

Land Dynamics and Violent Conflicts



Land is a central element in the varied and complex social relations of production within which conflicts between individuals and groups arise.

One way to study the linkage between land dynamics and the outbreak or persistence of violence is to look at societies going through the various stages of the transition to a market-driven agriculture, a process that underpins structural change and development. In this context, an agricultural system where most farms operate on a commercial basis, regardless of their size, may be said to have undergone an *agrarian transformation* (de Janvry, 1981). Most developing countries are at some stage or another of this transformation, with rural societies increasingly depending on market mediation to ensure their livelihood. But the persistence of non-market agricultural relations (*e.g.*, those based on customary or feudal tenure) alongside market relations makes it difficult for a number of weaker stakeholders to make a living because it limits their ability to buy needed commodities.

Source

Nicolas Pons-Vignon and Henri-Bernard Solignac Lecomte (2004), "Land, Violent Conflict & Development", OECD Development Centre Working paper No. 233, Paris: OECD.

(This paper can be downloaded from www.oecd.org/dev/land, along with details on the informal workshop from which it originated.)

E-mail:

nico@ifas.org.za

Henri-Bernard.SOLIGNAC-LECOMTE@oecd.org



Changes in the power structures governing resource management and in the rules of asset distribution, failure to accelerate agricultural growth and create new opportunities, and political grievances are just some sources of conflicts that have to be carefully studied and understood.

Tensions Associated with Agrarian Structures and their Transformation

Where transformation is insufficient to accelerate agricultural growth and create new opportunities, tensions tend to sharpen. Also, changes in the rules of asset distribution will be resisted by groups who hold power — *e.g.*, landlords or “customary” chiefs, which may create violence. In some cases, political grievances insufficiently addressed by land policies may also be a source of conflict.

1. Recurrent Violence in Inefficient Agricultural Settings

Resistance to the reallocation of land to the most efficient farmers, which is the backbone of agricultural development, is typically embodied in two types of behavior: large farm owners refusing to sell or rent out their underutilized land because their profit is derived mainly from nonagricultural activities, and peasant farmers resisting land sales because farming plays a “last resort” security role in their income generation strategy (which typically involves a portfolio of activities including migrating for work) (de Janvry, 1981).

Both types of behavior are observed in Bangladesh today. Poor families will resist the sale of their very small farms at any cost, despite their being unable to develop these into

profitable units (World Bank, 2000). Meanwhile, many large farmers are pursuing a strategy of political accumulation, underutilizing land amidst dramatic levels of rural poverty (Khan, 2000). Such agricultural dynamics make the task of the would-be “capitalist” farmer impossible, since (s)he cannot buy land or other inputs easily. Such an economically inefficient equilibrium is deeply rooted in agrarian power structures. As Khan (2000) points out, local and State politics in Bangladesh are dominated by “pyramidal” organizations, made up of socially heterogeneous groups. These groups compete for the available stock of resources to enrich their members, largely by seeking and exploiting political and administrative prerogatives. The very intense competition between groups makes it difficult for a particular one to secure a privileged position for a long time. Such uncertainty incites the participants in the currently dominating organization to hold their assets “in liquid form”, instead of investing them locally in productive activities. This political pattern precludes agricultural growth, and accounts for the failure of any attempt to reform institutions — such as the securing of property rights — that may cut the possibility for competing political organizations to extort resources from other groups. The lasting rural poverty and exploitation resulting from the success of such inefficient political coalitions tends to result in low-level forms of violence (for example illegal expropriation), which lay a fertile ground for political instrumentalization.

2. *Violent Backlash against Change*

Violence may occur as a by-product of the struggle for transformation, and usually takes the form of retaliation by the challenged ruling elite against progressive movements that have yet to form sufficiently powerful coalitions to achieve their goals. The often violent reaction to the invasions of empty plots of

land by the Movement of Landless Rural Workers (MST) in Brazil provides a telling illustration. In Latin America, more generally, much of the rural violence from the 1950s onwards was the result of violent retaliation against those who had demanded the dismantling of large feudal estates, where land was mostly underutilized (Kay, 2000). The most striking illustration of this type of backlash was the (partial)



“counter land reform” which was implemented soon after Pinochet seized power in Chile.

3. *Grievances related to Land Distribution*

Land-related violence can often be traced back to historical grievances related to land distribution in a context characterized by incomplete transformation. Where groups perceiving themselves as despoiled manage to articulate their demands, either through

THE CONFLICT IN SIERRA LEONE

The conflict in Sierra Leone in 2003 is a tragic case of self-perpetuating agrarian conflict borne of the desire to escape enduring forms of domestic slavery. In some areas, young men have to provide the father of their wife with up to 80 per cent of their labor for a long period of time. This practice put unbearable stress on young rural men and women, inciting them to join the Revolutionary United Front (RUF). However, the RUF struggle eventually led to the return of highly exploitative agrarian relations. The wearing out of the RUF's war effort and the absence of alternative opportunities forced thousands of demobilized young fighters to offer their labor in rural areas they were in.



political organization (as in South Africa), or under the leadership of a political entrepreneur (such as Robert Mugabe in Zimbabwe), violent conflicts tend to crystallize long-standing historical grievances. Where land reforms have been initiated, the expectations they have created may also have adverse consequences, both for peace and development, either when they have not been far-reaching enough, or when they have failed to spur agricultural growth.

Productivity-oriented reforms are crucial to forestall disappointments linked to poor agricultural growth, which are bound to arise if land distribution follows only political criteria. However, it is very difficult to find the balance between the short-term satisfaction of political grievances and the long-term prevention (through growth) of their recurrence.

4. Intergenerational Conflict over Land

Intergenerational conflict over economic and social opportunities may be a major driving force of agrarian change, as observed in West Africa. For instance, the conflict that sparked violence in Côte d'Ivoire at the end of the 1990s was not so much between migrants and indigenous populations, but rather between and even within families. Indeed,

inter-generational tensions over land issues would typically involve youth seeking opportunities (e.g. migrating "back" from urban areas where such opportunities have dried up) and complaining about parcels of land having been rented out to migrants.

The Impact of Exogenous Conflict on Agrarian Transformation

While exogenous (*i.e.*, nonland related) conflicts may deeply affect agrarian structures as they modify the balance of political forces that underpin them, they may also accelerate the pace of agrarian transformation. Violent conflicts thus have a close relationship with the transformation process. As a result, they often put land at the heart of future violent strife. Colonization and displacement of populations typically turn land into an object of violent conflict between groups with competing claims over its use and occupation.

