Conflict Sensitivity in Land Governance

CDA
PRACTICAL LEARNING *for* INTERNATIONAL ACTION

The Do No Harm Framework and Other Tools for Practitioners of Land Activities

March 2022

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CDA is keen to hear how you are using this and other CDA materials. Your feedback informs our ongoing learning and impact assessment processes. Please e-mail your comments or feedback to feedback@cdacollaborative.org.

Land acknowledgement: CDA's office is located on the traditional and ancestral land of the Massachusett people. We pay respect to their community and history. This report discusses the roles Indigenous People play in land governance as well as the impact land governance has had on their communities. Part of CDA's mission is to listen to and learn from local perspectives; this includes Indigenous People around the world. We welcome feedback about how to better incorporate Indigenous perspectives into our work.

Cover Photo: Promoting inclusive and equitable land governance in Uganda that foster optimum land use and upholds people's land rights, Food Rights Alliance, FRA.ug.

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CDA PRACTICAL LEARNING for INTERNATIONAL ACTION

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About CDA

CDA Collaborative Learning (CDA) is an action research and advisory organization passionate about improving the effectiveness and accountability of peacebuilding, development, and humanitarian efforts wherever communities experience conflict. For more than 25 years CDA has been dedicated to listening to global practitioners to identify the vexing questions within and across these sectors; questions such as *how the dynamics of international aid are different amidst conflict, how to understand collective impact of peacebuilding, how real people on the receiving end of aid evaluate its impacts, and how to promote constructive corporate-community relationships in contexts of conflict*. CDA tackles these and other questions through the unique collaborative learning methodology, engaging community members, organizations, institutions, and donors in rigorous evidence generation and analysis. Shared creation of actionable learning, tools, and guidance prove effective for practitioners and policymakers alike. Through these processes and products CDA equips partners and other direct actors to advance positive, systematic, and lasting change for people and communities, and influences transformational policy and practice across the development and peacebuilding system.

CDA is driven by two fundamental beliefs:

- **People belong at the center.** The knowledge, perspectives, and capacities of people and communities affected by conflict are essential for positive social change and constructive engagements by international actors.
- **Context matters.** Effectiveness depends on a deep understanding of, and willingness to act responsibly within, complex local dynamics.

Since the foundational work of *Do No Harm* that introduced principles, a framework, and practical guidance about local capacities for peace, CDA has been a leading voice advancing the global movement to shift power in international decision making closer to the people and communities most impacted by them. The Listening Project, another global collaborative learning process, brought to light many practical ways this shift is happening in every region and in the global peace and aid system. It also revealed critical new dimensions of the philosophical and structural issues challenging the pace of localization.

Current collaborative learning partnerships such as Stopping as Success continue this theme, expanding understanding of what responsible international non-governmental organization (INGO) transitions actually take, and amplifying the analysis by local leaders innovating and asking the critical questions across the Triple Nexus – the interlinkages among the humanitarian, development, and peace sectors.

Through advisory partnerships motivating responsible business, humanitarian accountability, and peacebuilding effectiveness, CDA also serves as a trusted, independent convener to address acute challenges and emerging opportunities for system-wide impact. Supplying this global network of practitioners, donors, and other direct actors with practical tools and resources that meet their urgent needs and emerging opportunities is CDA's passion. As land governance grows in complexity and recognition of its centrality to climate adaptation and peacebuilding strategies expands, practitioners, donors, and other direct actors look to CDA for rigorous frameworks, practical tools, and expert guidance to address urgent needs and leverage emerging opportunities. This resource is a step in that direction.

About Tetra Tech

Tetra Tech is a leading provider of engineering and international consulting services worldwide, focusing on international development, the environment, sustainable infrastructure, water, and renewable energy. Tetra Tech's Land Tenure and Property Rights practice provides industry-leading expertise in land governance and effective stakeholder engagement to resolve challenges and tap into opportunities related to access, use, and control of land and other natural resources.

