

Conflict in collective formalization processes: opportunities for transformation?

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Abstract

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Introduction

Conflict is a key factor affecting land tenure security as well community and natural resource governance. Recent literature from both theory (e.g. Schilling-Vacaflor and Flemmer 2015) and practice (Miall 2004) has turned from an emphasis on conflict resolution or management to conflict transformation, which focuses on the root causes of the problem and conflict as an opportunity, while also recognizing that it is a normal part of social relations. This article examines conflict in the context of the formalization of collective forest and land rights in three countries, Peru, Indonesia and Uganda (we also draw on partial data from Nepal).

Conflict in relation to forest and land tenure security is multi-dimensional, although the most common problems are usually associated with overlapping claims or boundaries. This research specifically examines the nature of conflicts by combining results from multiple scales and perspectives – from national and subnational government implementers of tenure reforms, to communities and male and female household members. The article draws specifically on three main sets of findings, primarily from: 1) interviews with government officials in charge of reform implementation (this data includes Nepal); 2) key informant interviews and focus group discussions with both men and women in 54 villages under five different forest tenure reform regimes (in three countries); and 3) intra-household surveys with over 1300 households in these same villages. The combined analysis across these data sources allows us to examine conflict from multiple perspectives and scales.

The article asks how formalization processes alter the nature and/or trajectories of land and resource-related conflict and examines the association of conflicts with the different types of tenure regimes in which they occur. It explores factors that contribute to exacerbate or transform conflict. The article proposes policies to promote conflict transformation practices in reform implementation for improved tenure security and community resource governance.

[To be edited after further data analysis]

Methods

The analysis for this article uses data from a multi-actor, multi-method comparative study on forest tenure reforms undertaken in seven countries by the Center for International Forestry Research from 2014 to 2017. The village level research was conducted in the three core countries of the research project: Peru, Indonesia and Uganda. These countries were selected to reflect a variety of collective tenure regimes in forests, as well as opportunities to contribute to current reform processes. Data from interviews in four countries with government officials in charge of reform implementation was available at the time of writing this article – the three core countries plus Nepal.

The village research sites were selected across five different tenure regimes (and various specific types of reform), for a total of 54 villages. The regimes are based on the Rights and Resource Initiative's classification system (see <https://rightsandresources.org/en/work-impact/tenure-data-tool/methodology/#.WoW8gonwbGI>), but they are adapted to our specific needs. The regimes (Table 1) represent: state lands designated for community use, state lands designated for companies (Indonesia only), land collectively owned by communities, private individual lands with forest associations (Uganda only) and customary villages (not formalized or formalization in process). As noted, not all regimes are found in all countries. Peru has the most limited number of types, since by far the most important collective reforms (in terms of total area, as well as forest area) involve titling of indigenous people's community territory. The other countries include various types of community forestry and co-management schemes; relative to the other countries, the large, titled indigenous communities and territories of Latin America are usually seen as the most long-term and secure of the types of collective forest tenure regimes (RRI 2014).

In each village, we conducted key informant interviews (N=133) and focus group discussions (N=162). There were usually 2-3 key informants per village, at least one who was female. These in-depth interviews with village leaders focused on providing an overview of community characteristics, forest use and tenure reforms. They were asked to describe conflicts and the impact of reforms on conflicts, both internally and with external actors, as well as conflict resolution mechanisms. Focus groups were held with women, men, youth and adults to elicit their actual and perceived impacts of forest tenure

reforms. We asked them to describe past conflicts, how these changed over time and why, as well as specific questions regarding reform processes and conflict, and the relevance of conflict to tenure security.

We also conducted intra-household surveys with a total of 2,734 respondents, from Indonesia (1025), Peru (1013) and Uganda (696). These surveys gathered information about household characteristics and assets, tenure security/insecurity, livelihoods and production, forest condition, institutions and governance as well as conflicts and threats. Some of the analysis separates out those who are members of reform initiatives and those who are not. In Peru, all members of the same community are subjects of reform, except those in villages not yet formalized; but in Indonesia, a small portion of community residents are members of initiatives, and in Uganda, membership may cross community lines.

