



# Fodder for War: Getting to the Crux of the Natural Resources Crisis\*

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## INTRODUCTION

Let me begin with a polemic to get my main point across as to the connection between inequitable land rights and conflict.

***Let me put it this way: what is the best way to start a civil conflict today?***

Well, one way is territorial invasion and respondent resistance. This has a pretty solid history – and is still seen in some of the older conflicts grinding on today (the Basque and Kurdish conflicts, Israel/Palestine) but we are seeing this less and less - with one or two painful recent exceptions (Chechnya, Ossetia, Iraq).

There is a simpler way, and one which can produce much more chronic conflict: first, operate in an agrarian state. This is a country where most of the population depends upon land, not jobs, for survival. Then curtail their rights to those resources; land, forests, pastures, rangelands and wetlands. The easiest way to do this is actually to do nothing, just sustain often old colonial policies which deny that these rights exist; that is to say, that these rural communities are in law no more than permissive occupants and users of national or State land.

Then, add to this the ‘needs’ of the State and its associated elites with their deep pockets. Lease this

land to loggers, miners, rubber or other plantation companies, and especially now, commercial food and bio-fuel producers. Best if you can back this up with a contract which will hold under international law, and even better to back in up with a State to State agreement.

But don't forget to pay the customary land owners a little something for the crops or buildings they lose; this will help keep resentment down. Obviously you don't have to do this for the forests, pastures or other lands which are not farmed. For there really is no visible evidence that these lands are ‘theirs’. Look, the trees are still standing. [If you need more excuses to concur with the likely national law of that country, then you have it in two facts: they hold the unfarmed communally, not as single owners. In addition, it seems that when it comes to unfarmed land, the community by custom does allow this to be sold. And we all know that ‘property’ is only ‘property’ when it is fungible, able to sold. Well, that's what western law says anyway, and it is always right].

Now offer a few jobs in your new enterprise. Or better still, like the Chinese in Cameroon today, hand out a few ‘bodo bodo’ bicycles with large back seats and front baskets so they can leave the area altogether and start taxi services in town. And then ignore the matter and let it fester...

Does this sound unlikely? Well, no. Over the last half century nearly one hundred of the world's countries, many of them bitterly poor, have tended to this position. In so doing they deny that longstanding rural populations own the land they and their forefathers have lived on for centuries. In

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their well-crafted laws, they gently take away these properties, the very assets they need to clamber out of poverty.

In one way or another we are seeing the results on every agrarian continent, whether it is the peri-urban villages of China, the forest dwelling populations of the Congo Basin, the customary landholding majority in most African states, the indigenous and introduced slave populations of Latin America, or simply the long forbearing land-poor of South Asia, who *still* till the land for generation after generation for unreformed feudal landlords, most of whom are businessmen and bureaucrats and don't even live on the farm (Pakistan, India, Nepal, Bangladesh).

***The point I am trying to make is straightforward: that equitable land relations matter and that sustained abuse takes its toll.***

We don't have to look far for the evidence. The 20th century was one of state to state war. But it also was a century of rebellion, revolution, and civil war, and radical transformation of political systems, at least partly brought about by resistance to persisting feudal land norms. More than 50 different countries were forced to reform the way they treat rural land ownership. In practice, well under half made significant progress and challenge to feudal land relations remains on the agenda today.

And even were reforms were undertaken, many administrations, took the opportunity to capture naturally collective assets in particular – the forests, woodlands, wetlands, and pastures of rural communities. Through this the State, if not the feudals, remained into the 21st century the majority landlords, while the natural and customary owners remained dispossessed.

Meanwhile many other poor economies which had limited feudal inequities to repair, simply persisted in the convenient notion that such lands don't belong to people but to government, in the interest of public purpose. It is around these precious resources that most contestation now begins to show itself. *Whose land is it?* is the cry beginning to be heard from state to state.

***My concern is that our new century may be riven with as much civil conflict as the last and inequitable land relations may be as big a factor as in the past.***

Looking back in terms of property relations, the 20th century ended with significant progress in more equitable distribution of farmlands around much of the agrarian world.

Looking forward, we can expect significant progress in the redistribution of property power between people and the State by the end of the century. However, like the last, **without clear and pre-emptive will to reform**, this may not occur without rebellion, conflict, and even civil war.

