resources. Because land tenure is a system of rights and obligations in human relationships regarding land, and armed civil conflict profoundly changes relationships among people, accepted and established tenure arrangements can be at the forefront of change during conflict. Even conflicts that did not initially have a land component can come to experience severe tenure problems in a peace process due to the spatial nature of both land tenure and armed combat. The socio-spatial repercussions of violence, dislocation, destruction of property, battlefield victory and loss, and food insecurity, together with the breakdown of administrative, enforcement, and other property-related institutions and norms, significantly alter ongoing relationships that under-gird sustainable livelihoods. This is especially the case due to the temporal proximity of conflict and recovery settings, and the often ambiguous distinction between the two for large numbers of civilians. In post-conflict situations the scramble for the land-based assets necessary to re-establish livelihoods for large numbers of people, together with the pursuit of land access by large-scale commercial interests, speculators, and others, brings how actors intersect with land-based resources to the forefront of the peace process very quickly (Unruh, 2001). As a

result the disintegration of land tenure rights, relationships, laws, and institutions during armed conflict, and yet the importance of property, land, homeland, and territory to the cause and conduct of conflict presents particular dilemmas for a peace process attempting to initiate recovery and pursue sustainable development. Ensuring rural people have secure (re)access to land is an important part of conflict resolution and the prevention of future conflicts (Barquero, 2004; Cohen, 1993; Huggins, 2004). But how postwar land tenure issues play out at the level of the community, household, and individual is not part of peace process 'packages' operated by the international community. An end to armed conflict, especially prolonged civil conflict, creates a situation whereby a significant proportion of the population will seek access, re-access, or to solidify claim to lands and land resources.¹ Given the usual size of the rural population pursuing such an endeavor this is one of the primary features of a postwar phase (Unruh, 2004a). And like the complex histories involving property, land, and territory that result in conflict scenarios, postwar re-establishment of ownership, use, and access rights is also complicated and problematic. Left unattended, land issues can provide significant potential for renewed confrontation.

Important operative aspects of land tenure during a peace process remain unexamined, and there exists a lack

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¹ Groups and individuals disenfranchised from the gains of transition from war to peace may resort to violence in order to survive — or to obtain what is perceived to be deserved in terms of a peace dividend — with serious impacts on a peace process (Willet, 1995).

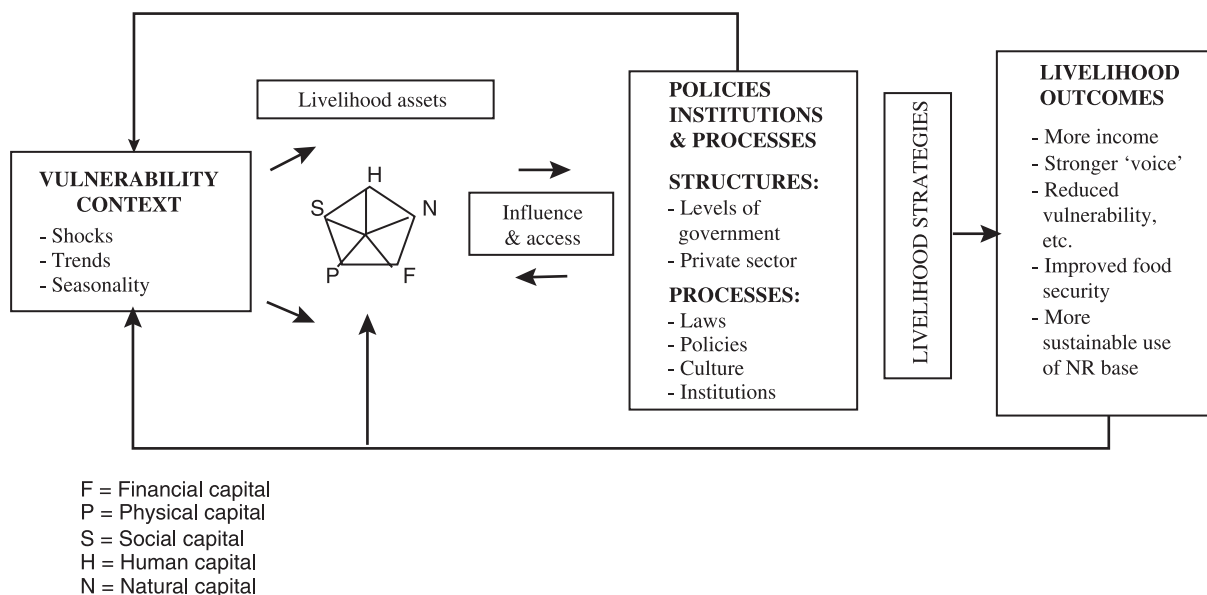


Figure 1. The Sustainable Livelihoods Framework.

Source: Carney (1999b).

of theoretical and applied tools to address local tenurial issues in the context of postwar social relations. This is of particular concern given the general recognition that the character of current instability in the developing world most often comprises low intensity conflict within nations rather than between them, with their origins buried deep within aggravating problems of inequitable access to resources — particularly, land resources (Van Creveld, 1991; Homer-Dixon, 1990; Oakley, 1995; Sahnoun, 1996). What is needed in peace processes attendant on today's conflicts, is recognition of: 1) the role that tenurial problems have on the peace process and the need for more focused attention on local tenure issues, priorities, and functioning, 2) the potential but latent opportunities that exist for engaging certain approaches to land and property which local people do have control over and how a national and internationally driven peace process can make use of such local constructs, and 3) a way to bring clarity to the analysis of postwar land tenure issues.

The Sustainable Livelihoods (SL) framework has become increasingly popular as a way to approach complex livelihood problems in a way that facilitates research, analysis, and thinking about difficult development issues, so as to plan for appropriate interventions (e.g. Carney, 1999a; Cahn, 2002a; de Haan, 2000; Ellis and Biggs, 2001). The people centered priority of the SL approach, focusing on what people already do have, are doing, and have control over (latent possibilities), is a particularly good fit with an examination of what people are doing 'on the ground' with regard to land access in post-conflict situations. Building on such local choices in the (re)establishment and reformulation of statutory land law, requires an examination of the emergence of land tenure opportunities in post-conflict situations, and the identification of these as strengths (due to their local legitimacy and pervasiveness). This paper examines postwar land tenure

using the SL framework in an attempt to bring greater clarity to an extremely fluid and unwieldy set of conditions, so as to draw out latent opportunities within recovering smallholder communities which may have utility in the (re)establishment of effective, legitimate land tenure systems after civil war. Subsequent to a brief description of the SL approach, post-conflict land tenure is described within the analytical SL framework (Figure 1). This is done by first looking more generally at the overall 'vulnerability context' presented by war and recovery from war; and then specifically describing postwar land tenure as they pertain to livelihood assets; policies, institutions and processes; and livelihood strategies and outcomes. The paper concludes with a consideration of possible interventions which emerge from analyzing post-conflict land tenure within the SL framework. The article draws on the experience of the author in the research, policy (government, donors), and practitioner aspects of postwar land tenure in Somalia, Mozambique, East Timor, Sierra Leone, Liberia, Uganda, Ethiopia, and Angola, and in multi-country efforts by the UN.

2. The SL approach: Background, terms and concepts

2.1. Background

Since its emergence in the 1990s, the SL approach has become widely used by international development efforts including donors such as DfID, UNDP and FAO (Carney, 1999b; Singh and Gilman, 1999; UNDP, 1999; Cahn, 2002b), and by NGOs such as Oxfam, CARE, ODI, and IUCN (Carney, 1999b; Drinkwater and Rusinow, 1999; ODI, 2000; IUCN, 2007; Cahn, 2002b). The SL approach

continues to evolve as an approach to research and application with academic contributions to its ongoing development (Moser, 1998; Scoones, 1998; Brocklesby and Fisher, 2003; Ellis and Biggs, 2001; Carney, 1998; Bebbington, 1999; Ellis, 2000; Farrington *et al.*, 1999; Bryceson and Bank, 2001).