Consistent with foundational international guidelines like the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the Context of National Food Security (FAO 2012), Tetra Tech leverages its core expertise to strengthen property rights to land, as well as water, forests, grazing lands, minerals, and other natural resources.

Tetra Tech has implemented more than 100 projects and complex activities related to urban and rural land governance in 30 countries, including those amid or recovering from crises like conflict and natural disaster. Clients include bilateral and multilateral development assistance organizations. It partners with governments, community leaders, the private sector, and civil society to address the most pressing challenges and leverage secure rights for economic opportunities and sustainable land uses. Tetra Tech's team of experts addresses complex land governance reforms through technical assistance, outreach, communication, capacity building, assessments, analytical tools, monitoring, and learning activities.

Key Concepts/Terms

Access to Land/Markets: The mechanism by which rights in land or housing, together or separately, are voluntarily traded through transactions such as sale or leases. The market in land rights includes a range of possible transactions, such as sales, leases, mortgages, land exchanges, and other temporary transfers.

Climate Change-Resilience: The long-term change in the average weather patterns that have come to define Earth's local, regional, and global climates. These changes have a broad range of observed effects, including forcing entire populations to migrate in search of food, water, and jobs (NASA 2021).

Conflict Sensitivity: Conflict sensitivity is the recognition that any action (notably humanitarian or peacebuilding actions) taken in the context of a conflict will have an effect, directly or indirectly, on the dynamics of that conflict; it is therefore everyone's responsibility to understand and mitigate any negative effects.

Conflict: Conflict is a disagreement, fight, or struggle. It may be intra-personal (inside a person's consciousness), inter-personal (between two or more individuals), intra-group (within a group), and/or inter-group (between two or more groups). Conflict may be violent (such as war) or nonviolent (such as an opposition newspaper). Conflict may be active (visible fighting) or latent (unexpressed tensions that can emerge when triggered). Conflict may be physical, psychological, emotional, cultural, political, etc. Conflict is, therefore, everywhere in one form or another.

Gender, Youth & Social Inclusion: Certain population groups often encounter discriminatory treatment or need special attention to avoid potential exploitation. This may include women, youth, Indigenous populations, particular ethnic groups, groups from a particular region within a country, disabled people, LGBTQ+ individuals, internally displaced populations, or returnees who have returned to a country post-conflict.

Land Administration: The processes of recording and disseminating information about the ownership, value, and use of land and its associated resources. Such processes include the determination of rights and other attributes of the land, the survey and description of these rights, their detailed documentation, and the provision of relevant information in support of land markets and land use management (USAID 2013).

Land Consolidation: A sequence of operations designed to reorganize land parcels in an area, regrouping them into consolidated holdings of more regular form and with improved access. Consolidation of parcels of land into a single holding, whether voluntary or enforced, is intended to provide a more rational distribution of land to improve the efficiency of farming.

Land Dispute Resolution and Conflict Management: Formal dispute resolution mechanisms include the formal court system, administrative dispute resolution and state administered or sanctioned alternative dispute resolution mechanisms. Customary systems typically involve community leaders, village elders, village assemblies or committees in resolving disputes. They may or may not have formal recognition by the state or under the law (Deininger, Selod, and Burns 2012).

Land Efforts: In the context of this tool, it refers to one or more land-related interventions that may be used in sectors other than a more formal land governance program. Land efforts may include Land Use Planning and Management, Land Dispute Resolution and Conflict Management, Land Administration, Land Tenure Regularization, Land Consolidation, Land Readjustment, Land Redistribution, and Land Restitution. Land efforts can also include legal and policy frameworks and gender/social inclusion programming as cross-

cutting themes, for example food security, agriculture, natural resource, housing, land and property in the humanitarian sector programs.