***This is why working to tackle the inequitable property relations that underwrite so much of modern, struggling agrarian society is the urgent project of the 'now'.***

In the process, we must hope to see two important structural changes in the agrarian world. Firstly, a degree of reconstruction of the agrarian State itself as it revitalises its role as serving, not taking from its citizenry. Secondly, we need to see *new meaning of 'development'*; development as meaning progressive agrarian enterprise which is founded upon the landholding rights of the rural poor, not built upon its dispossession. In this way we can hope to see the indigenous peoples of Peru for example, or the ordinary rural communities of the

DRC, become rightful shareholders in social change, not its casualties.

## MAIN POINTS

Let me summarise ten main background points.

### 1 Progress is being made in connecting inequitable land relations and conflicts.

Land and property issues are now better placed on the agenda than they were even five years past. Humanitarian and reconstruction agents in conflict states are taking a deeper look at the issues and moving beyond a narrow focus upon restitution of property wrongfully taken *during* the war. The knee-jerk reaction of donors to solve land problems with house and farm registration, is often being rethought.

In the land tenure reform sector as a whole, and within and outside conflicted states, great progress has been made since 1995 in revisiting the position of most agrarian populations as tenants of State.

In Latin America this has focused on indigenous peoples, with a rising number of land grants. In Africa this more widely embraces entire rural populations through *changing the legal status* of unregistered and customary ownership in national laws. In Asia and Central Asia both in different ways cautiously and much more slowly begin to apply. We see this is the quietly increasing grip of customary tenure in Indonesian law, in the way in which Nepal, Afghanistan and Liberia ponder the usefulness of retaining *all* pasture and forest resources as state property.

As a whole, the balance of State-people landholding is shifting (for the issue at this point is first and foremost an issue of their property relationship, rather than among social classes). Observant forest-related agencies, for example, begin to note

how much more natural forest estate is being acknowledged as community property.

### 2 However progress is too dangerously slow - probably too slow to yet prevent rising numbers of civil conflicts - and the costs are mounting.

In *Afghanistan* for example, failure since the Bonn Agreement to swiftly resolve bitter inter-tribal conflict as to pasture access that stems from disputed State ownership, is opening a new front in the ongoing war against insurgents. Taliban have begun to actively support and arm fellow Pashtun tribesmen in this land conflict. This now raises the prospect of reactive threat of Iranian support for the non-Pashtun Shia tribes. Meanwhile, the land conflict can be seen to be handing the Taliban with a new and powerful social agenda. A taste of this was seen in Pakistan in early 2009 as Taliban grasped the utility of engaging landless tillers in their war against entrenched feudal notables.

In Sudan a more typical source of future conflict unfolds. A main cause in the long North-South civil war from 1984 was State leasing of some millions of hectares of customary rangelands and woodlands to entrepreneurs, including foreigners, on the basis that these belonged to Government, not local communities. Despite pledging to reassess the status of customary property interests in the Peace Agreement of January 2005, President Omar al Bashir has re-launched mass leasing of lands. An estimated five million ha are already in the hands of State or state-supported enterprise of Egypt, Abu Dhabi, Bahrain, Jordan, Kuwait, Saudi Arabia, UAE and South Korea - for rice, maize, dairy, livestock production. All this is to feed their own food-short populations. Needless to say, militias are allegedly reforming in many of the affected areas.

### 3 The key source of the problem is common across agrarian states. It is that most rural

**populations in agrarian economies are still little better than squatters on their own land, in the eyes of their country laws.**

Not surprisingly, this makes their collective properties most vulnerable; the areas which they sensibly retain as community owned rather than individual or family land: forests and rangelands, often full of minerals and water.

This is not a small problem. It affects over one billion of the world's rural poor in Asia, Central Asia, Latin America, and Africa.