1. Colonization and Land Seizure

A major source of conflict over access to land opposes indigenous populations and colonial or central States providing settlers with agricultural opportunities at the expense of the former. The consequences and implications vary greatly of course, but the likelihood of such conflicts is nonetheless clear.

In Latin America, the situation of “natives” varies greatly across countries. However, although a couple of the continent’s leaders are of indigenous origin, these communities typically experience difficulties in accessing political power as a group because of their lower position in society. The conflict over land is a long-lasting one, since Latin American “indigenous” people have been deprived of most of what they had (not only land) since the 16th century. However, access and security of tenure over their now small land has been an ongoing subject of political, sometimes violent struggle. Their political and economic weakness means that they have usually been unable to retain their land when it was seized for the constitution of large agricultural estates (or of mines), and they have been the victims of violent retaliation when they tried to resist (Kay, 2000). Chiapas is an interesting exception, where a minority has formed a structured political movement with the support of an organized left-wing group, and managed to resist land seizure for nonagricultural exploitation.

LAND REFORM IN TAIWAN AND SOUTH KOREA

At the end of World War II, the traditional agrarian structures in Taiwan and South Korea had been destroyed by Japanese colonization. Land was then redistributed and support was provided to farming households who intended to maximize their productivity. These exceptional cases of economic and social success following land reform, as well as the degree of violence involved, are still regarded as models by agricultural economists, although they result from highly specific historical circumstances.



PLOT OVER PROFIT

The post-Taliban Afghanistan provides an illustration of customary systems gone awry in the aftermath of a major conflict. In that country, the manipulation of customary regulation of access to increasingly scarcer assets (in particular land) has become an object of dispute between rival factions with dubious traditional legitimacy. In the midst of extreme scarcity and uncertainty, peasants have turned to growing poppy seeds not simply because they would earn more than from growing other crops but because the village chiefs — who trade the harvest and reap the benefits — favor those so engaged. The growing of poppy seeds has thus become the safest and easiest way to get hold of an additional plot on which to cultivate essential subsistence staples. This in turn breeds high levels of resentment and insecurity, which constitute a threat to peace in the short- and long-run.

In Indonesia, the policy of Javanese colonization involved large scale population resettlement from the main crowded island to smaller parts of the archipelago, and numerous land seizures for the benefit of the settlers. The associated violence has driven several States, including Indonesian Papua, on the verge of civil war (Faure, 2002).

2. Displaced Populations: Today’s Grievances, Tomorrow’s Conflicts

Countless wars can be traced to a previous forced migration or separation of people (or borders) from the rest of a

degree of political organization, and the eventual manipulation of frustrated groups (ethnic, religious, regional, etc.) by political entrepreneurs seeking access to power and resources. Conversely, if mediation efforts are undertaken and, most crucially, displaced populations are provided with sufficient opportunities to access livelihoods, grievances may dry up and political exploitation may be forestalled.

3. Criminalization rather than Transformation in the Aftermath of Violent Conflict

Major conflicts that wipe out customary systems will not pave the way to a positive transformation of agriculture unless adequate leadership, institutions and resources are in place. Where those conditions are present, the remnants of traditional agrarian systems may actually form the basis of a more modern one from the point of view of sustainable economic growth. But this is no easy task.

Other Exogenous Factors Affecting Agrarian Tensions

Agrarian dynamics, and the tensions they generate, are also deeply affected by a variety of external factors other than violent conflict itself, such as climate, natural disasters, the fluctuations in international commodity prices, changes in international investment flows, etc. Importantly, those factors include the consequences of third country policies (trade, etc.). Although this subject is not well-documented, several of the conflict (or peace) dynamics referred to in this paper may be related to international economic issues. For instance, where a group of small commercial farmers is lobbying to modernize agrarian structures, its capacity to access consumer markets abroad will be a key feature of its success,

not only as a business group, but also as a political one. Conversely, obstacles to accessing international markets may delay agricultural development, or even cause it to fail, threatening livelihood security and spurring conflict. This suggests that looking at the land and conflict issue through the lens of “policy coherence for development”, i.e., by focusing on the link between agrarian conflicts and international commodity markets and rules, may be essential to any endeavor to reduce the incidence of violent conflicts worldwide.



Securing Land Tenure to Secure Peace?

Secure property rights facilitate investment and efficient resource utilization. They are the cornerstone of a well-functioning market economy (Binswanger *et al.*, 1995). This applies to the development of agriculture, as exemplified in the case of Taiwan and South Korea

(Bernstein, *op. cit.*). If their tenure rights are protected, new smallholders will more readily invest in productive assets and engage in land markets. Similarly, large companies will feel more confident that their return on investment is protected.

Moreover, a system that secures tenure for land users — whether they own land, rent it or drive cattle over it — not only fosters economic efficiency and environmental sustainability, it also has positive implications for peace in the long run. Among other things, it is essential for the success of land reform, and for keeping land relations peaceful. It can also reduce the scope for acute situations of hardship to lead to conflict.

REFERENCES

- De Janvry, A. (1981), *The Agrarian Question and Reformism in Latin America*, Johns Hopkins University Press, Baltimore.
- Faure, D. (2002), "La guerille oubliee des Papous: Colonisation indonesienne de la Nouvelle-Guinee", *Le Monde Diplomatique*, aout.
- Kay, C. (2000), "Conflict and Violence in Rural Latin America", Working Paper No. 312, ISS, The Hague.
- Khan, M. (2000), "Power, Property Rights and the Issue of Land Reform", Working Paper, SOAS, London.
- World Bank (2000), *Bangladesh: Study of Land Issues*, World Bank and SASRD, Dhaka.
- Binswanger, H., K. Deininger and G. Feder (1995), "Power, Distortions, Revolt and Reform in Agricultural Land Relations", in J. Behrman and T. Srinivasan (eds), *Handbook of Development Economics*, Vol. III, Elsevier Science, Oxford.

This Resource Book is produced by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) angoc@angoc.ngo.ph and the International Land Coalition (ILC) coalition@ifad.org.

Uncertain Tenure for the Char Dwellers of Bangladesh



Bangladesh receives silt deposits year-round as a result of erosion brought on by the annual monsoon as well as by melting snow. In the process, the rivers expand and land bars or islands are created. These emerging riverine lands are known in Bangladesh as “chars”. Due to the constant threat of erosion and flooding, living and working conditions on these chars are harsh. Nevertheless, a significant number of people live there, as they create opportunities for human settlement and agricultural activities.

