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Securing Resource Rights

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**Treasure, Turf and Turmoil: The Dirty Dynamics
of Land and Natural Resource Conflict**

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Introduction

- Access to land and natural resources underpins the livelihoods of the majority of the world's population
- Unequal access motivates conflict
- Interventions work best within a framework of comprehensive reform
- But even isolated interventions can reduce grievances
- In order to improve tenure conditions for the poor and vulnerable, interventions must put them first



Managing common pool resources

- Most subsistence communities developed robust and intricate systems to manage natural resources
- However, customary systems have been eroded in many areas, leading to 'open access'
- Management of common pool resources is a key challenge
- Requires a change from open access to clearly defined access to resources
- This should strengthen, not undermine, local rights

Fixed and fugitive resources

- **Fixed:** forests, lakes, watersheds
- **Fugitive:** wildlife, water, fisheries
- Different management strategies required
- But fixed and fugitive resources overlap geographically
- To avoid conflict, interactions between different property regimes need to be clear and understood by local stakeholders



Relationships between rights to land and natural resources

- Rights to natural resources sometimes described as ‘embedded’ within land rights
- Access to natural resources requires access to land but relationships are diverse and complex
- Landowners may *not* have rights to high-value resources on their land
- Landowners may have to provide access routes through their land (easements) for others

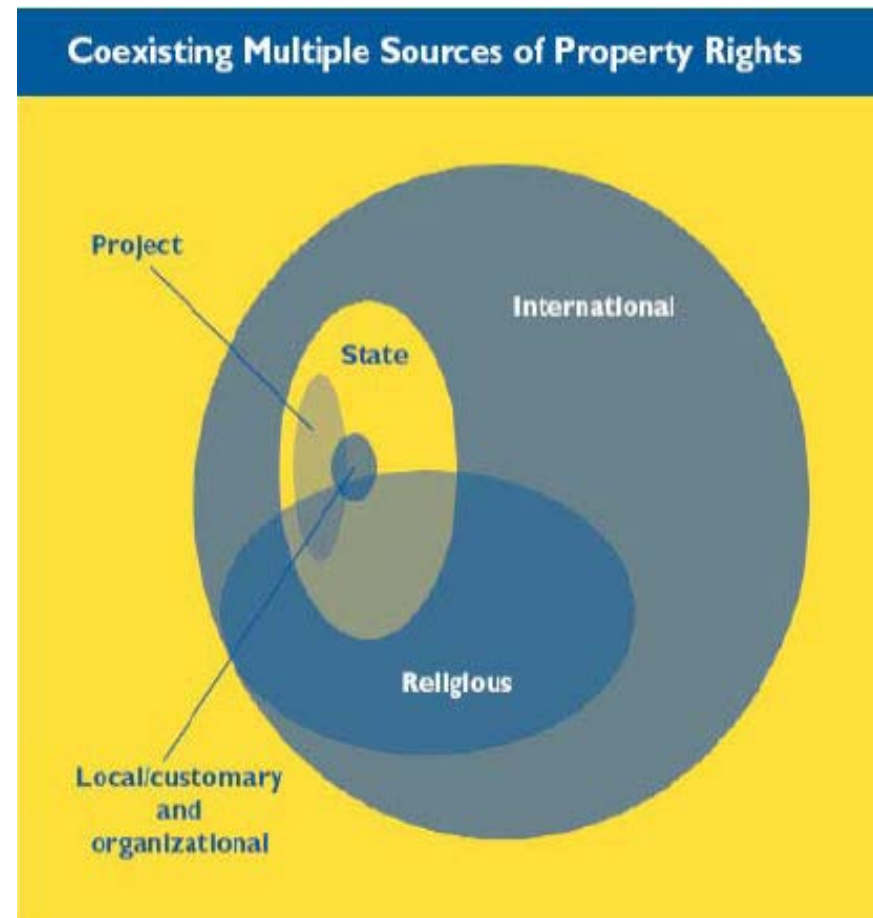
Conflict flashpoints

- Communities are rarely given rights to high-value resources
- Often, they are given rights only when resources have already been degraded
- Debates over use rights vs marketisation: does commercial use encourage sustainable management?
- Competing, overlapping rights and responsibilities require: clarification of rights, good communication and coordination between actors



Legal pluralism

- Most countries have multiple systems of tenure over land and resources
- E.g. Traditional authorities maintain customary law, while local government officials enforce state laws
- This situation is often described as legal pluralism



Source:IFPRI/CAPRI Brief (2004)

Legal pluralism

- People may claim land and resources through a variety of systems simultaneously
- Often seen as negative because of risk of endless disputes and appeals
- Natural resources may be eroded because no single institution is able to enforce management regimes
- Also tends to limit major investments because of uncertainty

Defining rights to land and natural resources

Where no rights existed previously, or rights were “informal”, defining rights “formalizes” them

Defining rights is part of a process, not an endpoint

- Can people **exercise** rights?
- Are right **enforced**?
- Who is at risk of **exclusion**?