Table 1. Summary of regimes, location, number of villages and number of surveys

Tenure regimes	Uganda	Indonesia	Peru	Total # of sites
State land designated to/use by communities	Kakumiro <ul style="list-style-type: none"> • 4 communities • 202 respondents 	Lampung: <ul style="list-style-type: none"> • 5 communities West Kalimantan: <ul style="list-style-type: none"> • 2 communities • 392 respondents 		11
State land used by companies		Lampung: <ul style="list-style-type: none"> • 2 communities West Kalimantan <ul style="list-style-type: none"> • 2 communities • 262 respondents 		4
Land owned by communities	Masindi <ul style="list-style-type: none"> • 4 communities • 163 respondents 	Sulawesi: <ul style="list-style-type: none"> • 1 community • No surveys 	Madre de Dios: <ul style="list-style-type: none"> • 10 communities Loreto: <ul style="list-style-type: none"> • 8 communities • 835 respondents 	22
Owned by individuals	Kibaale: <ul style="list-style-type: none"> • 4 communities • 156 respondents 			4
Customary lands (different levels of formalization)	Lamwo: <ul style="list-style-type: none"> • 4 communities (undergoing 	Maluku <ul style="list-style-type: none"> • 5 communities (not 	<ul style="list-style-type: none"> • Loreto: 4 communities (not 	13

	formalization) • 167 respondents	formalized) • 357 respondents	formalized) • 171 respondents	
Total # of sites	16	17	22	54
Total # of surveys	688	1011	1006	2705

Note: The total sample consisted of 2,734 interviews, but 29 individuals (14 from Indonesia, 7 from Peru and 8 from Uganda) did not provide or answer all the questions of interest, therefore they were removed from the data set.

In four countries, interviews were conducted with government implementers of reforms from each step of the process, for approximately 30 interviews per country (Heriwati et al., 2017). These interviews were aimed at understanding the factors that enhance or constrain reform implementation from the perspective of individual implementers in government agencies at national and sub-national levels. With regard to conflict, reform implementers were asked about the conflict in their work, who is responsible for conflict management and the nature of tenure related problems. Data presented here includes a total of 119 interviews from Peru (32), Uganda (30), Nepal (29) and Indonesia (28). [Explain Borda ranking and weighting method]

Results

Implementers survey

When respondents were asked to list top four thematic areas they address as implementing agencies, conflict resolution or management is only mentioned by 30% of respondents for Uganda, 21% for Indonesia, 19% for Peru and 17% for Nepal. In spite of this, half of the implementers interviewed believe that they are responsible for managing tenure-related conflict in reform implementation. However, there are substantial differences between the countries. Nepal accounts for 45% of the total, with 93% of respondents stating that it is their responsibility. In contrast, 47% in Uganda, 36% in Indonesia and only 28% in Peru see conflict management as their responsibility. In Peru, those saying they were not responsible said it is the responsibility of other government bodies, such as the Directorate of Physical Sanitation Legal of the Agrarian Property (DISAFILPA), Regional Agrarian Director, Ombudsman's Office, Regional Governments, Ministry of Agriculture, Ministry of Culture and Dialogue Office of the Presidency of the Council of Ministers.

Of those who manage conflict, 64%-77% in Indonesia, Uganda and Nepal see the main type of conflict as occurring frequently or very frequently, compared to 100% in Peru. To

explore the types of conflict implementers observe in tenure reforms, we asked all respondents to list and rank the top four tenure related problems facing the communities where they work. Many of these problems are relevant to conflict. The top three in the four countries include land invasions (1st in Indonesia and 3rd in Nepal), illegal cultivation (2nd in Nepal), illegal logging (3rd in Indonesia, Peru and Uganda), and equitable distribution of forest benefits (tied with 2nd in Nepal). “Too many conflicts over boundaries between communities” is ranked in the top two tenure-related problems in Uganda (1st) and Peru (2nd), and is 4th in Nepal, and 8th in Indonesia. Overlapping extraction rights is 4th in Peru. Conflicts within communities appear but are ranked lower: 6th in Uganda, 9th in Peru and 12th in Nepal (it is not mentioned in Indonesia).

The tenure related conflicts that occur are solved through both formal and informal mechanisms. In Uganda, all tenure related conflicts are solved by formal mechanisms (specified in organization procedures, bylaws and/or regulations) whereas in Indonesia, Nepal and Peru about 90%, 56% and 67% of respondents, respectively, report that conflicts are solved by means of formal mechanisms. Informal mechanisms are also used to solve tenure-related conflicts in these three countries; these are mechanisms not recognized in organizational procedures, bylaws and or regulations.