The SL approach is based on several principles (Helmre and Singh, 2001). Among these: 1) it is people-centered, focusing on the assets and resources that people already have and what they are doing and could do with these; 2) it is dynamic, acknowledging that people respond to situations and develop solutions based on their immediate needs, abilities and resources; 3) it recognizes the diverse and cross-sectoral nature of people's livelihood strategies; 4) it acknowledges the forces that are beyond the control of local people and institutions but which contribute to poverty, conflict, and marginalization (such as conflict and post-conflict dislocation, and collapsed economic, political, and food systems).

The SL approach is intended, and employed here, as an analytical structure to assist in the development of both theory and application by enhancing the understanding of the complexities of rural life in developing countries (Cahn, 2002a; Singh and Gilman, 1999; Farrington *et al.*, 1999). The approach has been used previously to analyze various land tenure problems (Adams *et al.*, 1999; IUCN, 2007; DFID, 1997; Batterbury, 2001; Buechler, 2004; FAO, 2002). To date however postwar land tenure analyzed with the SL approach has not yet been examined in the published literature.²

Thus the SL framework is not itself an application but rather an analytical approach intended to assist in the development of both application and theory. In this regard, sustainable land administration after conflict in general encompasses more than rural tenure sustainability issues alone. Reconstitution of rural land and property rights after conflict should not be seen as separate from urban and peri-urban tenure issues. Rural tenure should be viewed as one component of a multi-component land administration system.

2.2. Summary of SL approach terms and concepts

It is beyond the scope of this article to provide a detailed overview, review, or critique of the SL approach, as these have been effectively dealt with elsewhere (Helmre and Singh, 2001; Brocklesby and Fisher, 2003; DfID, 2004). Instead the paper focuses on an examination of postwar land tenure with the SL framework. What follows in this section is a very brief listing of the important components of the framework (DfID, 2004), as depicted in Figure 1.

Vulnerability context: the shocks, trends, and seasonality that affect livelihoods, usually negatively. The vulnerability context is not controllable by local communities in the near or medium-term.

Livelihood assets: are assets on which livelihoods are built, and involve the five types of capital noted in Figure 1.

Livelihood strategies and the influence they have on policy, institutions and processes, depend on the nature and mix of the assets available.

Policies, Institutions, and Processes (PIPs): constitute the complex array of political and institutional factors which affect livelihoods. Such PIPs are continually shaped by people (unlike the vulnerability context), although the poor may have limited ability to effect such change. The PIPs determine or influence laws, culture, policies, and institutions; as well as levels of empowerment and involvement in the private sector.

Livelihood strategies: are the range and combination of choices and activities that people make in order to pursue and achieve livelihood goals.

Livelihood outcomes: are achievements or results of livelihood strategies, positive or negative. Outcome categories can include: increased income, greater well-being; reduced vulnerability; improved food security; more sustainable use of the natural resource base, social relations and status.

3. The vulnerability context — conflict

3.1. Shocks

Shocks connected directly with conflict events exist in two types: 1) the effects of specific, including repeated, combat and combat related events on individuals, households, and communities; and 2) the effects of the overall war on livelihood systems. The first concerns the temporal and spatial combat and combat-related repercussions (banditry, pillaging, land mine encounter, looting of food by troops, etc.). These have a direct impact resulting in deaths, household and community disruption, asset stripping, conscription, trauma, loss of crops and livestock, food store depletion, and immediate dislocation (Hutchinson, 1994; Unruh, 2000b; Unruh *et al.*, 2003). The repercussions of these events can vary with the temporal and spatial nature of the conflict, and can range from areas being repeatedly subjected to large-scale combat events, to areas subjected to one or two small-scale combat-related events over the course of a war, to areas that endured a war with little or no direct experience of such events. Such direct effects, while spatially prescribed, have wider repercussions as people flee and markets collapse;³ which in

³ Market collapse and in-access due to conflict can be one of the most pervasive and enduring shocks due to conflict. The spatial network of infrastructure, institutions, and norms which support contacts, trust, transport, and facilities are delicate and difficult at best in developing country contexts, even in times of peace. Market network collapse can be among the first shocks delivered with wide impact in conflict scenarios, and among the last to be re-established after conflict. The effects of market collapse or in-access can be felt far from actual conflict events as combinations of transport, political affiliation, non-delivery of products, monetary institutions, and dislocation are reworked over large areas. The influence on non-reproduction of the means of livelihood (crop and livestock production) then feeds back to perpetuate market dissolution and militates against market network re-establishment after conflict.

² A preliminary and less developed version of this article appeared as an FAO background paper.

aggregate constitute the second type of direct shock — the broader effect on livelihood systems. The latter includes disruptions in coping strategies regarding how households and communities deal with direct combat events or fear of them, and the presence or lack of assistance and support provided by like groups (lineage, geographic, religious, ethnic, etc), the state, or the international community (Unruh, 2003).

Population dislocation during and after war encompasses both types of shocks. While dislocation can be due to direct or indirect conflict events and trends, dislocation itself is a shock as individuals, households, and communities deal with the experience of greatly reduced or complete loss of land and other assets or access to them. Arrival in destination locations for displaced persons can result in an ongoing series of shocks as individuals and households are subject to discrimination and ongoing asset in-access or deprivation. This occurs in contexts where there can be a range of support — from effective support by kin, the state, or an international agency, to little or no support or assistance by the host community, to outright hostility, conflict, animosity, and depredation by locals, troops, and social banditry (Unruh, 1993). The results can range from a permanent or semi-permanent hosting in a destination location, to repeated dislocation as people continue to attempt to locate to an area with near-term personal security as a priority. A primary question in such a context is how to view and assess such a population in aggregate, given that the experiences involving the shocks of combat and dislocation will be so varied across a post-conflict landscape (Unruh, 2003; 2002).

Dislocation-related shocks can also affect communities which host dislocatees. The settlement of large numbers of internally displaced persons (IDPs) or refugees in areas occupied by local communities can result in compromised property rights, from decreases in tenure security, to complete loss of access to lands or land-based resources (Unruh, 1993; 1995). Often dislocatees are relocated in new areas and lands by the international community with little or no consultation with host communities. This can result in loss of access rights to agricultural lands, along with forest products, grazing areas, and water resources. The shock can become aggravated with additional factors such as drought, flood, and disease, resulting in significant competition between IDPs/refugees and local communities over diminishing resources. Competing land use and claims can result in local landholders abandoning features of their own tenure systems because disputes and the lack of legitimate mechanisms to resolve them have made such features unworkable, or they believe there is little point in adhering to tenurial constructs that others (IDPs/refugees) are not following (Bruce and Migot-Adholla, 1994).

The destruction of crop and livestock assets (liquid financial capital) during and subsequent to conflict is a shock that has a primary impact on livelihoods and coping

strategies.⁴ In addition to direct loss of both due to combat, forced abandonment, and theft, this shock also involves the destruction of or in-access to the means to reproduce both crops and livestock and as a result, livelihoods. These means include, predictable access to land(s) and water for cultivation and grazing; participation in trading networks involving seeds, new herd additions, and market opportunities; and delegation of responsibilities among family members who must travel varying distances from households and communities in an insecure environment (Unruh, 2003; Unruh *et al.*, 2003).

3.2. *Trend-related vulnerability*

While shock-related disruption of production systems can result in an immediate stripping of assets fundamental to livelihood systems, trend-related dissolution of livelihoods is longer term and more complicated.⁵ The dissolution of communities during conflict and their long-term subsequent reorganization, is one of the most important trends influencing vulnerability and the re-access and accumulation of assets including land assets. Due to the very large role that community plays in rural livelihoods in the developing world, its reorganization after conflict can be a long and often difficult process. While some communities will be able to re-establish themselves quickly due to easy access to the natural, social, and human capital (Figure 1) which accompanies the community cohesion which can favour more isolated areas, often there are complicating factors. Of relevance here is the inverse relationship between duration of displacement and the prospect of large-scale return. Such that the longer displaced persons reside in a new location, the less likely they are to return to locations of origin, resulting in a proliferation of informal settlements near urban areas. As well the effects of political affiliation during a conflict; notions of victimization, victory, or blame; IDP return problems between those who fled and those who stayed behind; the often large increase in the roles and responsibilities of women during and after conflict; distrust

⁴ While the shock events associated with many forms of direct combat do not occur in post-conflict situations, this is not the case with land mines. Ongoing shocks due to landmine encounter after the end of open hostilities continue for years, as does the fear (and subsequent decision-making) that certain areas still contain mines. This leads large, often agriculturally productive assets to be treated as ‘off limits’ to rural inhabitants, with ongoing repercussions on crop and livestock sector rehabilitation, livelihoods, and resettlement (Unruh *et al.*, 2003).