**4 Nor is it coincidental that these are the areas – and especially in Africa – where most civil wars and lesser conflicts are rife.**

In January 2008 when I was preparing the chapter in *Uncharted Territory: Land, Conflict and Humanitarian Action*, I identified 70 significant current conflicts in 43 states, the most recent of which was in Kenya where post-election violence segued quickly into inter-tribal battles over ancestral lands. Only 15 of the 70 conflicts were not in agrarian economies and nearly half (48%) were in Africa. On further examination, there is a close correlation of conflict with (i) the proportion of land area under state rather than citizen ownership; (ii) the existence in rural areas of majority unrecognised customary ownership; (iii) levels of rural poverty and institutional weakness – and increasingly, (iv) a correlation with proclaimed land availability for inter-state supported biofuel and especially food farming leases.

Of course this is not entirely new, as it follows on from some decades of equally dispossessory leasing of forest estate and pasturelands for logging and mining enterprise. A quick run through the press over the last couple of years in Africa makes salutary reading, not just in respect of the

intentions, but in the growing angry response by the rural poor [see Robin Palmer's excellent collation of clippings and papers].

**5 Mining, logging, ranching, farming, and other commercial enterprise are hardly illegitimate.**

Poor countries and ordinary farmers need investment and technical expertise. This is not disputed. What must be disputed is the strategy: the failure to root these developments on a platform of local tenure recognition. To do so would structure enterprise *with*, rather than against, rural populations. It is this failure which has the most potential to generate new conflict in these countries.

Consider the facts: who, for example, are the traditional and continuing customary owners of the ten million ha of valuable rural real estate which the Government of the Democratic Republic of Congo is reported to have offered to a South African Farmers Union for development? Who is the natural owner of the 10,000 ha which the Cameroon Government has leased to China for rice production and where, perhaps to the surprise of the Chinese company, they have begun to find is not vacant, unoccupied or unowned land after all?

**6 Conflict in and around this grievance can increase – and the signs are it will increase.**

The current 'global land grab' is merely grist to the mill. Popular response to the plan to lease 1.3 million ha of customary property in Madagascar to the Daewoo Corporation saw the fall of the government in March 2009. Tanzanians have queried the lease of their common properties to Chinese and other investors and new developments have been paused.

Yet it would be wrong to say that just solutions will be easily reached. Rumour has it that the response of the Tanzanian Government for example, has been to consider amending recently reformed land law which recognised community ownership of not just farms and houses, but communal properties of each community to rid itself of this now apparent obstruction. In Ethiopia, the position of ultimate State ownership over all land has allegedly hardened to facilitate the many new foreign business land occupations.

**7 There are elements in the process which are provocative to not just human rights but common sense.**

The leasing of land by foreign governments and their agencies to feed their own populations most afflicts Africa. This is a continent where few countries produce enough to feed themselves and where a third of the population is hungry. Among the 40 million ha known to have been leased since late 2007 or under negotiation, half is in Africa. This is in countries where poor rural majorities live and depend upon not just farming but forest/woodland and rangeland use: Ethiopia, DRC, CAR, Sudan, Cameroon, Kenya, Angola, Madagascar, Mozambique, Zambia, and Malawi.

Local livelihood is almost always organized on a community or village basis, each community having both its family farming areas and shared non-farmed resources. These are the target for investors, and easily accessible because host governments either claim these lands are unowned, or hold them in trust for local communities, a trust which it has proven all too easy to abuse.

GRAIN reports that more foreign state or agency land for food applications and offers are in the pipeline. It remarks the trend of private investors getting in on the act: hedge funds, private equity groups, and investment banks. This sector is not

seeking food security but to make money out of food insecurity, rising food shortages and prices, that is, from both the harvests and the land itself. They seek land in mainly Africa because it is cheap to lease, bountiful and host Governments seem only too eager to rent out 'their' lands. So far this has been through less-than-transparent agreements and within which local benefit is vague at best.

GRAIN, among others (e.g. the UN Special Rapporteur on the Right to Food), also throws cold water on the time-old response of the industrial-backed international community (notably FAO and The World Bank, Japan and the G-8) to this threatening conflict of interest. The response comes in the form of establishing a 'win-win' code of conduct for foreign land and food security investments. The international press has broadly welcomed this. A sigh of relief around international agencies and companies can be heard. The argument is 'agricultural investment is needed and this will be good for African economies, so let's make it work'. GRAIN raises the point that even the food security is unsound, that the answer lies not in the north taking and farming the lands of the south, but building upon existing family farm and local market development in poor agrarian states. The real question, GRAIN says, is not 'How do we make these investments work? But 'What farming and food systems will feed people without making them sick, keep farmers on the farm instead of the city slums, and allow communities to prosper and thrive?'