Land Governance: The rules, processes, and structures through which decisions are made about access to land and its use; the manner in which the decisions are implemented and enforced; and the way that competing interests in land are managed and reconciled. It includes government bodies such as land agencies, courts, and ministries responsible for land, as well as nongovernment actors, such as traditional bodies and informal agents. It covers both the legal and policy frameworks for land as well as traditional and informal practices that enjoy social legitimacy.

Land Readjustment: An approach whereby land ownership and land use of fragmented adjoining sites is rearranged, usually to provide land for development purposes, slum upgrading and regularization, orderly development of new residential areas, or planned development of vacant areas that are expected to turn into residential areas. Land readjustment is one of the oldest land management instruments that urban local governments have used to improve the availability of serviced urban land in and around cities. It facilitates planned city extension or densification through negotiated processes that can lead to a more orderly and proactive supply of land for urban development (Global Land Tool Network 2021).

Land Redistribution: The redistribution of landholdings usually involving the resettlement of farmers and reallocation of property rights over the land.

Land Restitution: The restoration of former rights in land to previous occupants of that land. Restitution may also involve the re-privatization of land and property or the creation of new property rights over land that had been formerly taken over by the State. It may also include the return of land to Indigenous groups. Often, this land was acquired by the state during programs of collectivization or conversion of private to State assets by socialist or communist governments.

Land Tenure: The relationship, legally or customarily defined, among people, as individuals or groups, with respect to land.

Land Use Planning and Management: The systematic assessment of land and water potential, alternative patterns of land use, and other physical, social, and economic conditions, for the purpose of selecting and adopting land use options which are most beneficial to land users without degrading the resources or the environment.

Legal and Policy Frameworks: Judicial, statutory, and administrative systems such as court decisions, laws, regulations, bylaws, directions, and instructions that regulate society and set enforcement processes (Deininger, Selod, and Burns 2012).

Market Effects: The result of changes in the local incentive structures and patterns of opportunity caused by the introduction of new resources that can affect perception of economic winners and losers. Market effects, like distributional effects, are ways that new resources give some people and groups advantages over others.

Peacebuilding: Peacebuilding is an umbrella term that encapsulates efforts aimed at directly addressing the dynamics of a conflict. This includes efforts to prevent, manage, mitigate, de-escalate, or reconcile after a conflict.

Property Rights: The bundle of rights in the use and transfer (through selling, leasing, inheritance, etc.) of land or natural resources.

Secure Land Tenure: The relationship that individuals and groups hold with respect to land and related resources. Land tenure rules define the ways in which property rights to land are allocated, transferred, used, or managed in a particular society (USAID 2013). The formalization and full legal recognition of rights to lands, as manifested in the award of title certificates to land holder (Ali, Deininger, and Goldstein 2011).

Theft/Diversion: Often, materials and funds for development projects are diverted to people undermining the response. In addition, the very act of diversion often undermines trust in the response as people may see the response as a front for 'laundering money' to political or economic elites.

Introduction

Background

In 2013, Colombia was emerging from five decades of war and was in the first of four years of negotiations that would lead to the end of one of the longest civil conflicts in modern history. Dispossession of land by large landowners helped fuel the guerrilla movement (del Pilar Lopez and Sanchez Torres 2018), and internal displacement in the decades following cemented the central role of land in the eventual peace process. It was in this context that the Government of Colombia asked CDA Collaborative Learning (CDA) to develop a Do No Harm tool to specifically assist with implementation of the Victim's Law, designed to return stolen and abandoned land to internally displaced Colombians. The law also provides reparations—including financial compensation—to victims of human rights violations and infractions of international humanitarian law during the Colombian conflict.

The collaboration marked the first case of a national government integrating the Do No Harm Framework as part of implementing federal land law and policy**.** Soon after making it public, donors, partners, international nongovernmental organizations (INGOs), and civil society organizations (CSOs) in other contexts requested a version for a broader array of contexts. Since its release in 2013 in English and Spanish languages*, Do No Harm in Land Tenure and Property Rights* remains among CDA's most accessed tools (Goddard and Lempke, 2013). In the years since CDA's initial publication, international understanding of the relationship between land, resiliency, and conflict is improving.