Natural Resources on Chars

Land

In general, the downstream parts of rivers receive deposits of finer sediment (silt), which make the land in chars quite fertile. This has historically attracted many to exploit the agricul-

Source

Maminul Haque Sarker, Iffat Huque, Mustafa Alam, Rob Koudstaal, 2003, “Rivers, Chars, and Char Dwellers of Bangladesh.” This paper is a revised and shortened version of this paper which was published in the International Journal of River Basin Management, Vol. 1, Issue 1 (www.irbm.net).

E-mail:
IAHR Office <office@iahr.org>

The population density of the *chars* is nearly half that of Bangladesh. In 1993, the total population in the chars was estimated at 630,000, representing a 47 per cent increase over the figure in 1984 (caused by increases in both char area and density of population in chars). In comparison, the national population growth in the same period was estimated to be 26 per cent. Thus, one can see the growing importance of chars in providing land for human habitation in Bangladesh.

tural potential of chars. Sand from chars is also collected and used for construction purposes in urban centers. Additionally, in chars that are less vulnerable to frequent flooding, the availability of wide expanses of grazing land has encouraged cattle raising.

Vegetation

Newly accreted land, if it does not erode quickly, is initially colonized by grass, particularly catkin grass. The dense growth of catkin grass can accelerate the deposition of silt on chars, while its decomposition adds humus to the soil. In some instances, inhabitants plant catkin grass on newly emerging land to hasten its conversion to agricultural land.

Catkin grass has other uses as well, among them:

- Thatching material for houses;
- A source of cash when sold in mainland markets as thatching material, or to betel leaf gardeners who use it for roofing enclosures where betel leaf is grown;
- Fencing material (utilizing the stem of the plant);
- Fuel;
- Cattle fodder;
- Mounds for cattle to stand on during flooding;
- Reinforcement around the wooden plinths of houses before the monsoon season to protect against damage from excessive rain, inundation, or waves.

Older chars also often have fruit-bearing and timber trees. Banana plants in particular provide privacy for char homesteads and protect against strong winds. The banana fruit is an important source of food and cash, and the trunk is sometimes used for making rafts during floods.

Open-water fish resources

The fishing activities of char dwellers depend on whether the area is close to major fish habitats, spawning grounds, or migration paths of fish. They are also influenced by the availability of fish and the ease of fish catch at different seasons of the year. Besides, in certain parts of the rivers, leasing arrangements determine to a large extent the nature and intensity of open water fishing.

Settlement Process

Once chars are formed, the human residents set about using the land in different degrees and to varying extents, depending on a number of factors, such as silt cover, natural vegetation (usually grasses), crop cultivation, and human settlement. Given the vagaries of river morphology, these

activities can be aborted at any point. Settlements are set up on a temporary basis as people wait to see whether their islands would survive the year's erosion.

Where soil and water conditions are favorable, char development through settlement and cultivation is constrained by the instability of chars and flood hazards — with erosion and outright disappearance of chars being much more disastrous to dwellers than flooding.

Coping with Floods

People build homesteads on the highest available land. If they stay for any length of time in a particular place, they further elevate their dwellings on built-up plinths to avoid the annual inundation. Even so, many char people expect to have their homes flooded every year, and most homesteads are provided with platforms to store grains and other valuables.

One widespread practice in preparing for floods that has serious negative economic consequences is the sacrifice sale of cattle and other animals before the monsoon season. This is seen as one way to salvage some part of the investment in animals, and is considered as preferable to losing them to disease and starvation when settlements and grazing lands go under water.



Other problems associated with flooding are difficulties in cooking and in obtaining food and supplies. Access to medical care is especially problematic. Health hazards related to the drinking of contaminated water are prevalent during the monsoon season and are almost universal during severe floods when most tube wells in the chars are submerged.

Coping with Erosion

Erosion-induced displacement is a major phenomenon among char dwellers — many of whom have moved their settlements from three to as many as nine times in their lives. Studies point to three common effects of such displacement which influence the well-being of char family members:

- A severe decline in their standard of living;
- The occurrence of mental illness in the family; and
- The loss of valuable assets.

“We have to keep rolling like silt.”

— a saying in Kazipur



Most, though not all, char families have lived on chars for several generations. If they had moved at all, it was within groups of local chars. Available data indicates that only a small percentage have migrated to distances of more than two miles. This data, however, does not take into account the large numbers who have left chars to live in urban slums, on embankments, or in other distant places.

Char dwellers apparently consider the monsoon season and its aftermath as a transition point in char life, when they wait to see how their land survives. Many wait until after the monsoon season — to see if their island remained — before investing effort or money on building their homes.

Social Conflict over Land Ownership



Settlement and ownership rights over the accreted land in chars have always been complicated by the difficulty in ascertaining ownership of new land — that is, whether it should belong to the State or to some riparian proprietor upstream, or even to somebody on the other side of the river. Although a State ordinance provides that “all newly emergent lands previously lost by dilution should be restored not to the original owner but only to the government”, the people of the chars find it

very hard to accept that their land would not be returned to them if and when it resurfaces.

While the intention of the law might have been to “recover” land from the *jotedars* (very rich farmers) and redistribute it among the landless and marginal farmers, in reality it has not worked that way. Instead, the locally powerful *jotedars* have wrested control, often violently, over accreted land (Haque, 1997). This way of taking over control of the land has led to violent clashes.

Zaman (1987) has reported 40 cases related to land conflict and organized violence in char villages, and these have appeared in a daily newspaper over a period of five years (1978-1982). A total of 733 persons have reportedly died from 1978 to 1982 in clashes for newly accreted land. According to Zaman, “the extent of brutality and terror cannot possibly be described unless someone has lived and experienced it in char life. It is a different and difficult life out there.”