These conflict resolution mechanisms are only seen as very effective by a small portion of respondents, 21% of Ugandan implementers, and 11% of Indonesians. The largest proportions in Indonesia, Nepal and Uganda are only “somewhat effective,” whereas 50% of respondents in Peru consider the mechanisms “effective.” Nevertheless, a full one third of Peru respondents see them as “ineffective.” See Figure 1 for more details.

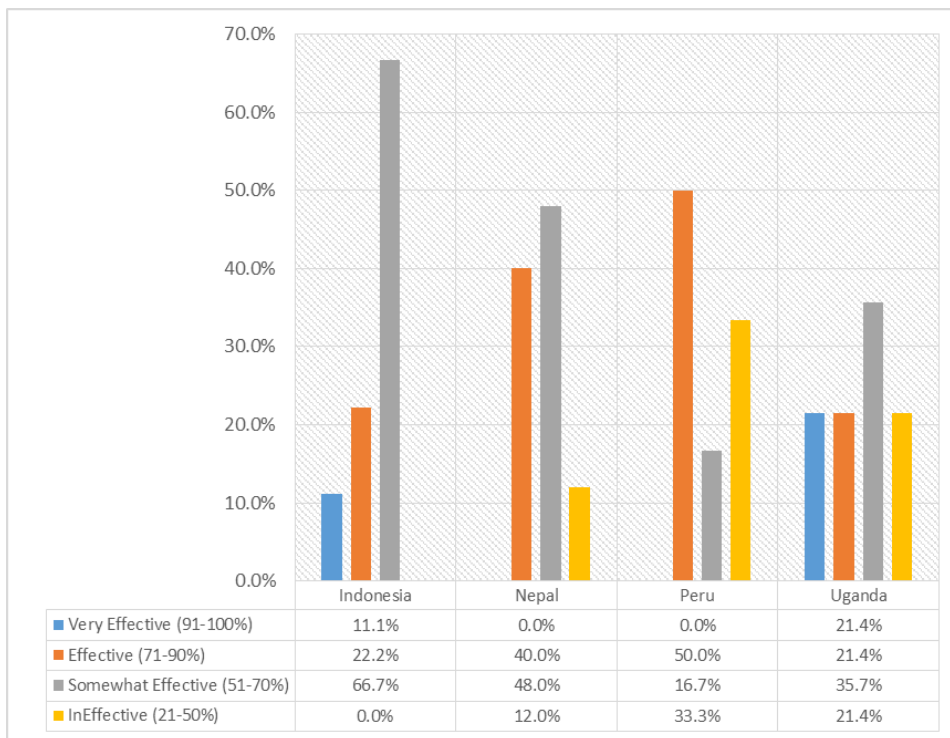


Figure 1: How effective was it in resolving the conflicts

When asked to list the main services they provide to communities, a smaller percentage in all countries mention conflict management and resolution, with the same pattern as with regard to “responsibility”: the highest percent is found in Nepal (44%), followed by Uganda (39%), Indonesia (29%), and, finally, Peru (15%). For those respondents who are from offices that offer services specifically to women – present in Indonesia, Nepal and Uganda, but not Peru – those services include conflict management and resolution in at least one instance in each country.

Relations with collaborators outside government also provide some clues as to the importance of, or approach to, conflict management. In Indonesia, conflict management and resolution is the main service implementers provide to the private sector and is one of two main services provided to NGOs. This is not mentioned in the collaborations in other countries. In Indonesia and Peru, resolving tenure or forest-related conflict was the reason for 13-15% of meetings with collaborators in the last year.

- > Add data on types of conflicts
- > Add data on what happened after reforms

Village level responses

According to a selection of site data coded so far, no Indonesian village level informant reported that either internal or external conflicts were worse since reforms, and about half said they were better (the other half stated there was no change or none). In Uganda, similar numbers reported both types of conflicts were better or no change/none, but a small number reported that conflicts were worse due to unclear boundaries (internal) and “persistent destruction” (external). In Peru the largest portion of villages reported that external conflicts were worse, primarily due to external actors, including in one case a mining company, or neighboring villages extracting resources inside their borders. Internal conflicts had also increased in a few villages, mainly in reference to governance issues, although most had stayed the same.

[Update data]

Household level perspectives on conflict

In the intra-household surveys, respondents were asked several questions about conflict and disputes over land.

->“I am not concerned that someone might dispute my rights to access, use, manage or own this land/forest.” Among the three countries, respondents are concerned that their rights could be disputed, with a larger portion of respondents in Indonesia and Peru in comparison to Uganda. In Uganda, 16% disagree with this statement, and 9% agree. In

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Indonesia, 56% are concerned about disputes and only 7% agree with the statement. In Peru 38% disagree, and 27% agree that they are not concerned.