To this might be added the now-doubted returns of large-scale estate farming in labour-rich economies over the last sixty or so years. So too must a future be challenged on moral and common sense grounds where African nations become the farmyard of the industrialised world and the Middle East, not quite the client future which Africans envisioned for themselves.

But history endlessly repeats itself and justifications can always be found. As recently as the 1970s large scale investor-based farming dispossessing customary owners caused war in Sudan as much as the hacienda culture of Latin America generated revolution after revolution last century. In the 1880s Europeans claimed that their carve-up of Africa was for the good of native populations, for they would 'gain Christianity and civilisation'. Today, those who make the deals will certainly be able to fill their pockets. For rural communities themselves? Well, they will gain some jobs (although the Chinese for one will bring their own labour) and some foodstuffs produced will reach the local host market. But the costs will be enormous, and not just the loss of use of their traditional lands. Affected rural communities will lose their possession of this latent capital.

**8 Moreover, the prospect of ever regaining secure tenure will be diminished.**

The fragile process of securing tenure which is quietly advancing in these affected continents will slow down or even be abandoned, as Governments make their choice in favour of global agriculture in the interests of proclaimed greater economic good, and most likely, through retaining and deepening malformed norms and arrangements.

Global agriculture will take off and affected communities will find a curious shift in their property relations: where before they were in the eyes of the law tenants of State, now they will be more accurately tenants of corporate international enterprise.

And not all can or will remain on these lands as employment, such as it is, contracts with the 'economic necessity of efficiency'. For the

humanitarian community, long used to focusing upon the plight of refugees and displaced persons, a new version of displacement will present itself, involving growing numbers of farmers displaced from their own lands by the hand of their own unthinking governments.

**9 Of course there is remedy - and a relatively simple one at that - in principle.**

This rests in long-overdue acknowledgement of customary land rights as equivalent to private property rights in this modern day and age and to be upheld in national constitutions and land laws as such. This is whether or not these lands are customarily owned by individuals/families or communities; whether or not the land is farm, forest or pasture; and whether or not local custom allows the latter classes to be sold outright or not.

As legally recognised land owners, communities, not the state, would then become the rightful and logical lessor to non-local enterprise, should they so wish. This can and should happen by the assisting and vigilant hand of the State itself, government agencies fulfilling their rightful duty to assist their citizens -not themselves - to develop their assets.

Of course this is less easy in practice. It requires modern Governments to surrender their landlord roles over the most sought after resources in the world. Already even those who have made significant progress in securing customary land rights (e.g. Tanzania, Uganda, Mozambique in Africa) are found to be in danger of falling at the first attractive challenge to citizen land rights. Everywhere, a clearer and tighter set of country legal norms need promotion and support. This means rooting customary land rights in such a manner that it is these owners, not governments or

other agents, who become the direct shareholding partners in the commercial development of their lands. This has to directly include not just their houses and farms, but the target of most land grabbing past and present whether it has been local or international - the yet uncultivated rangelands, woodlands and forests which belong today and customarily to these rural communities.

To achieve such changes requires a mindset change, and in a time when vested interest, corruption, and greed militate against change, and where the meaning of 'good government' has lost its way. This suggests a needed reconstruction of the State. Perhaps as of old, this may take civil unrest if not war to be forced upon benighted agrarian populations. Whichever way we look at it, the sorry truth is that conflict over natural resources and how they are and should be owned, is probably on the agenda. And sadly, the continent which can least afford it, Africa, is the most vulnerable.

#### **10 Finally, why should the humanitarian community be concerned over these issues?**

The answer to this is simple. It is they, not those who make the policies and deals, who have to clean up in civil conflicts, find the shelter and food for the displaced and dispossessed. Whether it is burdensome or not, humanitarian actors need to become informed and participate in every possible way to prevent, not just treat, the emerging land war.

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*The Rights and Resources Initiative is a global coalition to advance forest tenure, policy, and market reforms. RRI is composed of international, regional, and community organizations engaged in conservation, research, and development. For more information, visit [www.rightsandresources.org](http://www.rightsandresources.org).*

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