Livelihood

Farming

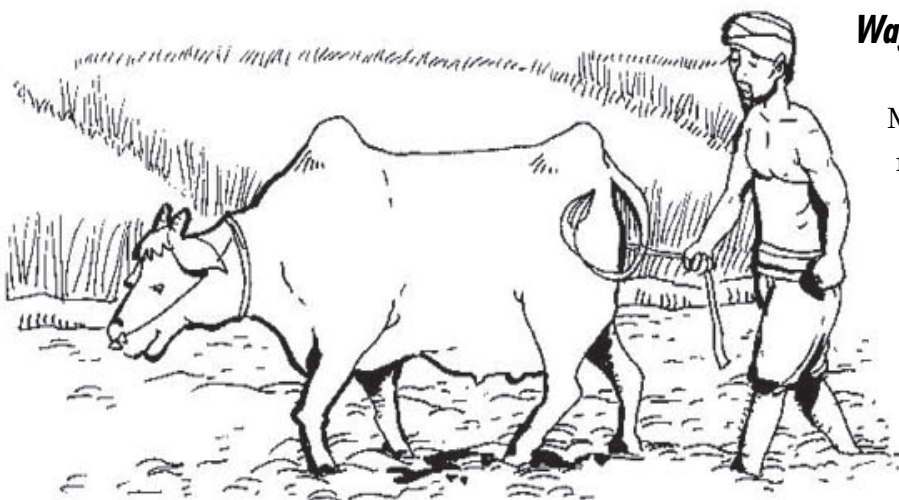
As in other parts of rural Bangladesh, farming is the main occupation of most people in the chars. As in mainland Bangladesh, rice is the main crop, with some pulse, wheat, and groundnut also being grown. Both surface and groundwater irrigation are practiced depending on the availability of surface water on the char. Although catkin grass grows naturally, char dwellers often plant it as a source of cash as well as for household use. Moreover, it encourages siltation on the chars.

Land tenure arrangements include owner cultivation as well as sharecropping. Wage labor is also used in various agricultural operations. Absentee ownership of land is common in some chars. In certain areas, the absentee landlords have control over cultivable *khas* (public) land as well. Under such circumstances, there is relatively higher dependence on tenant farming. Those who are involved in agriculture may cultivate their own land part of the time and supplement their income with day labor or other activities.

Fishing, Cattle-Rearing, Trading

In some chars, fishing is the primary occupation for many households, while in other areas, people fish as a “last resort” (e.g., when they lose their land to erosion). Some char dwellers combine agricultural work during the daytime with fishing at night.

On chars that are endowed with wide expanses of grazing lands and are relatively accessible to cattle markets, the people engage in cattle raising and the selling of cow’s milk. Trading of miscellaneous commodities and domestic consumables is also common among households living on chars that are close to towns.



Wage Labor

Many people from chars migrate seasonally to other areas in search of agricultural work. They also take on jobs as unskilled laborers in mainland earthwork projects, while some have traditionally been involved in specialized mainland occupations.

“The extent of brutality and terror cannot possibly be described unless someone has lived and experienced it in char life. It is a different and difficult life out there.”

While char families prefer to own land on more than one char in the hope of having a place of their own to move in case one homestead be lost to erosion, many cannot afford this. Therefore, erosion can quickly turn a landowning farmer into a landless day laborer, forcing him to move to some other char or to the mainland in search of employment as a wage laborer.

Considerations for Management and Future Development

The study by the Environment and GIS Support Project (EGIS) 2000 contributes to the awareness of both the need for and possibilities of improving the livelihood conditions of char dwellers through management interventions that enable them to better cope with the hazardous environment. It was recommended that a special Char Program Development Committee (CPDC) be established that focuses on the unique characteristics of the chars and has the mandate to develop special program interventions. Such interventions should address such issues as:

- ➔ Settling confusion and conflicts over administrative boundaries;
- ➔ Development of proper land laws and their enforcement;
- ➔ Use of public land;
- ➔ Flood and erosion prediction and warning mechanisms;
- ➔ Planning for and supporting the provision of better basic services (agricultural extension, health and sanitation, education, public transport, institutional credit); and
- ➔ Assistance to flood- and erosion-affected people.

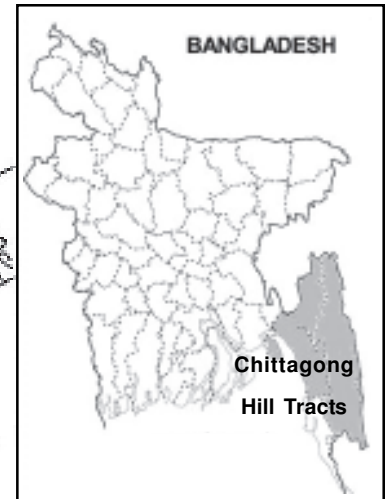
Char dwellers are extremely vulnerable to the perennial hazards of flooding and erosion which could cause the very land they live on to disappear at any time. In addition, they live with the constant risk of violence as a result of conflicts with powerful local leaders seeking control of fertile chars as well as with their fellow-char dwellers competing for fragile char resources. This unique situation calls for an equally unique approach to land rights that would recognize and safeguard the dwellers' needs for a secure, safe, healthy, and livelihood-accessible environment.

REFERENCES

- Haque, C.E. (1997). *Hazards in a Fickle Environment: Bangladesh*. Kluwer Academic Publishers.
- Zaman, M.Q. (1987). *Adjustment to riverbank erosion hazards and population resettlement in Bangladesh*. Paper presented at the annual meeting of the Society for Applied Anthropology, Aaxaca, Mexico, Quoted from Haque, C.E., 1997.

This Resource Book is produced by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) angoc@angoc.ngo.ph and the International Land Coalition (ILC) coalition@ifad.org.

Land Disputes in the Chittagong Hill Tracts



The Chittagong Hill Tracts (CHT), an area covering 13,295 square kilometers, is the south eastern part of Bangladesh, bordering the Arakan and Chin States of Burma, and the Tripura and Mizoram States of India. Although just 96 persons per square kilometer live in the CHTs — compared to the national average of 827 persons per square kilometer — it is a myth that there is vast unused land in the CHT. In fact, only 3.2 per cent of CHT land is suitable for wet-rice cultivation. The bulk of the land (77 per cent) is good for forestry, while the rest of the CHT can support horticulture, *jum* (shifting) cultivation, and some terrace farming.

Source

Philip Gain, "Life and Nature at Risk", [printed in] *The Chittagong Hill Tracts: Life and Nature at Risk* edited by Philip Gain and published by the Society for Environment and Human Development (SEHD), July 2000.

E-mail:
sehd@citechco.net

Traditional Land Use on the CHT

The sloping land used for *jum* cultivation traditionally belonged to different indigenous communities. Exclusive individual rights to *jum* plots had never been established, and community members could claim ownership only over the crops grown on the plots.