⁵ For example, dislocatee return and attempts at reintegration into land tenure and production systems finds that significant system components are missing or not operable, and alternatives must be sought in their place. This can result in trends in post-conflict situations progressively acting to dissolve aspects of pre-existing tenure and production systems due to, (1) conflict over land with no legitimate, respected in-place institutions to resolve them, and (2) lack of market opportunities and state support which leads to significant difficulties in re-establishing the crop-land and livestock-land mix fundamental to livelihoods.

of the state;⁶ and lessons learned in refugee camps and cities, can combine to make reorganization of communities of agriculturalists extremely problematic and long-term (Bailliet, 2003; Krznaric, 1997). But because the prospect for such reorganization will vary markedly over a post-conflict affected landscape, aggregations and single notions about this trend will be difficult, hence the utility of a framework able to examine the nuances of particular locations and circumstances.

Profound shocks to human societies such as conflict, famine, natural disasters, and recovery from these, frequently result in a trend toward socioeconomic segmentation, whereby many people become poorer or worse off, but at the same time there emerges a segment that is able to grow wealthier (Unruh, 1997). This occurs as crisis, adaptive, and livelihood coping strategies comprise progressively selling off assets (including land), often at very low prices in order to move them quickly and gain a quick income for near-term survival. These assets are sold to others who can afford to buy them, ensure their security and hold them, and sell them either to others, or back to the original owners subsequent to a crisis, but at higher prices. This allows those in a position to do this to become wealthier. While this trend occurs at the village level, it can also occur at higher levels, including the level of the state, and can reach a point whereby such an activity is so lucrative that those in such an advantaged position can seek to slow or stop the resolution of a conflict or progress of a peace process.

Food prices in post-conflict settings, in both rural and urban areas are ongoing trends affected by available supplies after a conflict (often low), together with infrastructure and market recovery, and the quantity, distribution, and type of post-conflict food aid and productive asset development assistance. The combination of high prices, and low purchasing power is arguably one of the factors involved in the upsurge of ‘social banditry’ after a war (Unruh, 1997). The influence of prices on agricultural strategy will involve continued use of ‘famine foods’ including wildlife (particularly given the prevalence of light weapons), and plant species considered edible in times of stress.⁷ As well, ‘shortcuts’ in food preparation can occur as high prices prevent the purchase of alternatives.⁸ Elevated prices will likewise delay the recovery of crop and livestock assets (reacquisition via

purchase) and the attendant production systems, necessitating the pursuit of alternative agricultural strategies more focused on extraction, overuse, and mobility (Korf, 2002).

3.3. *Seasonality in a post-conflict context*

While seasonality can be a difficult variable in times of peace for smallholders, the difficulty is greatly magnified in post-conflict scenarios. This occurs as the timing of the biophysical and social aspects of the agricultural calendar intersect with the timing of priorities involved in post-conflict survival and recovery such as, migration and resettlement; pursuit of short-term food, personal, and livelihood security; re-claiming land and land disputes; and the lack of seeds, agricultural implements, labour, and livestock, along with other forms of financial capital. The overall effect can be to significantly extend and make more severe any ‘hungry season’ effect⁹ in locations where this occurs normally, and to introduce a hungry season where it did not previously occur. Such an expansion can occur over additional weeks or months, or encompass the entire agricultural year, depending on the area’s intersection with the conflict and recovery. The intersection of crop and livestock destruction with seasonality in post-conflict settings, will, in addition to the hungry season effect, likely mean that recovery of these assets will take a significant amount of time. While economic, social, and biophysical rates of increase for both crops¹⁰ and livestock¹¹ can be predicted in times of normal land tenure and production system function, in post-conflict settings rates of such reacquisition are much less predictable, particularly when coupled with a magnified seasonality influence. This will especially be the case if drought or flooding, erratic onset and duration of rainy seasons, and socio-political problems in the peace process exist.

4. Post-conflict land tenure within the SL framework

While the previous section provided a general vulnerability context, this section places the reality of post-conflict land tenure within the framework of the SL approach (Figure 1), in order to examine the possibilities for effective intervention (elaborated in the subsequent section).

4.1. *Livelihood assets*

4.1.1. *Natural capital — land*

The primary feature of land assets after a war is change, due to a variety of causal factors. Changes in land asset

⁶ Subsequent to the end of a conflict, disappointment and distrust in a newly reconstructed state can manifest themselves in the development (trend) of different forms of local alternatives to the state; particularly since the ideology, mobilization, and wartime aspirations are still fresh in the minds of many, and a post-conflict state can find that it has less influence than initially thought.

⁷ In Ethiopia the naturally occurring ‘vetch’ plant is eaten in times of food insecurity and conflict, usually mixed with grain stores to augment supplies. In times of extreme stress however it is eaten on its own, and has a crippling effect on children and the elderly.

⁸ In post-conflict northern Mozambique, returning populations were unable to afford the purchase of foodstuffs, necessitating the immediate consumption of cassava without the normal processing of the plant needed to remove the naturally occurring poison.

⁹ The time when food stocks from the previous harvests are low, but current crops are not yet harvested.

¹⁰ Rebuilding seed supplies, reacquisition of implements, land and labour.

¹¹ Herd rebuilding tied to purchasing power, availability of livestock, and reproductive rates of livestock species.

access associated with conflict can come about with, (1) dislocation; (2) dislocatee claims in destination locations; (3) victory or loss of particular sides in the conflict, and activities of rural inhabitants connected to these sides (including ethnic cleansing and the subsequent purposeful ethnic repopulation of areas); and, (4) land losses and gains connected with opportunistic activities of individuals and groups intending to take advantage of the fluid post-conflict environment to pursue economic, religious, or identity-based land taking, or what can be perceived of as a re-taking of lands.¹² As well the asset can change value in an agricultural context, as lands are overgrown due to abandonment; become unconnected to markets due to infrastructure destruction, neglect, and land mine presence; or degraded due either to high concentrations of dislocatees during the conflict or highly extractive resource use strategies.

An important aspect of land as natural capital is the security with which it is held — tenure security.¹³ Thus while quantities of land as capital can be high or low, what one is able to do with this capital depends on the degree of tenure security enjoyed. Ongoing reductions in secure access to lands in post-conflict settings (different than no access) result in continued short-term and extractive use of land resources (Korf, 2002), with repercussions on the sustainability of the agronomic resources necessary for recovery and development. Differences in tenure security in post-conflict settings between segments of society can come about due to the peace accord, solidification of gains made by one side or another in the conflict, the makeup of the ‘community’ within which one resides,¹⁴ the presence of state or international actors connected to particular pieces of land, or security exerted over lands through force of weapons.

4.1.2. *Human and financial capital*

Human capital in terms of education and awareness of formal and customary land tenure structures (rights, laws, norms, authority structures, procedures) will be particularly hard hit by conflict scenarios, and further debilitated during the post-conflict period. In-place customary communities that experienced limited or no dislocation, and did not

receive high concentrations of dislocatees during the war will likely have retained greater human capital in terms of land access. On the other hand war-affected communities, dislocatees, and demobilized combatants will likely have very low human capital upon which to draw to (re)gain access to lands, or defend rights to land non-violently. With regard to the latter, the result can be attempts at replacing the necessary human capital with more easily accessed political–financial capital in the form of light weapons (also a variant of power) in order to defend or (re)acquire rights to land.

