



LAND, PROPERTY AND CONFLICT

December 11-14, 2012

Washington, DC

Land and property disputes play a role in many more conflicts than is often recognized. 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 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 population control, including 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 and IOM 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, Burma, Rwanda, Iraq, Timor-Leste, Sudan, Afghanistan, Nepal 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 11-14, 2012.

DAY 1: Tuesday 11 December 2012

8:45 – 9:00 **Registration**

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

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

PART I: THE ISSUES, THE ACTORS

Focus 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.

10:00 – 10:45 **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

10:45 – 11:00 ***Break***

11:00 – 12:00 **INTRODUCTION, continued.**

12:00 – 12:45 ***Lunch***

12:45 – 14:00 **INTERNATIONAL ACTORS AND MANDATES**

Resource Persons: Peter Van der Auweraert and Deborah Isser

- 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

14:00 – 14:15 ***Break***

14:15 – 15:30 **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

15:30 – 16:30 **CASE-STUDY**

- Land, Conflict and Peace in Nepal (by Jitendra Bohara, Senior National Officer, IOM Nepal)
- Displacement, Land Grabbing and Land Restitution in Colombia (*by Camilo Pardo, Consultant, Former Head of Restitution Division, Colombian Ministry of Agriculture*)

DAY 2: Wednesday 12 March, 2012

PART II: Triggers of Land and Property Conflicts

Focus on three key triggers of land and property conflicts: (1) insecure tenure; (2) displacement; and (3) land grabs and the ‘natural resource curse’

- 9:00 – 9:15 **Reflections and Overview**
- 9:15 – 10:45 **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
- 10:45 – 11:00 **Break**
- 11:00 – 12:30 **FORCED MIGRATION AND DISPLACEMENT**
Resource Person: Peter Van der Auweraert
- Understand forced migration and displacement in conflict
 - Explore the land and property aspects of displacement and return
 - Critically assess the emerging international legal framework
- 12:30 – 13:15 **Lunch**
- 13:15 – 14:30 **CASE-STUDY**
- Forestry and Conflict in Liberia (*by Counselor Negbalee Warner, University of Liberia*)
- 14:30 – 15:30 **LAND GRABS AND THE “NATURAL RESOURCE CURSE”**
Resource Persons: John Bruce and Deborah Isser
- Understand the nature and scope of the issues
 - Examine entry points for engagement
- 15:30 – 15:45 **Break**
- 15:45 – 17:00 **CASE STUDIES**
- Land Grabbing in Burma (*by Dr. Thaung Htun, Executive Director, Institute for Peace and Social Justice in Burma*)
 - Strengthening Human Rights awareness in Congo Basin Business activities (*by Chantal Van Cutsem, Great Lakes Coordinator, Avocats Sans Frontières*)

DAY 3: Thursday, 13 December, 2012

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

PART III: PROGRAMMING OPTIONS

Map an array of programming options to manage land and property conflicts and assess the appropriate conditions and resource requirements for such options.

09:15 – 10:45

EMERGENCY RESPONSE

Resource Persons: Peter Van der Auweraert and Joanna Dabao (IOM Haiti)

- Explore how to protect and/or preserve land rights in crisis
- Provide overview of mapping and data collection tools
- Case-study: land and shelter in Haiti

10:45 – 11:00

Break

11:00 – 12:30

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)

12:30 – 13:15

Lunch

13:15 – 14:00

TRANSITIONAL JUSTICE CONSIDERATIONS AND POST-CONFLICT LAND ISSUES

Resource Person: Megan Bradley, Fellow, Brookings Institute

- Explore relevance and impact of transitional justice for addressing post-conflict land issues
- Highlight conditions for victims-centered approach

14:00 – 14:45

CASE-STUDY

- Addressing Land from a Peace Building Perspective in the Democratic Republic of Congo (by Florian Bruyas, UN Interagency Framework Team for Preventive Action)

14:45 - 15:00

Break

15:00 – 16:30

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

Day 4: Friday 14 December, 2012

9:00 – 10:15

CASE-STUDY

- Responses to land and property issues in post-crisis and peacebuilding contexts: the USAID land portfolio (*by Karol Boudreau, Africa Land Tenure Specialist, USAID*)

PART IV: DESIGNING STRATEGIES

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.

10:15 – 10:45

INTRODUCTION CAPSTONE SIMULATION
Resource Person: Deborah Isser

11:00 – 11:15

Break

11:15 – 12:15

CAPSTONE SIMULATION PART I

12:15 – 13:15

Lunch

13:15 – 14:45

CAPSTONE SIMULATION PART II

14:45 – 15:00

Break

15:00 – 15:30

DEBRIEF FROM EXERCISE

15:30 – 16:00

Evaluation and Closing of Course