BENGALI MIGRATION INTO THE CHT

The CHT have traditionally been home to 11 indigenous ethnic groups, which collectively call themselves as the Jumma people, the first peoples of the CHT. They are Chakma, Marma, Tripura, Tanchangya, Mru, Lushai, Khumi, Chak, Khyang, Bawm, and Pankhua.

In the late 1970s, President Ziaur Rahman sponsored a migration of Bangladeshi settlers into the CHT, providing land grants, cash and rations. This program was not made public at the time, and its existence was denied by the government representative. Now, the government has acknowledged that there was indeed such a program of sponsored migration. As a result, Bangladeshi settlers, with the connivance of the almost totally Bengali-dominated administration, have been able to take over land and even entire villages from the Jummas. By 1991, the Bengalis made up nearly half of the total population of the CHT.

The Bangladeshi peasants who moved up to the Chittagong Hill Tracts come principally from the plains districts of Chittagong, Noakhali, Sylhet and Comilla, and have no experience of hill slope cultivation. When they find they cannot make a living from the land they have been given, they encroach on Jumma land. There are various ways in which the Jumma people have been, and still are being dispossessed of their lands. In many cases, Bangladeshi settlers move into an area and gradually encroach on the lands of their Jumma neighbors. A Chakma refugee from Panchari describes the initial process as follows:

“In 1980-81 the Bengalis moved in. The government gave them rations of rice, etc. and sponsored them. The settlers moved into the hills, then they moved the Jummas by force with the help of the Bangladesh Army. The Deputy Commissioner would come over and say that this place was suitable for settlers so Jumma people must move and would receive money in compensation. But in reality they did not get money or resettlement. In 1980 the Jumma people had to move by order of the government”.

intensified. Huge Bengali settlements, in the 1980s in particular, have not only put pressure on the land used by the indigenous people but have also caused massive deforestation and ecological problems. At the same time, the army has occupied large areas while huge tracts of land have been leased out to non-locals for rubber plantations, with unfortunate results. The shortage of suitable land, misallocation of land for plantations, and wrong investment strategies have caused massive political, economic and social unrest and overexploitation of existing resources.

The British colonizers exploited the communal land use arrangement on the CHT to establish “supreme and unlimited authority” over the land. Thus did CHT land come under direct State control. Henceforth, the hill slopes became the property of the State. The hill people, or *Jummas*, continued to engage in shifting cultivation but they were levied a *jum* tax to encourage them to shift to sedentary agriculture.

By the early 1800s, *jum* cultivation had become virtually nonexistent on the regulated district of Chittagong. In the 1870s, *jum* cultivation was officially prohibited from some 800,000 acres (or approximately one-quarter of all forest land) in the Chittagong district. Henceforth, the indigenous hill people became increasingly marginalized and were forced to move further into the Hill Tracts.

Land-related Conflicts in the CHT

Changes in land distribution and settlement since the 1960s have further worsened and complicated the land related problems on the CHTs. Competition for every piece of cultivable and available land has

Expansion of Reserved Forests

Approximately one-quarter of the CHT is reserved forest in which the collection of fuel wood and other forest products is prohibited. In addition to the forests that had been declared as reserved from colonial times, there has been a further expansion of reserved forests by virtue of the Forest Act of 1927. Between 1990 and 1998, 217,790 acres of land from 83 *mouzas** in three hill districts — have been earmarked as reserved forest. Of these, 140,341 acres have been formally declared as reserved forest.

The hill people complain that the expansion has been arbitrary. Chakma Chief Raja Devasish Roy reported that the land affected by the reservation includes “private lands registered in the office of the deputy commissioner (DC); private homesteads of hill people under rule 50 of the CHT Regulation; forest commons over which the hill people have rights to forest produce in accordance with the Forest Act, the Forest Transit Rules, the CHT Regulation, Long User and prescriptive rights, etc.; grazing lands over which the hill people have rights of pasture in accordance with the CHT regulation and local rules, customs and practices; and lands in the process of registration in the office of the deputy commissioner.”

“Tens of thousands of people in all of the three districts — hill people and ethnic Bengali residents who were displaced by the Kaptai Dam in 1960; almost the entire population of the indigenous Khyang people; and hill people who were rehabilitated under government-run afforestation and agriculture projects of the Forest Department, the BADC and the CHT Development Board — have been affected,” the Chakma Chief added.

The Committee for the Protection of Forests and Land Rights in the Chittagong Hill Tracts estimates that if the government’s plan to expand reserved forests is implemented, around 200,000 people will be affected. Different sources also confirm that the expansion of reserved forest has already dispossessed people of their centuries-



Mouza is the lowest revenue collection unit. During the Mughal period, the term was extensively used in the sense of a revenue collection unit in a *pargana* or revenue district. In the 20th century, *mouza* became popularly synonymous with the *gram* or village, which is indeed a social unit. However, in the 19th century and earlier, the *mouza* was identified both as a social and revenue unit.

FOREST RESERVES DEPRIVE THE KHYANG OF THEIR HOMELANDS

Sangthuima (24) and Thuisangma (20), two Khyang sisters in a remote village in the CHT, have had almost all of their three-acre croplands, along with their homesteads, declared as reserved forest. In effect, they have become illegal occupants of land where they and their forefathers have lived for centuries. The two sisters have inherited the land from their father, Teng Hla Pru, and the land is still registered in his name.

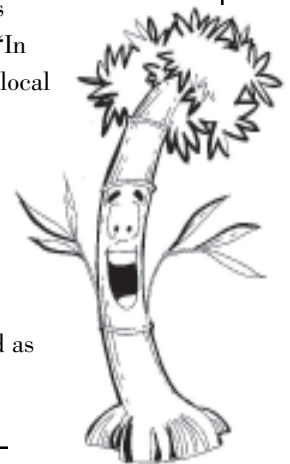
In another village, Arachhari Headman Para (in 335 Dhanuchhari Mouza of No.1 Gilachhari Union in Rajasthali Thana, Rangmati district), the headman of the Mouza, Hlathwai Khyang, reported that Khyang families have disappeared as a result of harassment that followed the expansion of the reserved forests.

According to Headman Hlathwai Khyang and others villages which used to be populated by hundreds of Khyang families, such as Dhanuchhari Para, Korbanchhari Para, New Zealand Para, Madan Karbari Para, Moniong Karbari Para and Bara Kukkachhari Para of Dhanuchhari Mouza, are today inhabited by only 180 families and most of them are Khyang. Headman Hlathwai Khyang said that in his Mouza the local people had applied for registration of around 700 acres of land in the DC's Office. The settlement of those lands, classified by the Forest Department as Unclassed State Forest (USF), has been stopped since 1989.