Emerging approaches to defining rights

- In terms of land: registering individual land titles has very mixed effects
- Not just 'the law' but also historical, political and gender issues must be considered
- Many countries are now attempting to formalize custom and incorporate it into state systems
- Regulating interaction between custom and state remains challenging
- New forms of co-management and group rights



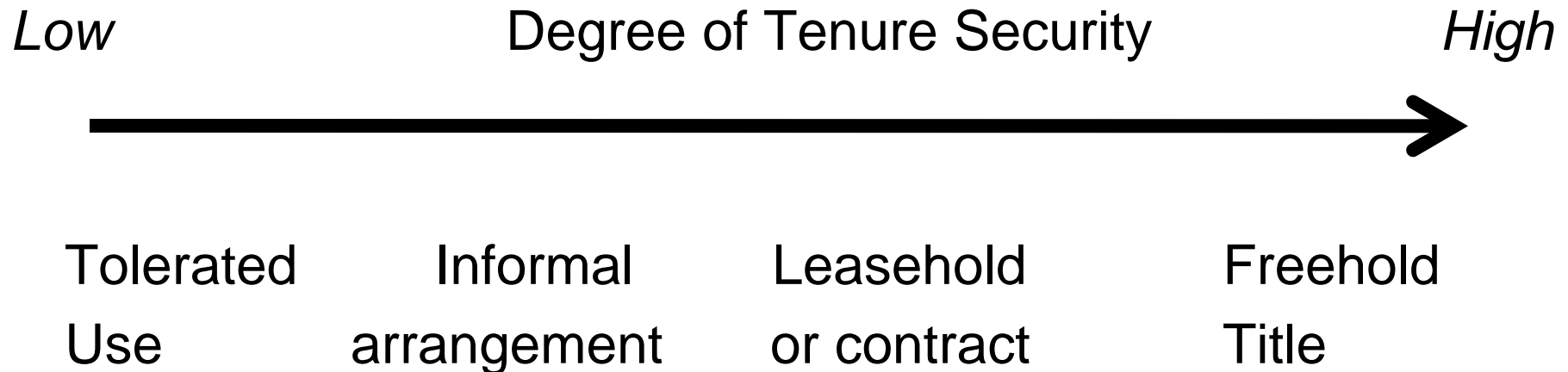
Land and resource tenure security

- Tenure security has multiple dimensions:
 - Breadth of rights
 - Duration of rights
 - Assurance of rights
- Tenure security is a subjective concept and depends on context
- Tenure security has social, economic, political and legal dimensions



'The ladder of tenure security'

- Forms of access and control can be broadly categorised as more or less secure
- Through acquiring official recognition and documentation, those with low tenure security can climb up the ladder



Increasing land and resources tenure security

- Any one of a wide range of interventions could potentially increase tenure security for *specific categories* of the population
- Even during local or large-scale conflict, possibilities for intervention exist
- Legal, institutional and other reforms impact categories of the population in different ways
- Sufficient research, consultation, and awareness-raising must be conducted

Emerging tools: Registration of group rights

- Land and resources may be owned or accessed by a group, rather than individual
- Registration of group rights is useful where land and resource rights are not disputed *within* the group, but there are disputes with 'outsiders'
- Sometimes used as a temporary measure, but can form the basis of more permanent situations
- Rights of women, minorities can be a concern within some groups



Collaborative-management (co-management) models

- Partly a response to problems with centralized, top-down conservation
- Also in recognition of validity of indigenous rights to livelihoods, territory and resources
- Extent of community property rights varies
- Communities get legal, technical and institutional support, while the state may benefit from improved land use practices
- Institutional dynamics are important, as well as funding modalities

Payment for environmental services (PES)

- External beneficiaries of environmental services make direct payments to local landholders/users in return for sustainable management practices
- Can help reduce inequities and grievances
- Should explicitly recognise local rights to resources
- Principle types of PES currently in use include:
 - *Carbon sequestration and storage*
 - *Biodiversity protection*
 - *Watershed protection*
 - *Landscape beauty*



Learning points from this presentation

- Many tools exist which can help us better secure rights to land and resources
- Tools need to be adapted to local contexts
- Efforts to understand claims to land and resources should use the conflict equation:
- Important to understand how claims are embedded within broader governance patterns or socio-political struggles