

**Instruments of conflict
management for land disputes:
local dispute mechanisms for
conflict resolution**

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1. The scenario: disputes between pastoralists and resident farmers

Tenure rights in Africa: mostly not recorded in a written form

Customary forms of land transfer and resource rights (grazing, grass cutting, firewood collection, fruit harvesting, hunting etc.).

Typical dispute:

Nomadic herders enter planted agricultural fields with their animals and damage the crop.

Pastoralists claim that fields have been installed on their traditional cattle trails.

Farmers claim that animals are not well controlled and taken purposely into the fields.



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Cattle trails are usually known by tradition, but not materially demarcated. Population growth leads to the need for additional farming areas. New fields “encroach” on cattle trails or pastoral areas, due to ignorance or need.

Pastoralists deprived of their trails and pasture areas cause more conflicts. Violent conflicts are frequent: in the escalation of disputes humans and animals are hurt and killed, houses are burnt.

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2. Management and regulation of disputes between pastoralists and resident farmers

Vertical and horizontal mechanisms

Vertical conflicts: imbalance between conflict parties. If actors in land conflicts are very unequal in terms of power and influence, horizontal conflict solution may be difficult and other mechanisms become necessary.

Vertical resolution mechanisms: the deciding authority is more powerful than the conflicting parties.

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North Cameroon: short term (vertical) decision by a traditional authority (lamido)

Pastoralists have to pay compensation for crop damage.

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Problems: Pastoralists moving on before the judgment
Corruption of traditional authorities, bribes by one or both parties
More conflicts increase the income of traditional authorities.

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Horizontal:

Local conventions in Mali and Burkina Faso

Search for long term solutions:

Identification and demarcation of cattle trails and pasture areas

Dialogue, negotiation and consensus finding

Preventing the escalation of disputes



3. Types of horizontal mechanisms to be taken into consideration

Local conventions in Mali:

Elaborated by all relevant resource users in a defined territory (village, municipality or inter-municipal)

Negotiated and agreed rules and sanctions

Monitoring committees or brigades

Approval of the convention by the municipal council and the prefect (head of department)

Formally recognized process by the Ministry of Environment (Guideline 2011)

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Impacts:

In the Kati region (Mali) reduction of conflicts between nomadic herders and agriculturists.

Fields located in the route of the cattle trails were shifted after a process of negotiation.

Principles: participation and dialogue, legal approval, surveillance of the implementation

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Village committees in North Cameroon:

Composed of farmers and (sedentary) cattle keepers

Elaboration of common vision of the village land, agreement on rules and regulations

Support to the horizontal processes by trained NGOs, international cooperation or church partners (Mali, Burkina Faso and Cameroon)

4. Links offered by the VG on Tenure and what has to be done by the State to implement these

The VG on Land

VG 21.3: States should strengthen and develop alternative forms of dispute resolution, especially at the local level.

Factors preventing peaceful solutions by horizontal mechanisms and recommendations for State action

Insufficient recognition of customary tenure, especially of pastoralists

>>>see **VG 7, 9, 10 and 12**

Low level of competence in horizontal conflict management >>>capacity development

Corruption / profits from conflicts >>>see **VG 21.5**

Weak political support to horizontal mechanisms >>>Legal recognition, also in an environment where land grabbing takes place.



5. Recommendations to FAO and international governmental and non-governmental donors in implementing the VG

1. **To FAO and donors:** Efforts to support conflict resolution should **focus on horizontal mechanisms** and the access of marginalized groups to these mechanisms (by legal recognition, training, experts and support in their implementation). Weaker parties and their rights must be strengthened to enable them to play a crucial role in such processes.
2. **To NGOs and GOs:** In States **where the rule of law is weak** and/or neutral judiciary systems do not exist, horizontal conflict management mechanisms are a specific necessity to prevent conflict escalation.
3. **To international donors:** Interventions in land tenure systems should **strengthen customary tenure** and **avoid measures** which weaken or hinder horizontal solutions (e.g. land titles for the more influential party may deny resource access to pastoralists, wood collectors and others).

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Thank you

Erwin Geuder-Jilg Misereor