In Dhanuchhari Mouza the Khyang can no longer practice *jum*. Without *jum*, the subsistence economy of the Khyang people would be totally ruined. Aung Saw Khyang of Arachhari Headman Para said, "We used to produce all our food on *jum* fields. Since 1976 *jum* cultivation has been stopped because of the expansion of pulpwood plantation and reserved forests. We can now produce little food. We have to buy food, which is expensive, and we have to walk longer distances to buy it."

An example of how the expansion of reserved forests has affected the registered land is the case of Gyan Bikash Tangchangya of Rajasthali Thana Sadar. He complained that the Pulpwood Plantation Division of Kaptai forcibly planted pulpwood trees on five acres of his land (in Rajasthali Thana), which was registered in his name as early as the 1980s. Advocate Dinonath Tangchangya complained that, "In 1995, officials from the division began harvesting trees they had planted without consulting the local people who have claims on the land."

Probhat Kumar Tanchangya registered five acres of land in 335 Dhanuchhari Mouza in Rajasthali Thana in the 1980s and thereafter planted timber trees — teak and gamar. Now, after many years of hard labor, Probhat's trees have begun to mature and are ready to be harvested for timber. Probhat had almost completed the process of procuring a "jote permit" to harvest 948 cubic feet (cft) of teak and 500 cft of fuel wood when he was told that his land had been declared as reserved forest.



old *jum* fields, horticultural land, tree gardens, land settled from the DC's office and land under process for settlement.

Conversion of land, which the hill indigenous peoples had always considered as commons, into reserved forests, has serious consequences. Once land is declared as reserved forest, the forest-dwelling people lose access to it.

Commercial/Industrial Plantations

The introduction of commercial or industrial plantations such as rubber and pulpwood to the Chittagong-Teknaf belt and the CHT is of particular concern. Although industrial plantations have yet to be established on a large scale in the CHT, foreign investments are expected to fuel their rapid expansion. Foreign-funded commercial/industrial plantations of acacia, eucalyptus and pine have replaced much of the native forests in Chittagong and the CHT region. In many places, one would be hard put to imagine that natural forests had once covered the stretch of land along the CHT hills.

Moreover, given that huge tracts in the CHT lie denuded and that legal mechanisms have been established (with incentives from donors like the Asian Development Bank, World Bank, Food and Agriculture Organization, etc.) for the promotion of commercial plantations, it is likely that what used to be natural forests will now become sites for pulpwood plantation. The plantations that are being developed in Chittagong, Cox's Bazar and the CHT will feed the Karnaphuli Paper Mill and the new pulp and paper mills that are set to rise on the Dhaka Chittagong Highway and elsewhere.

Development Projects/Activities

State-sponsored and aid-dependent “development” initiatives started during the Pakistani administration of the CHT proved to be devastating for the CHT and its indigenous inhabitants. The first large-scale industrial development project that hit the CHT was the Karnaphuli Paper Mill. Financed by external resources (US\$13 million) including a World Bank loan of US\$4.2 million (Arens 1997:49 in Bhaumik et al., eds) the Karnaphuli Paper Mill started operating in 1953. The mill had been granted rights for 99 years to extract its raw materials from the forest areas. However, the mill that became an important icon of economic development for Pakistan set forth the conditions for environmental catastrophe in the CHT and misery for the hill people.

The construction of the Karnaphuli Paper Mill created 10,000 jobs, but the hill people got only around five per cent of these and mainly low-ranked jobs (Arens 1997:49 in Bhaumik et al., eds). The same story was repeated in the construction in 1966 of the Karnaphuli Rayon Mill.

A few years after the construction of the Karnaphuli





Paper Mill, the Pakistani symbol of development, the Kaptai hydroelectric project, was put into operation. Started in 1959, the US\$100-million project was completed in 1963 (van Schendel et al. 2000:203). The hydroelectricity produced in Kaptai thereafter supplied the energy needs of the provincial capital of Dhaka and of nearby Narayanganj City. The electricity also became crucial to run the wheels of industry.

But what became a great triumph for the Pakistani rulers had catastrophic effects on the hill indigenous peoples. The project created a 650-square kilometer upstream reservoir, submerging 40 per cent of the most productive valley land of the CHT, along with many villages and forests. It also displaced around 100,000 people, or a quarter of the region's population. Unsurprisingly, the project generated discontent and anger among the indigenous peoples in the CHT. Raja Tridiv Roy critiqued the project thus: "It was called a multipurpose dam, for it was supposed to provide not only electricity, but also flood control in the plains of Chittagong [as well as] irrigation facilities. As it turned out, every year since the dam was built, there have been floods in the very region it was supposed to save, with unfailing regularity. As for irrigation, by its very coming into existence it submerged most of the cultivable lands and there was hardly anything left to irrigate... [Moreover], not a single tribal village has been electrified — though electricity found its way into towns, as well as villages in the plains districts" (van Schendel et al. 2000:204).

After independence, no significant development plan was initiated until the time of General Zia who declared in 1976 that the problems of the CHT originated from underdevelopment. He therefore founded the Chittagong Hill Tracts Development Board (CHTDB) in 1976 by an ordinance to solve the CHT problems through large-scale development programs. The major development interventions in the CHT since then were designed, managed or overseen by the CHTDB. Although 60 per cent of the CHTDB was composed of hill people, the chiefs (Rajas) and other prominent ethnic members of the board refused to attend board meetings for many years prior to the signing of the peace accord in December 1997 in protest against its undemocratic structure.

The CHTDB has implemented projects and programs for road construction, telecommunication, electrification, and relocating the hill people into "model" or "cluster" villages. Yet, most villages in the hills still do not have telephones or electricity. The roads have been beneficial for transporting produce to markets, but they were first used to facilitate troop movement. Roads helped the military to combat the Shanti Bahini as well as the business-

men most of whom were Bengalis. The cluster villages were intended to isolate the Shanti Bahini and cut their supplies.

Resolution of Land Issues

Land is the crux of the CHT problem. The 1997 peace accord provides for a Land Commission with a minimum tenure of three years to resolve the land disputes in accordance with the law, custom and practice in the CHT. Resolving land disputes is crucial to the implementation of the peace accord. A cadastral survey (CS), which would secure settlement and individual land entitlements, should follow the resolution of the land disputes.

