

Review of the Land Conflict Monitoring Framework and Methodology

Monitoring land conflicts are strategically important to the work of CSOs involved in land rights.

Conflict is defined as “a result of *contradicting interests* over the *control, use and management of land and resources*, where the primary actors... have *differences in goals*.”

There are two *main types* of “land conflict”. The first are **land disputes**, which usually occur between individuals or families, or within families (*ex, inheritance, boundaries, contracts*). These are usually resolved through negotiation, or through judicial courts.

The second are **structural land conflicts**, which involve communities, not just individuals or families (*ex, mining, land grabbing, government projects*). Structural conflicts are often characterized by contradicting interests of sectors, larger land areas, and often involve questions of public policy.

The Land Watch Asia approach to monitoring focuses on *structural* land conflict – to highlight social issues and raise questions about public policy and development priorities.

It uses a *case approach*, focusing on “cases” or “storylines” of land conflict. Among the key components of a “case” involve: a) two or more competing stakeholders, b) a contested land or resource (water bodies) that may include minerals, crops, etc., and, c) with manifested conflict over control and decision-making over the land or resource.

The monitoring looks at cases with a *community perspective*. The partners choose cases where at least one of the stakeholders in the conflict is a community, and examines the affected sectors – their difficulties, responses and aspirations.

Monitoring land conflict is important because:

- *Land is an essential element for human rights*. The right to land is linked to the enjoyment of other rights – for food, shelter, freedom, human dignity, and human security. It is a source of livelihood (economic rights) and is linked to peoples’ identities (social and cultural rights) (UNOCHR).
- *Land is finite*. The distribution and allocation of land is crucial. Land conflicts can last for generations.
- *Land has indivisible properties*. Therefore, land conflict can have deep and far-reaching effects. (E.g. the impact of mining on water tables & river systems.)
- *Land conflicts are a key indicator of the state of land rights and governance*.

The purpose of monitoring is to find trends and patterns on land conflicts; bring public attention/ systematic response to conflict cases; and, raise questions, raise public awareness and discussion, and evoke public policy responses.

The initiative monitors three key elements:

Cases – details the storyline of the conflict; basic information about the conflict (ex. type of land/ resource contested, size of contested land, location)

Relationships – stakeholders involved (affected communities, aggressors) and their actions

Incidents – cases of violence, victims and perpetrators, their impacts and effects

There are three main sources of data. There are *primary sources*, or information coming from affected families and communities, partner People’s Organizations (POs) and CSOs, field staff and researchers. Then there are *secondary sources*, or stories gathered from news media reports, CSOs, other POs and government data. Finally, data can be culled from *existing databases*, or documented collections of land conflict cases (*e.g., 235 in the Philippines as of 2021*).

For the 2023 monitoring, coverage shall be one calendar year (1 January to 31 December 2023), and shall include *structural*⁵ land conflicts that are ongoing in 2023 as well as *incidents*⁶ that occurred within the given time frame. The monitoring will focus on conflicts and incidents in *rural areas*, although some countries like the Philippines might also cover some urban areas.

The four main parameters for the monitoring study are:

- *Populations and areas affected* by conflict: How many households are affected? What land or resources is being contested? Where is the conflict located? How long has this conflict been going on?
- *Adversarial claimants* on the land: Who are involved in the conflict? What are the causes and drivers of conflict?
- *Incidents or cases of violence and human rights violations* against individuals and communities. Are there cases of violence and human rights violations? What are these? Who are the perpetrators and victims?
- *Responses* to address conflict. What responses has the community undertaken? What are the demands of the community?

⁵ Structural conflicts are those that emanate from: a) loopholes and contradictions in law, b) difference in paradigms of competing tenure systems, and/or, c) weak enforcement of legal and customary tenure systems.

⁶ Incidents refer to cases of violence and human rights violations of individuals and communities.

Some important notes for data-gathering were revealed from the monitoring exercise, namely:

- *Use only dependable sources* (e.g., established news sources/agencies). Social media sources are **not** dependable, but can be used for “leads” (e.g., Facebook)
- *Verify your data. Requirement:* cases from secondary data must have at least two different sources.
- *If there are conflicting numbers, use government estimates and conservative figures.* It is best to be conservative rather than to exaggerate because that affects the credibility of our whole report (LCW).

Comments/Discussions:

- In the long term, explore the possibility of creating a software, but there is a technical requirement for this.
- We should be wary of using mainstream media. For instance, there are newspapers that are pro-government and others are independent.
- The monitoring report should be very credible, more like an academic report.
- In terms of data gathering, there is a question of trust. Land is a sensitive issue. To capture the actual information is quite challenging, also given the time constraints. We depend on our partners, but sometimes there are credibility issues.
- The difficulty on what information source that can be trusted is real. As researchers, that is where our sensitivity comes in. It will be useful for the team to look at the minimum list of credible materials. But you cannot say no to all, even “*unreliables*” can be used as leads.
- We also do not expect that you would be going to all the communities. Part of the data gathering is through secondary sources. Based on experience, only a small fraction is sourced from direct visits. At any rate, media reports came from the communities. What is important is to mention the methodology used.
- Data generated by KPA (Indonesia) are not yet available online, but there is an ongoing study on using a portal.
- There are different views on the portal. First is digital security given the sensitive information; second is how often can it be updated; and, third is how communities can use it. Based on experience, portals are only good at the start. What we should put importance on is the country level repository of information. We need to determine what data can be put in the public domain.
- The report should also be available in the local language, because information should reach the local level. We should not lose sight of why we are doing this. It is mostly for advocacy and lobbying.