The importance of smallholders knowing about the changes that are underway in both formal and informal tenure systems after a war is important to their ability to pursue opportunities as circumstances change with regard to evidence of claim, tenure security, and access in post-conflict scenarios. The overriding problem in this awareness (as human capital) for smallholders is the rapidity with which customary norms change in post-conflict settings particularly as they pertain to adjacent groups, and the remoteness of new happenings (e.g. legislation) in the formal tenure system, especially when government efforts are hampered by delays and information dissemination limitations. While those who are more educated or have state connections may be able to obtain information and understand how the formal tenure system is evolving in a post-conflict environment, they may also be in leadership positions within customary systems, and can influence how the customary system will operate over a given area.

A primary aspect of human capital in post-conflict settings will be its role in dealing with the many land disputes resulting from reintegrating rural populations, in a context of a very limited state ability to resolve disputes. In the immediate post-conflict period, most of the land dispute resolution and mediation that does occur will be accomplished by community leaders and others (including warlords) with the authority and power to decide such issues. The role of such an aspect of human capital however can become eroded as certain trends favour the deployment of physical power (weapons) over traditional authority.¹⁵ But for much of the post-conflict landscape, the presence of local farmers, dislocatees, commercial interests, and demobilized combatants from different sides in the conflict, all located in the same areas, will mean that land disputes involving these players will unlikely be able to locate a commonly respected and legitimate authority. This will constitute a significant degradation of an important aspect of human capital regarding land tenure in post-conflict situations and a trend-related problem for recovery. What can emerge in some circumstances however are mediation efforts (different from land dispute resolution) by people, committees, or groups who can be seen as objective (different

¹² In Rwanda various rationales were derived to facilitate the post-conflict taking, or occupying of land and property that were tied to the character of the conflict; particularly involving perceived, actual, or accused guilt with regard to participation in the genocide (Huggins, 2004).

¹³ Tenure security is ultimately a product of the mix between natural, human, social, and political capital. In this context tenure security is to a large degree less about the rights possessed by a particular individual, than it is about the respect for those rights that a community provides (Unruh, 2002; 2003).

¹⁴ Tenure security is fundamentally about this community role. Where locals, IDPs, ex-combatants, and commercial interests find themselves in one broad community, the degree to which an individual believes ‘others’ in such a community are willing to respect rights based on specific evidence attesting to those rights, is fundamental to one’s sense of tenure security (Unruh, 2003). For example as newcomers, IDPs can believe that they are second class members of a community (in many cases due to their own experience), and this belief may prevail over other indications of actual adequate land rights provision (Unruh, 2005).

¹⁵ This is a significant aspect of the ongoing land problem in Somalia, and the Karamajong Cluster (border area of Sudan, Uganda, Ethiopia, Kenya) where weapons (as a form of political-financial capital) supersedes local traditional authority (human capital), over sometimes large areas.

from authority).¹⁶ Such a form of objectivity is likely to be an important form of human capital regarding land disputes in problematic post-conflict settings. However such mediation usually does not resolve land disputes, but instead serves to non-violently postpone resolution until a later date when and if a legitimate authority is in place. In any case such informal dispute resolution ‘services’ highlight a broader point about dislocation and reintegration. Too often the international aid community views dislocated populations resident in urban areas, camps, or scattered, as liabilities to be cared for; as opposed to viewing them as assets to be productively engaged. Reversing such a view, particularly by building on existing skill sets, would go a long way toward the reacquisition of assets degraded by conflict.

Information is an important component of human capital. But the information dissemination environment in post-conflict settings will be significantly compromised both in the formal and informal land tenure domains. Because of the often significant delay between the cessation of hostilities and the effective implementation of new laws regarding land (e.g., Mozambique 5 years, Rwanda over 10 years), and subsequently the dissemination and enforcement of new laws, there will exist a ‘sequencing effect’ regarding dissemination about formal and informal tenure constructs. Because local informal tenurial constructs will emerge quicker, be more numerous, and operate over much smaller areas subsequent to conflict than state constructs, local dissemination about the customary constructs will also occur sooner than the state will be able to pass laws and disseminate relevant information regarding how laws operate. This means that binding obligations involving land assets attached to such informal constructs will be up and running when dissemination regarding formal land law does finally occur, significantly complicating the implementation and enforcement of formal law. Such a situation reveals information itself as a form of capital, mitigated by dissemination, sequencing, and other forms of information control.¹⁷ Exclusion of specific groups from awareness, training, or information dissemination regarding evolving tenurial arrangements (formal and informal) will be a significant concern in post-conflict settings. On one hand government exclusion (purposeful or not) of smallholder awareness, education, and training regarding what the state is doing in terms of formulating new land tenure

arrangements will disadvantage smallholders; and complicate consultation, input of ideas, notions of legitimacy, equity, and participation. On the other hand, the state will likewise be excluded from information about emergent local customary tenure constructs which will have allowed smallholders to resettle and to a certain degree manage land disputes and restart production system activity. As well there are very real constructs of exclusion within the informal sector.¹⁸

4.1.3. *Social capital*

Connections, networks, group membership, and relationships of trust,¹⁹ reciprocity, and exchanges that provide for important informal safety nets can become exhausted during and after war as continued food, personal, livelihood, and tenure security is progressively degraded. In their place new (but usually much weaker) relations (as IDPs, refugees, migrants, ex-combatants, etc.) are defined to both ensure survival and pursue notions of opposition or allegiance to a particular side in a conflict based on personal experience. But again segmentation is an important feature of social capital during and after conflict, as it is with other forms of capital. While connections and networks for some can facilitate either removal from conflict’s effects, or an advantaged position with regard to a conflict, often for most rural inhabitants there is either a progressive degradation of social capital over time, or a quite rapid disintegration depending on the nature of the conflict and one’s exposure to it.²⁰

Continued social disruption after a conflict can serve to delay, degrade, and rework social capital regarding land tenure. This occurs as attempts to resolve land disputes, government missteps with regard to how rural inhabitants are treated in the context of land issues, social banditry, and lack of land access (along with personal, food, and livelihood insecurity) lead to the abandonment of connections,

¹⁶ This was the case in East Timor for a set of land conflicts near the West Timor border, where the lack of state or locally respected authority together with the large presence of UN troops to prevent violence as an option, led to the emergence of mediation efforts that, while not deciding dispute resolution, were effective at mitigating disputes and their effects so that peace, farming, and recovery continued. The effect essentially was to put off ultimate resolution of land disputes until a later date. This also occurred in post-genocide Rwanda, where lack of state involvement led to the spontaneous formation of local land commissions to attend to the emerging land disputes over ‘land sharing’ and boundary problems (Huggins, 2004).

¹⁷ However there are ways to purposefully influence this effect as Huggins (2004) notes.

¹⁸ In an example from Guatemala, those that fled lands and ended up as refugees in camps run by the international community in southern Mexico became very well educated as to their rights to lands in the post-conflict setting due to their exposure to international sources regarding human rights, rights of return, and the peace process. Those that stayed on their lands in Guatemala however were excluded from this education, awareness, and information. Such that upon the return of the refugees, there were pronounced differences in notions of land access rights arrangements between these two customary groups. At the same time, the absence of significant parts of the customary landowning population (as refugees) meant that for those who stayed, there was a development of new local tenure arrangements that allowed them to function as an agricultural community during the conflict. One of the most dynamic aspects of this was the much elevated status of previously marginalized groups, such as women, poorer members of the community, migrants, etc. Those that fled and became refugees in Mexico were excluded from this form of awareness and education, which added an additional complication to their return to home areas in Guatemala (Krznicar, 1997).

¹⁹ Distrust is a general feature of post-conflict settings, and can include distrust of the state; traditional authorities, and other ethnic, religious, refugee/IDP, or geographic groups. Such distrust can come about due to attachment of specific groups to one side or another in the conflict, or historical animosities and disagreements aggravated by conflict-related factors.