Internally displaced people. Addressing the issue of internally displaced persons (IDPs) is an important task of the Task Force on Refugees in the CHT currently (in 2005) chaired by Samiran Dewan, former chair of Khagrachhari District Council. The IDPs are those who were displaced between August 1975 and August 1992. According to the task force account, there have been 128,364 internally displaced families throughout the CHT, of which 90,208 were “tribal” and 38,156 were “non-tribal”.

The hill people and human rights bodies want to see human rights at the center for reconstruction and rehabilitation of the Chittagong Hill Tracts. According to Amnesty International, this calls for the reestablishment of the rule of law, an active role for civil society institutions, including a fully independent judiciary and a free press.

REFERENCES

Arens, Jenneke. *Foreign Aid and Militarization in the Chittagong Hill Tracts (1997)* in Subir Bhaumik, Meghna Guhathakurta and Sabyasachi Basu Ray Chaudhury (ed.). South Asia Forum for Human Rights, Calcutta Research Group.

Bhaumik, Meghna Guhathakurta and Sabyasachi Basu Ray Chaudhury (ed.). South Asia Forum for Human Rights, Calcutta Research Group.

Chittagong Hill Tracts: Militarization, Oppression and the Hill Tracts (Anti-Slavery International, London, 1984)
Life is not ours: the Chittagong Hill Tracts Commission

Van Schendel, Willem; Mey, Wolfgang; and Dewan, Aditya Kumar. 2000. *The Chittagong Hill Tracts: Living in a Borderland*. White Lotus, Bangkok.

This Resource Book is produced by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) angoc@angoc.ngo.ph and the International Land Coalition (ILC) coalition@ifad.org.

Gender and Resource Rights: *Policy in Social Context*



Women generally have less control of private property, and have had to depend more on common property or open access resources to support themselves and fulfill their obligations to their families. However, a more careful assessment of the extent of women's rights to common property resources is needed before embracing "the commons" as a means to reduce the gender gap in property rights.

Establishing the extent of the gender gap in property rights is complex. It depends on whether one looks only at formal "ownership" of resources or at who holds particular bundles of rights. For instance, control rights — including management, exclusion and alienation (ability to transfer rights to others) — are stronger than use rights of access and withdrawal.

Women's Access To Water

Women's access to and control of water is a case in point.

Source

Margreet Zwartveen and Ruth Meinzen-Dick. "Gender and Property Rights in the Commons: Examples of Water Rights in South Asia". *Agriculture and Human Values* 18: 11-25, 2001. Kluwer Academic Publishers, Netherlands.

E-mail:

Margreet.Zwartveen@users.tct.wau.nl
r.meinzen-dick@cgiar.org

While women are free to use water in common property systems, it is not because of defined rights but because of the general lack of strict management rules and regulations. Strengthening rules for the use of common resources may be necessary for the effective management of common property but it could reduce women's access unless women are explicitly included as right-holders and decision-makers.

On the other hand, a woman's lack of access to water cannot simply be ascribed to the fact that she is a woman but should be analyzed in the broader framework of class and social relations of power — and even the physical structure of access to the irrigation infrastructure system.

Putting Gender Policy in Context

The linkages between women's access to water and their rights to it requires a careful analysis of laws governing water allocation and distribution and the institutions enforcing these laws, as well as the relations of dominance and the division of labor in households.

Cases from Nepal show that women have access to water and are actively involved in irrigated agriculture but not often in the management of irrigation. Formal "ownership" — management and alienation — are vested in men as farmers or household heads, and women access water through their relationships with males. At the same time, women are not bound by the rules of irrigation associations. They can "steal" water with impunity as non-members. As female members, they can plead exemption from heavy canal maintenance work.



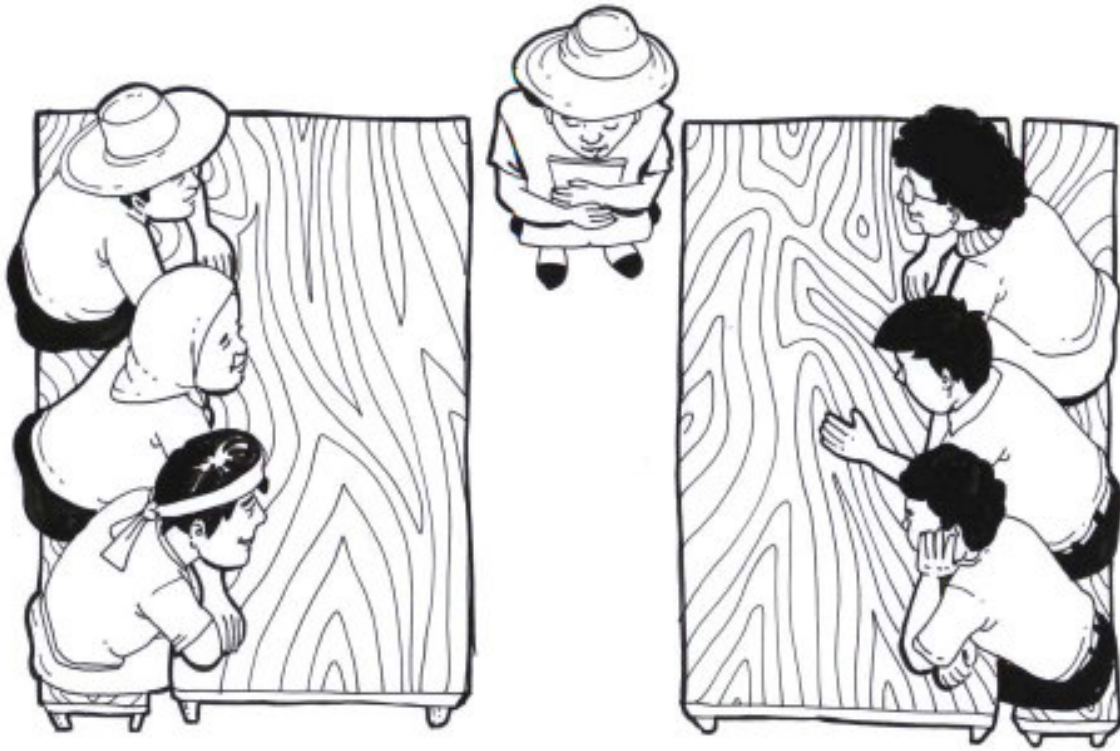
The linkage between assuring water rights for women and gender equality can not be simply assumed. Water reform is not a substitute for land reform and the effects of changes in water rights must be seen in relation to land tenure systems. Women may not consider water to be a primary strategic issue. At the same time, gender is not necessarily the primary determinant of access to water.