-> “If I have a dispute about forest use and access, I feel confident that my rights will be protected and enforced.” Among the three countries, Peru reports the higher portion of respondents that feel confident that their rights will be enforced in case of disputes, followed by Indonesia and Uganda (with rather small portion of respondents). In Uganda, the proportion of respondents that perceive their rights will be protected against disputes is quite small, 20%. In Indonesia 58% of respondents perceive their rights will be protected against disputes. Peru reports the largest portion of respondents 65% that perceive their rights will be protected against disputes. The percents are even higher for those who are in titled communities in Peru or are members of reform initiatives in Indonesia and Uganda. In all three countries male respondents report a higher portion feeling confidence about their rights being enforced in comparison to women, with larger differences in Indonesia, especially among members in reformed sites (22% difference).

With regard to arbitrating disputes, 34% of respondents in Peru said they had participated in this, compared to only 11% in Uganda and 5% in Indonesia.

Both women and men were also asked about specific conflicts they had participated in over the previous year. Preliminary results suggest that the numbers are low, with 5% in Indonesia and 18% in Uganda and 19% in Peru identifying conflicts. The differences between the countries are significant ($p < .01$)

The majority of conflicts were with a community member (54%), 32% were with someone outside the community, 12% were with family members, and 2% with government officials. The variation between countries is significant, with 75% of conflicts in Indonesia, 63% in Uganda and only 40% in Peru with community members; in contrast 56% in Peru are with people outside the community, compared to 14% in Uganda and 0 in Indonesia. Disputes with family members account for 22-23% in Indonesia and Uganda, but only 1% in Peru. And disputes with government account for less than 3% in all three countries.

-> Relation to tenure regime. Pertaining the issue of tenure regime for the respondents involved in land/forest related conflicts, the study established that almost a third (32%) of the respondents in Uganda and nearly half (47%) of the respondents in Indonesia belonged to “State land designated to use by communities” regime type. The largest portion (45%) in dispute in Uganda were in the village with lands owned by individuals. In Indonesia, over a third (34%) are in unrecognized customary lands. Across the full sample, the largest portion under dispute is in land owned by communities (52%), the vast majority in Peru.

Being involved in some kind of land conflict has an important impact on behavior and perceptions of security.

The study established that majority (82%) of the respondents in Peru who were not involved in land/forest related conflict indicated that their perceived tenure

security had improved; there was a significant difference in perceived tenure security between those who were and were not involved in conflict (significant at 5%). A similar pattern was seen in Uganda, but not Indonesia.

[further data analysis required]

Discussion

Dispute resolution in formalization processes...

...Further analysis particularly of the vast qualitative data will shed light on the nature of conflicts and permit the development of a typology and deeper analysis of the relationship between reform regimes and types of conflict. The patterns emerging across the data suggest some preliminary observations. The Peru results suggest both a higher frequency of conflict at the community level and less institutional mandate or ability to address conflict effectively, in comparison with the other countries. Across the sampled villages, reported conflicts are overwhelmingly more common with people from outside rather than inside the community. Most of these are in Peru and refer to resource exploitation, often illegal, or border encroachment by outside actors. If villages in Peru have the strongest legal basis for rights, then what is going wrong? One problem is that the government assumes that boundary issues are solved with titling; another is that villages have trouble protecting their right to exclude outsiders, and the state is not active in defending this property right. The reforms have not addressed livelihood concerns.

[Further analysis required]

...A conflict transformation approach to land and forest tenure raises the question whether formalization has only temporarily resolved problems without addressing the underlying issues, thus failing to provide a solid foundation for tenure security, resource governance and sustainable livelihoods. The failure to transform conflicts in a highly conflictive and war-torn country like Peru may explain why the Peru cases, which have the strongest land tenure rights, still have the most conflicts.

...Although the results show less conflict in Indonesia and Uganda, further analysis will be done to examine differences across reform regimes and sites. Qualitative data suggests issues to explore. For example, in Indonesia, because the reforms are associated with forests, land conflict is not always considered relevant to mention. In Uganda, limitations to the bundle of rights limit livelihood options and may be associated with conflict. As noted by McDougal and Banjade (2015) “Lack of awareness of conflict, including power relations, contributes to the potential for policy or practice to marginalize or exacerbate the marginalization ... of resource-dependent people.”

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