²⁰ Disruption of social networks, especially trust, was a large part of the post-conflict land tenure environment in Rwanda (Huggins, 2004).

networks, and forms of trust and exchange that do not work, in favour of alternative approaches which may (Korf, 2002). But because alternative approaches are new, they are by necessity experimental and unpredictable, which leads to frequent ‘switching’ from one form of arrangement to another. In aggregate this can significantly slow the reformation of durable, predictable, workable forms of social capital involving trust that are of utility over the long term. On the other hand certain forms of this switching can be beneficial. In Ethiopia significant ‘forum shopping’ goes on in terms of searching for ways of land dispute resolution that do work, and are connected to important aspects of enforcement and legitimacy (Unruh, 2005). Such forum shopping in fluid post-conflict settings can be a valuable form of social capital. Valuable in that it can allow for a peaceful ‘process’ (in a PIPs context, Figure 1) of dispute resolution, mediation, or simply repeated attempts at these (which buys time non-violently) for large numbers of people and different groups. That forum shopping emerges on its own, and is operated and engaged in by local participants, and serves an important institutional need that the state is unable to provide in post-conflict settings, can be seen as a positive asset that local rural inhabitants do have control over. Given the history in many developing countries of the tenurial disconnect between formal and informal tenure systems, a state forum for land dispute resolution may emerge later as only an addition to the shopping list of possibilities as opposed to a single, national approach to dispute resolution.

Subsequent to conflict there can be significant interest in rebuilding social capital (particularly involving trust). But given the starting point, and that rebuilding can be slow, experimental, and sometimes unconnected to pre-existing forms, there can be continued low access to effective forms of social capital. At the same time social capital built around specific situations of dislocation, combat, and opposition can grow weaker as a peace process matures and people return to home areas; are resettled and demobilized; and refugee, IDP, and demobilization support by the international community comes to an end. In addition, government activities can work against the establishment of new forms of social capital with regard to land by not disseminating information, and seeking to marginalize portions of the population (possibly due to their affiliation to one side in the conflict). In aggregate social capital for rural inhabitants after a conflict will be in a state of ongoing flux, and weakened overall, with predictability of connection, trust, and reciprocity also low.

How social capital is retained in post-conflict settings is an important question. While one’s sphere of social connections contracts due to conflict and the post-conflict difficulties in maintaining a wide network, noting what ‘purpose of connection’ is associated with retention of social capital is important. Significant questions include, do some points of connection such as household, livelihood, production system, lineage, religion, political affiliation, or others endure

conflict and post-conflict scenarios better than others? Are specific forms of social capital retained under some post-conflict conditions and not others (e.g., food insecurity, ethnic strife or ethnic cleansing, dislocation)?

Political capital, as a variant of social capital in post-conflict settings, can be influenced by the degree of connection or alliance to one side or another in the conflict. What can be a significant political asset in a crisis strategy (connection to the combat, support, or sympathetic aspects of a particular group in a war) can turn into a liability or be much reduced in value after a war. Such change can depend on the fate of those involved in the group, or how they were involved in a peace accord, or local to national intersections with particular battles (victory or loss), or the transformation of a warring party into a political party.

4.1.4. Physical capital

There can be significant intersection between physical capital and post-conflict rural land tenure. The status of transportation infrastructure (due to destruction, neglect, or as ‘off limits’ due to landmine and military/militia presence) and its effects on marketing of agricultural produce, can effect the amount of land (re)claimed and put under production during recovery. But as well the co-location of forms of physical capital together with a mix of natural (fertile land, water), social (fellow IDPs, refugees, ex-combatants), political (security), and financial (relief supplies) capital can result in large concentrations of small scale agriculturalists ending up in certain areas even long after a conflict is over. Such ‘critical resource tenure’ areas emerge due to the presence of such a mix of capital and can constitute significant influence on land tenure issues more broadly (Unruh, 1995). While such locations can be problematic politically (just as refugee camps can be) these are also locations where human capital (awareness, education, training) and social capital (networking, information dissemination) gains can be quickest.

4.1.5. Tenure security and connections between forms of capital — the spatial problem

While access to land as a form of natural capital is important in post-conflict settings, by itself land as an asset has little utility apart from short-term extraction activities. It is the mix of land with human and social (including political) capital where tenure security emerges, and how the resulting longer-term livelihood sustainability is realized. As noted earlier, tenure security is based on a community’s respect for an individual’s claim to land. Such respect can be based on the degree of connection to the community as a social network, including connection to the authority structure (human capital), and an ability to defend one’s rights via dispute resolution within institutions that a community holds to be legitimate. The human capital involved in knowing how to do this (including knowing how a customary system works, and what is valuable evidence attesting to land rights at a given point in time)

is an important connection to natural and social capital. But because it is human and particularly social capital that suffers significantly in conflict and post-conflict scenarios, security of tenure declines markedly, along with security of livelihood, and land as natural capital is then accessed on its own — in an extractive format — for timber, minerals, wildlife, rubber, etc. Conversely, in the locations where human and social capital exist in highest potential for being rebuilt (refugee camps, IDP concentrations, settlements around cities and other secure locations, membership in militia groups), agricultural land as a natural asset is in extremely short supply. What can exist in aggregate is then largely a spatial problem, where the forms of social and human capital of greatest potential are not located where productive land resources or rights to those exist.

4.2. Policies, institutions, processes (PIPs)

4.2.1. Structures

While reconstruction of formal tenure structures will begin at the national and provincial, and possibly at district levels, (re)connecting these with rural smallholder customary land tenure structures and processes will be a separate, and significantly large-scale and sustained effort.²¹ However in many developing countries (especially in Africa) the disconnect between formal and customary structure remains the prevailing tenurial theme even in peacetime, and constitutes one of the primary development dilemmas (Thomson, 2003; Unruh, 2006). Such that if smallholder rural structures in a post-conflict country have little or no history of connection to formal land tenure structures even prior to a war, it may not suffer overtly due to the existence of such a disconnect in a post-conflict setting, and may for a period of time experience a degree of benefit from a debilitated set of formal structures. This can come about as those formerly well positioned to use the state's structures to their advantage (elites, state officials), are less able to pursue land takings in rural areas using formal organizations, which smallholders may have had little ability to defend themselves against in the past. But this effect will be spatially and temporally variable. Thus while formal tenure organizations that are weakened in a minor way can allow for increased abuse in terms of land claims by those able to use the state structure to their advantage (obtaining documents and lands fraudulently, coercively, or through force), on the other hand a very severely debilitated set of state tenure structures will not even provide for an opportunity for abused functioning.

The lack of appropriate legislation dealing with property rights in post-conflict settings does not prevent a land market (as a structure) from emerging and operating — however informally or illegally. But without a formal legal

and economic framework, the informal nature of the market can eventually breed tenure insecurity particularly in urban areas, discourage larger-scale investment and reconstruction, and has the potential to become conflictive later if subsequent property rights legislation is unable to adequately embrace what has occurred in informal land market transactions (Marqhart *et al.*, 2002). Transactions of unregistered and untitled properties over time present particular problems to constituting a comprehensive land titling and cadastre program. The development of a formal land market that does not engage what has already gone on in the informal land market after a war runs the large risk that smallholders will choose not to engage the formal land market, that large scale evictions will take place, particularly in and around urban areas, and that the formal market will end up being for the elite only, while discouraging both foreign and domestic investment.