Creative thinking to devise options for achieving greater gender equality in rights to water is important to the formulation of effective policy. Merely

designing a legal framework will not by itself improve women's water use or control rights unless there are institutional enforcement mechanisms to support it. After all, laws are always assimilated by individuals operating within specific social relations of power, standards of conduct, value and interests. If women do not perceive a need, and if they are not willing to actively demand that conditions change, no amount of policy making and practice will make much difference.

This Resource Book is produced by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) angoc@angoc.ngo.ph and the International Land Coalition (ILC) coalition@ifad.org.

Training for Land Dispute Resolution in Cambodia



Recent research done by the Oxfam GB-Cambodia Land Study Project suggests that many Cambodian farmers are losing access to land due to the combined effects of an unfeasible land law, the haphazard introduction of a poorly regulated market-based economy, and wholesale privatization. Land-related disputes arising from the abuse of power and the absence of a map-based land titling system are clogging up the courts and causing widespread civil unrest.

The Oxfam GB Project recorded 687 land dispute cases between 1987 and 2000, involving 37,500 families on 78,990 hectares. Most of the disputes were reported from the richest and most populated agricultural areas, and involved landgrabbing by officials, military men and business interests. As a result, a growing number of protesters have come to Phnom Penh to vent their anger at the rising incidence of landgrabbing by the rich and powerful.

Source

Song Vannsin, "Recent Experience of Oxfam GB-Cambodia Land Study Project in the Land Reform in Cambodia", *Presented at the International Conference on Access to Land: Innovative Agrarian Reform for Sustainability and Poverty Reduction, March 19-23, 2001, Bonn, Germany.*

E-mail:
SVannsin@oxfam.org.kh

LAND SITUATION IN CAMBODIA

1975 – 1979. Under the Khmer Rouge regime, there were no land ownership rights, all lands belonged to the State.

1979 – 1989. After the collapse of the Khmer Rouge, land was still under the State, but people had the right to work on the land.

1989. There was an amendment in the Constitution that provided rights to ownership and possession — ownership rights for residential land and possession rights for agricultural land.

1992. The Land Law was adopted, reflecting a change in government policy from planned economy to a free-market economy.

In response, the Royal Government of Cambodia set up a National Land Dispute Settlement Commission in March 1999. Subsequently, Provincial Land Dispute Settlement Commissions were established in every province and municipality.

After meeting with non-government organizations (NGOs), the National Land Dispute Settlement Commission decided to undertake a study of the capacity of the provincial commissions. Five provinces — Battambang, Siem Reap, Banteay Meanchey (high-incidence provinces), Kompong Speu and Kompong Som (medium-incidence provinces) were selected for the study.

A senior evaluation team was dispatched to survey the five Provincial Land Dispute Settlement Commissions to determine the extent and quality of human and physical resources available to them in reference to the number and scale of land disputes that they were attempting to resolve.

In 1999 alone (the first year of their existence), the five provincial commissions dealt with about 250 cases involving more than 50,000 people. A typical case involved about 50 families disputing their eviction from over 75 hectares of rainfed land that they had farmed for 10 years or more.

The Commission's records show that the central government and its agents were partly if not wholly to blame in many of the land disputes, making it difficult, if not impossible, for the provincial authorities to resolve such cases.



Dispute Resolution Training Seminars

A 12-day dispute resolution training seminar was conducted following the release of the assessment report. The commission also conducted a two-day follow-up session, where an actual case was heard 45 days after the first seminar.

The course covered three major areas:

- Communication skills (how to get parties to communicate, extract relevant useful information, etc.);
- Mediation concepts and procedures (how to provide advice, suggestions and usually, preferred solutions, and then persuade the parties to accept these); and
- Advisory and arbitration concepts and procedures (how to decide in favor of one party or the other).

Mediation and Arbitration

It became apparent that the concept of mediation was unfamiliar and difficult for most of the participants to understand. In particular, the absence of a decision-maker or the lack of official intervention, and the fact that there was no “right” or “wrong” and that law, evidence or witnesses were unnecessary, were alien to them.

Balancing power between contending parties is a difficult task. This is a problem inherent to mediation anywhere. In Cambodia, it is made particularly difficult by power imbalances between the parties to most disputes and also by the cultural importance accorded to a person’s status in society. While most of the trainees understood the need for balancing and rebalancing power during the mediation process, they were unsure whether and how they could accomplish this in actual cases.

The concept of neutral mediation was difficult for the participants to put into practice, especially since many of them — being officials or military leaders — were used to making decisions.

The trainees felt much more comfortable with the concept of arbitration (which involves a finding and decision in favor of one party or the other). In

WOMEN PARTICIPATION

One notable feature of this particular training seminar was the lack of women participation. In response to a question about this issue there was overwhelming agreement among the participants that the training should include more women. Some of the reasons given for the need for greater participation by women in the training were:

- Women are better able to understand the concerns of the women parties to the dispute;
- Women would be more likely to speak openly if another woman were mediating or arbitrating;
- Women are better at resolving disputes than men;
- Women are more courteous and better at forming good relationships and command greater respect among the parties to the dispute;
- Women communicate better with the parties than men;
- There is a need to promote equal rights for women.



fact, most of the participants were unable to understand the purpose of mediation until they had been taught arbitration and could then make a comparison.

Access to Dispute Settlement Mechanisms

The research and training programs point to the need for a national program to address the proliferation of land disputes by giving women and men access to equitable, affordable, effective and peaceful means to resolve land disputes through the following:



- improving the cooperation between government agencies and civil society groups to resolve land disputes;
- increasing the capacity of national and provincial land dispute resolution agencies and NGOs;
- following up land dispute settlements with land registration;
- mobilizing fiscal resources to cover the recurrent costs involved in resolving and settling land disputes;
- rationalizing existing ad hoc land dispute resolution mechanisms within the new legal framework of property laws; and
- promoting the devolution of capacity and responsibility for resolving and preventing land disputes in the soon-to-be established commune administrations.

This Resource Book is produced by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) angoc@angoc.ngo.ph and the International Land Coalition (ILC) coalition@ifad.org.