4.2.2. Processes

The NGO domain is of particular importance in post-conflict situations, in an SL 'process' context. Subsequent to war, developing countries can be inundated with international NGOs who then create domestic NGOs as counterparts to receive funds (and often direction) from international donors. While there are problems with a very high volume of this activity (e.g., creation of parallel institutions to government, attracting trained personnel away from government), the positive aspect is that structures can be built (or imported) that represent the poor.²²

Processes involving informal institutional change regarding land can be chaotic for some time after a war, as rural inhabitants employ a variety of crisis and adaptive coping strategies focused on the short-term in order to engage in risk avoidance, vulnerability reduction, asset retention, and food and livelihood security. Getting an aggregate understanding as to the direction of this change, apart from large-scale moves toward or away from extractive short-term decisions, is difficult due to the high spatial, temporal, and type variation in smallholder livelihood strategies. However subsequent to a conflict there can be a directional surge in the process of informal institutional change as large numbers of dislocatees return to home areas, and in-place agriculturalists (including dislocatees who will not return to home areas) re-claim lands and begin what in aggregate is a large-scale increase in the cultivation of previously abandoned land (Thomson, 2003; Unruh, 1995). At such a time a variety of conflict and pre-conflict informal institutions that provided for access to land will be tested against post-conflict institutional derivation designed to facilitate access,

²¹ In Mozambique several organizations were created, including the Interministerial Land Commission, that dealt with the connection of rural smallholder land tenure to policy reform (Unruh, 2004b).

²² In Mozambique a number of land-related domestic NGOs operated together with international NGOs, donors (in particular FAO) and their institutional contractors (such as the US funded Land Tenure Center), to push the land issue on behalf of the rural poor, significantly influencing national debate and ultimately policy reform.

reclaiming, eviction, and dispute resolution, and to facilitate intersection with the formal tenure system for specific groups. Power relations undergo change in a post-conflict process context as re-emerging gender, caste, socioeconomic and class relations from a pre-conflict setting, either a) clash with new roles taken on by female-headed households and marginalized groups who became combatants, land use decision-makers, and leaders, or b) operate without the confines of former power relations.

5. Livelihood strategies and outcomes in post-conflict land tenure

Livelihood strategies subsequent to conflict will embrace change in decision-making time horizons, from short (during conflict, and immediate post-conflict), to near-term (post-conflict) to longer-term (development). This change will influence the type of sustainability pursued by individuals and communities. In one sense, conflict, and post-conflict livelihood strategies will be difficult for much of the rural population given how extractive (and exhaustive) livelihoods can be in terms of the depletion of assets (natural, social, physical, financial), while at the same time smallholders are attempting to reacquire such assets. In another sense however there are wartime and post-conflict approaches that, while exhausting particular assets, do exhibit resiliency. In this regard two features of sustainability are noteworthy in a post-conflict environment: 1) resiliency in the face of external shocks, and 2) non-dependence upon external support. If people are still alive after a war then they have enjoyed some form of resiliency in the strategies they were and are pursuing; and with the exception of refugees residing in camps, non-dependence on external support is common. Simply the end to hostilities can contribute significantly to successful livelihood strategies and positive outcomes in the immediate term. But this can then subsequently compromise sustainability and potentially increase vulnerability as a large percentage of the rural population begin moving back to home areas and properties, and others continue moving from place to place, and postwar social banditry increases. Thus the short-term decisions involving migration, dislocation, highly extractive natural resource use (such as over hunting and over fishing, banditry, borrowing, calling in loans, consuming reproductive livestock, status as refugees, etc.) in aggregate constitute a sustainable way of dealing with conflict and post-conflict situations through strategy diversity and frequent switching. As well post-conflict pursuits of sustainability, especially with regard to land tenure, can include, farming quickly on land not one's own (including planting quick producing crops) and then moving on; or for others farming a plot every year with no fallow period so as not to have it occupied by others in extremely tenure insecure situations. In other words what can be pursued in terms of resiliency is a constantly changing menu of extractive, low investment,

opportunistic, short term, and usually dead end (resource exhausted) activities that can, taken as a broad set of activities, be seen as sustainable in post-conflict scenarios. An important feature of this approach is a fortuitous access to a variety of assets that may or may not legally belong to individuals, along with an ability to switch asset access quickly once particular asset exhaustion occurs or access closes. In work relevant to this frequent 'switching', Lund's (1996) land tenure work reveals that 'open moments' become important, in which intense periods of social rearrangement occur — particularly in land disputes. As a result an open moment is an opportunity where the room for "situational adjustment is great and hence where the capacity to exploit it is crucial for the actors". In war and post-conflict situations, legitimacy, authority, and rules (social assets) are much more fluid and open than perhaps at any other time. And while such a situation can provide for some difficulty (such as low predictability) on the other hand it can be of considerable utility for smallholders attempting to access or re-access land and other capital.

Moving from crisis strategies (during conflict) to adaptive and then livelihood strategies after conflict will take time, and possibly more time than initially expected. Being able to progress from one type of strategy to another requires that the process of pursuing one type of strategy does not act against changing to another (itself a process). For example, immediately after conflict there can be a significant push toward a very high degree of diversity in livelihood strategies focused on making numerous small, quick gains in food security; to the degree that extreme fragmentation of time and activity can work against the reforming of longer term strategies able to provide greater predictability, quantity and quality of agricultural yield.²³ In this regard the SL approach can isolate what timely, precise support may be needed to facilitate transitioning strategies. Support in terms of land access and tenure security²⁴ can play an

²³ For example, in a crisis strategy one type of natural asset that households want to maximize access to are non-agricultural areas (forest, national park, woodlands) where wild game, fuelwood, natural cover, naturally occurring water supplies, and other natural assets supportive of a more resource extractive strategy exist. This would be different than needing to maximize natural assets involving fertile, easily watered agricultural or grazing land near transportation networks which are needed for livelihood strategies in peacetime.

²⁴ Increases in tenure security as a livelihood outcome will be tied, as previously noted, to notions of 'community' (community level respect for individual level rights). But in post-conflict settings the community is usually of a very different character than prior to or during a conflict — as an outcome. There will potentially be large numbers of migrants, dislocatees, or returning refugees, along with commercial interests, demobilizing combatants, and international actors that will all belong to a 'community' in terms of the needed acknowledgement and respect of land access claims. That this new post-conflict 'community' is comprised of actors that possess very different notions of land claim, evidence, authority, and dispute resolution (the factors important to tenure security) which will not be shared by other members of the community, makes this acknowledgement and respect considerably more difficult, and will be an important outcome.

important role.²⁵ Transitioning from one form of strategy to another can result not only in a redistribution of assets (between natural, human, social, etc), but redistribution between types of specific assets (i.e., types of social assets or types of natural assets). In other words the type of asset required for the functioning of a crisis strategy can be different than that needed for an adaptive or livelihood strategy even though the quantity of the asset may be the same.

Important to livelihood outcomes will be strategies involving land and property restitution, resettlement, and eviction of those on land claimed by others. A primary problem here can be that customary ideas of authority, equity, welfare, retribution, disagreement, and enforcement can become very problematic if the state is not organized, available, and effective in a timely manner to deal with large, aggregate problems of land and property restitution, resettlement, eviction, and enforcement. If the state is not in a position to handle such issues in what is seen as a fair, supportive manner, with the appropriate alternatives ready, then negative outcomes on livelihoods can result and vulnerability will increase. In most postwar settings the state is not in this position, and it may fall on the international community present at the time. Because the UN is most involved in the early post-conflict stages, these issues will likely become part of peacekeeping and peacebuilding efforts, and it is here where effective interventions are important. Nevertheless there is ongoing experimentation in certain African countries attempting to build customary stakeholder capacity concerning land tenure by focusing on fundamental changes in formal law with regard to postwar issues of restitution, resettlement, eviction, and enforcement.²⁶

6. Possible interventions in post conflict land tenure

The SL framework, in addition to being an analytical tool is also intended to provide the basis for intervention and action (FAO, 2004; Helmore and Singh, 2001). Post-conflict land tenure situations are unique settings in their combination of a weakened and chaotic formal system, vigorous but fluid informal tenure activity, along with the presence of a peace accord, political demands and concessions regarding

land, and international peacekeeping forces and other actors that have a large interest and influence in the success of the peace process. While this combination carries risks, it also represents real opportunity for organizational, institutional, and policy reform in the formal and customary land tenure sectors. This can potentially lead to an improvement over the arrangement that existed prior to the war, and which may have contributed to the war (Richards, 2004). In this regard the statutory tenure reorganization and reform efforts need to assess how the development of informal tenure institutions, problems, and processes are proceeding ‘on the ground’ so as to draw legitimacy from these processes into reformulating national tenure structure, policy, law, and enforcement. This will have the advantage of working ‘with the grain’, and build on what has already been learned, disseminated, and accepted within the informal system as the formal legal system is able to subsequently be derived and implemented — as opposed to expecting people to disengage from binding customary obligations involving land when formal laws are enacted and information about them is disseminated. Without this purposeful connection, tenure institutions at different levels risk evolving in different directions, with considerable difficulty later on for any attempts to connect them. With such a connection however, new policy can support what people are already doing, and engage in ongoing problems of disputing, resettlement, restitution, proof of claim, and the role of land and property in economic development. In post-conflict settings new laws have the opportunity to address land and property issues in the context of what people are already doing ‘on the ground’, with a view to moving from the fluidity of post-conflict situations to a more solidified and peaceful social and legal environment as an outcome. Positive examples exist.²⁷ Local-level officials can be charged with facilitating the dialogue, interaction, and adaptation between the state and other normative orders which are in place subsequent to a conflict, especially with regard to land dispute resolution — one of the most volatile aspects of a peace process (Unruh, 2003).²⁸

²⁵ For example, a temporary degree of tenure security (provided by the state, NGOs, or donor projects) for those that occupy lands to which others are returning (squatting essentially), may mitigate against their eviction and a return to a crisis strategy. This together with provision of targeted food aid, transport, and land mediation services may provide the necessary space (in terms of personal and food security) for transitioning from crisis and adaptive livelihood strategies involving short-term decision-making, to more long-term livelihood strategies.

²⁶ In post-conflict East Timor new formal property rights laws are being proposed after significant research into customary land tenure, admitting testimonial and other customary evidence for claim, dispute resolution, possession, and restitution (Marquardt *et al.*, 2002). In both Sierra Leone and Liberia, government efforts involve donors and NGOs to purposefully connect post-conflict tenure dynamics with formal land and property rights law derivation (Unruh 2005a; Unruh 2007).

²⁷ After several decades of civil conflict, Ethiopia’s constitutional article 78 (5) now accords full recognition to non-state customary, and religious courts of law and their legal guarantee is ensured. In Ethiopia significant room appears to be allowed for litigants to ‘forum shop’ where customary and religious courts only hear cases where contesting parties consent to the forum. In the Mozambican peace accord and subsequent legislation regarding land, broad state recognition of multiple approaches to tenure has contributed much to the success of the processes. In East Timor a special restitution law is to be put into place as a priority law to deal with the many problematic issues involved in the post-conflict situation.

²⁸ In a case from India, local-level state officials in some locations are given the discretion to operate at the interface between formal and informal legal systems and pursue opportunities for adjustments between systems. In this case local-level officials do not seek to impose state law, but instead attempt to convince, co-opt, or realistically use any legal system, custom, norm or combination thereof to attain the state’s objectives (Bavnick, 1998). While not born out of armed conflict, the example nevertheless provides some potential utility for post-conflict scenarios.

Such an improved relationship can begin as a peace accord attempts to resolve land issues involved in the conflict itself, particularly if the conflict was about land, or came to involve a significant land-based resource component. And, because the international community presence in post-conflict settings is much larger, and much more empowered than in other developing country contexts, it can have much more influence on a war-weakened government than in peacetime. The result can be a significant effort, pushed by the international community, to resolve important or contentious land rights issues, including attempting to craft land laws which support livelihoods of the poor.²⁹ Thus positive reform of formal structures pertaining to land can take place within an opportune period subsequent to conflict — a period in which input from the rural informal sector can be influential. This is a significant component of what the rural poor can participate in, and which can be operationalized.³⁰ While this can occur via a consultation process, it can also occur with NGO assistance in disseminating the need for and character of consultations with rural communities as input into the formal law-making process, and by communication between groups of smallholders themselves (Norfolk, 2004). This is an example of an approach whereby stakeholder capacity can be improved in order to gain understanding and utility of land laws that can provide land rights. While stakeholder capacity building and information dissemination exercises are of considerable importance in their own right in improving this capacity, their application in a particular window of opportunity (post-conflict policy reform; empowered presence of donors, etc.) can allow for particular effectiveness in outcomes.

A post-conflict recovering population will not wait for a formal legal system to put itself together before engaging in land tenure activities. It is instead up to the formal system to engage what will be pre-existing trends within the informal tenure sector early and continually in the slower re-establishment of the formal system, so that the two have a shared legitimacy and effectiveness that is of real utility.³¹ It is expected that there are significant legal opportunities for doing this which are latent in the relationship between

the PIPs component and ‘livelihood strategies.’ This relationship provides one of the better ways to get at the informal institutional character (embodying informal norms, culture, and governance) regarding what people are actually doing, thereby providing the information necessary to inform formal laws regarding property rights. Attention needs to be placed on finding out what the formal system can do quickly to engage, and stay connected to the evolving informal system.³² Whether or not such efforts can be sustained, refrain from being heavy-handed, be seen as fair, and can learn to adapt to the informal sector, will be an ongoing exercise. The SL approach, with its overall focus on the interaction between formal and informal actions (how to make rights real), presents significant potential in this regard, particularly if the purposeful interaction of the formal and informal in the PIPs component is given priority in any intervention. Such a focus can be an important part of comprehensive, incrementally applied land administration systems so as to promote greater livelihood sustainability for the general population.

References

- Adams, M., Sibanda, S., and Turner, S., 1999. Land tenure reform and rural livelihoods in southern Africa. *ODI Natural Resource Perspectives*, No. 39, London, ODI.
- Bailliet, C., 2003. Property restitution in Guatemala: A transnational dilemma. In Leckie, S. (ed.) *Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons*. Transnational Publishers, Ardsley NY.
- Barquero, R., 2004. *Access to land in post-conflict situations: A case study in Nicaragua*. FAO, Rome.
- Batterbury, S., 2001. *Access to Resources: Land tenure and Governance in Africa*. London School of Economics and Oxfam, UK.
- Bavnick, M., 1998. A matter of maintaining peace, state accommodation to subordinate legal systems: The case of fisheries along the Coromandel coast of Tamil Nadu, India, *Journal of Legal Pluralism*, 40: 151–170.
- Bebbington, A., 1999. Capitals and capabilities: A framework for analyzing peasant viability, rural livelihoods and poverty. *World Development*, 27: 2021–2044.
- Brocklesby, M., and Fisher, E., 2003. Community development in sustainable livelihoods approaches — an introduction. *Community Development Journal*, 38: 185–198.
- Bruce, J.W., and Migot-Adholla, S.E., 1994. *Searching for land tenure security in Africa*. The World Bank and Kendall/Hunt Publishing Co., Dubuque, Iowa.
- Bryceson, D., and Bank, L., 2001. End of an era: Africa’s development policy parallax. *Journal of Contemporary African Studies*, 19(1): 5–23.
- Buechler, S., 2004. *A Sustainable Livelihoods Approach for Action Research on Wastewater Use in Agriculture*. IDRC, Ottawa.
- Cahn, M., 2002a. *Sustainable livelihoods approach: Concept and practice*. Unpublished manuscript, Massey University.

²⁹ This was the case in Mozambique (Unruh, 2004b), Ethiopia (Unruh, 2005a), and Nicaragua (Barquero, 2004) in various ways and is a process currently underway in East Timor (Marquardt *et al.*, 2002), Sierra Leone (Unruh, 2005b), Liberia (Unruh, 2007), and Angola (Development Workshop, 2005). In Rwanda it was noted that “the post-conflict environment represented a great opportunity for land reform” (Huggins, 2004).

³⁰ Postwar Mozambique again provides an example of a case where mandatory consultations between largeholders seeking title and resident smallholder communities on the same land has served to help smallholders understand and use land and property laws to their advantage.

³¹ In the case of Rwanda, a senior government official noted that when local people were left to manage land distribution, issues were usually resolved. But when local authorities took the lead, problems often arose (Huggins, 2004). Such a situation reveals that the informal and formal tenure systems in a post-conflict situation have developed in different directions, such that when they do interact, problems result.

³² Rwanda provides an interesting example for part of this problem, where the government publicized the 1996 Ministerial order on temporary occupation of land in order to reassure refugees that they would be able to reclaim property when they returned (Huggins, 2004). This can be seen as an attempt to connect with the informal sector early on in the process of formal tenure reconstruction.

- Cahn, M., 2002b. *The business of living: Rural micro-enterprise and sustainable livelihoods*. PhD Thesis. Massey University, Palmerston North.
- Carney, D., 1998. *Sustainable rural livelihoods: What contribution can we make?* Department for International Development, UK, London.
- Carney, D., 1999a. Approaches to sustainable livelihoods for the rural poor. *ODI Poverty Briefing* 2, London: ODI.
- Carney, D., 1999b. *Livelihood Approaches Compared*. DfID, London.
- Cohen, S., 1993. The politics of planting: Israeli-Palestinian competition for control of land in the Jerusalem periphery. *Geography Research Paper No. 236*, University of Chicago Press, Chicago.
- van Creveld, M., 1991. *The Transformation of War*, The Free Press, New York.
- Department for International Development (DfID), 2004. *Sustainable Livelihoods Guidance Sheets*. Department for International Development, UK, London.
- Development Workshop. 2005. Terra, urban land reform in postwar Angola: Research, advocacy and policy development. *Occasional paper No. 5*, Development Workshop Angola Luanda.
- Department for International Development (DfID), 1997. *Resource Management: Land Tenure*. Department for International Development, London.
- Drinkwater, M., and Rusinow, T., 1999. *Application of CARE's livelihoods approach*. Paper presented at NRAC 1999. Paper available at <http://www.livelihoods.org>
- Ellis, F., 2000. *Rural Livelihoods and Diversity in Developing Countries*. Oxford University Press, Oxford.
- Ellis, F., and Biggs, S., 2001. Evolving themes in rural development 1950s–2000s. *Development Policy Review*, 19(4): 437–448.
- Food and Agriculture Organization of the United Nations (FAO), 2002. *Land Tenure and Rural Development*. FAO, Rome.
- Food and Agriculture Organization of the United Nations (FAO), 2004. *Annotated Glossary of Sustainable Livelihoods Terminology*. LSP Sub-Programme on People Centered Approaches in Different Cultural Contexts. FAO, Rome.
- Farrington, J., Carney, D., Ashley, C., and Turton, C., 1999. Sustainable livelihoods in practice: Early applications of concepts in rural areas. *ODI Natural Resource Perspectives No. 42*. London, ODI.
- de Haan, L., 2000. Social exclusion, social capital and survival strategies in rural areas: Globalization, localization, and sustainable livelihood. *Sociologia Ruralis*, 40(3): 339–365.
- Helmore, K., and Singh, N., 2001. *Sustainable Livelihoods: Building on the Wealth of the Poor*. Kumarian Press, Bloomfield CT, USA.
- Homer-Dixon, T., 1990. *Environmental change and violent conflict*. Occasional Paper No. 4. International Security Studies Program, American Academy of Arts and Sciences. Cambridge, MA, USA.
- Huggins, C., 2004. *Land Access in Post-genocide Rwanda*. Food and Agriculture Organization, of the United Nations
- Hutchinson, R., 1994. *Fighting for Survival: Insecurity, People and the Environment on the Horn of Africa*. International Union for the Conservation of Nature IUCN, Gland, Switzerland.
- The World Conservation Union (IUCN), 2007. *Theme on sustainable livelihoods*. International Conservation Union, Gland, Switzerland. http://www.iucn.org/themes/ceesp/Wkg_grp/SL/SL.htm
- Krznicar, R., 1997. Guatemalan returnees and the dilemma of political mobilization. *Journal of Refugee Studies*, 10: 61–78.
- Korf, B., 2002. *Ethnicised entitlements in land tenure of protracted conflicts: The case of Sri Lanka*. Paper presented at 9th Biennial IASCP Conference, Victoria Falls, Zimbabwe, 17–21 June.
- Lund, M., 1996. *Preventive Diplomacy: A strategy for preventing violent conflicts*. US Institute of Peace Press, Washington DC.
- Marquardt, M., Unruh, J., Heron, L., 2002. *Land policy and administration: Assessment of the current situation and future prospects in East Timor; Final Report*. US Agency for International Development, and Government of East Timor, Dili East Timor and Washington D.C.
- Moser, C., 1998. The asset vulnerability framework: Reassessing urban poverty reduction strategies. *World Development*, 26(2): 1–19.
- Norfolk, S., 2004. Examining access to natural resources and linkages to sustainable livelihoods: A case study of Mozambique. *LSP Working Paper 17*, FAO, Rome.
- Oakley, R.D., 1995. A diplomatic perspective on African conflict resolution. In: D.R. Smock, and C.A. Crocker (eds.), *African Conflict Resolution: The US Role in Peacemaking*, US Institute of Peace Press, Washington D.C.
- Overseas Development Institute (ODI), 2000. *Sustainable Livelihoods Working Paper Series*. Overseas Development Institute, London.
- Thomson, N., 2003. *Access to Land in Post-conflict Situations: An analytical paper*. FAO Rome.
- Sahnoun, M., 1996. Managing conflict after the cold war. *Horn of Africa Bulletin*, 8(1): 35.
- Scoones, I., 1998. Sustainable rural livelihoods: A framework for analysis. *Working Paper No. 72*, Institute for Development Studies, IDS, Brighton.
- Singh, N. and Gilman, J., 1999. Making sustainable livelihoods more sustainable. *International Social Science Journal*, 162: 539–545.
- United Nations Development Programme (UNDP), 1999. *Sustainable livelihoods concepts, principles, and approaches to indicator development*. UNDP, Available from: <http://www.undp.org/sl>.
- Unruh, J., 1993. Refugee resettlement on the Horn of Africa: The integration of host and refugee land use patterns. *Land Use Policy*, 10: 49–66.
- Unruh, J., 1995. Post-conflict recovery of African agriculture: The role of 'critical resource' tenure. *Ambio*, 24: 343–350.
- Unruh, J., 1997. Post-conflict land tenure in Mozambique. Ph.D. Dissertation, University of Arizona, Tucson.
- Unruh, J., 2001. Postwar land dispute resolution: land tenure and the peace process in Mozambique. *International Journal of World Peace*, 18: 3–30.
- Unruh, J., 2002. Local land tenure in the peace process. *Peace Review*, 14: 337–342.
- Unruh, J., 2003. Land tenure and legal pluralism in the peace process. *Peace and Change: A Journal of Peace Research*, 28: 352–376.
- Unruh, J., Heynen, N., Hossler, P., 2003. The political ecology of recovery from armed conflict: The case of landmines in Mozambique. *Political Geography*, 22: 841–861.
- Unruh, J., 2004a. Land and Property Rights in the Peace Process. Intractable Conflict Knowledge Base Project, Conflict Research Consortium, University of Colorado. http://www.beyondintractability.org/m/Land_tenure.jsp
- Unruh, J., 2004b. Rural property rights in a peace process: Lessons from Mozambique. In: Warf, B., Janelle, D., Hanson, K. (eds.) *WorldMinds: 100 Geographical Perspectives on 100 Problems*. Kluwer, Dordrecht.
- Unruh, J., 2005a. *Land tenure and its relationship to food security and investment in postwar Sierra Leone*. Technical paper prepared for the Food and Agriculture Organization of the United Nations. FAO, Rome.
- Unruh, J., 2005b. Changing conflict resolution institutions in the Ethiopian pastoral commons: the role of armed confrontation in rule-making. *GeoJournal*, 64: 225–237.
- Unruh, J., 2007. *Postwar land tenure in Liberia: The intersection of customary and statutory land laws*. World Bank, Washington DC.
- Willett, S., 1995. Ostriches, wise old elephants and economic reconstruction in Mozambique. *International Peacekeeping*, 2: 34–55.