Audience & Objectives

Conflict Sensitivity in Land Governance updates CDAs 2013 publication, 'Do No Harm in Land Tenure and Property Rights: Designing and Implementing Conflict Sensitive Land Programs'. It expands upon the first tool's original emphasis on standalone land tenure and property rights activities, to consider both the broader landscape of land governance and more narrow land efforts that may be included within other sector activities. Prioritizing a systems lens, this version features the Do No Harm Framework, while drawing from a wider range of conflict sensitivity approaches. Finally, this version offers practitioners guidance to integrate Do No Harm within each phase of the project cycle.

Conflict Sensitivity in Land Governance Activities are designed for:

Development practitioners working to better understand conflict dynamics so that land governance programs and activities do not exacerbate underlying social tensions and conflicts.

Sectoral, humanitarian, and peacebuilding practitioners planning for and implementing land efforts in conflict contexts.

Private, government, and multilateral donors will also benefit as they design funding opportunities, support new initiatives, and adapt in coordination with existing grantees.

The guiding questions for Conflict Sensitivity in Land Governance Activities are:

1. How can we better practice our commitments to conflict sensitivity in the context of developing and implementing land governance programs?

2. How can we use a better understanding of local power dynamics to increase the effectiveness of land efforts in sectoral programs, while minimizing negative effects on existing conflicts?

3. What are the practical considerations and approaches for using the Do No Harm Framework in places experiencing conflict, especially where land tenure and property rights are at the center of these conflict?

4. Which broader principles of conflict-sensitive land programming can be applied in the context of other disruptive forces and systems?

5. How can human rights obligations and land-related instruments with their obligations, voluntary commitments, and additional guidance also be integrated into conflict sensitive land governance?

Structure & Layout

Section 1, Background & Context: Land and Conflict as Interconnected Systems, presents a conceptual framing of the links between land governance efforts and conflict sensitivity. Section 2, Applying Conflict Sensitivity and Do No Harm in Land Governance Activities, discusses how to analyze the conflict context, plan, design, implement, monitor, evaluate, and adapt programming to ensure conflict sensitivity. Section 3 shares concluding thoughts, including suggestions to ensure conflict sensitive close-out. Annex 1 provides relevant additional resources, while Annex 2 shares the seven Do No Harm tools with worksheets to assist teams in their analyses. Annex 3 offers a Quick Reference guide of questions to consider at each stage of land governance project design; and Annex 4 is Works Cited.

1. Background & Context: Land and Conflict as Interconnected Systems

The Importance of Land

Land nourishes and sustains people spiritually, culturally, and economically, and provides the natural resources and ecosystems necessary for survival.[1] Land—and the resources on or beneath it—provide shelter, food, and sources of livelihoods. Land (or property rights to land) may also be a financial asset, something that may be bought, sold, leased, or inherited. Land supports critical ecosystem services and processes including watershed protection, maintenance of soil fertility, carbon sequestration, biodiversity, and wildlife habitat. It contributes to consistent weather and climate patterns. The resilience of both people and ecosystems[2] increases their respective adaptive capacity when external shocks occur—whether natural disasters, extreme weather events, or even pandemics—thereby decreasing vulnerability. Good land stewardship contributes to the resilience of people and of ecosystems. At the same time, climate-induced disasters are creating displacement, with consequences for housing, land, and property, at an increasing rate. In the immediate aftermath of a disaster, infrastructure and crops may be destroyed resulting in lack of access to key services and food shortages. Localized conflicts over resources may result. Regardless of the external shock, disasters too often exacerbate problems that people face daily, heightening conditions for conflict because of grievances.

There has been considerable recognition of the centrality of land in eliminating poverty and hunger, curbing climate change, and decreasing conflict through the promotion of secure tenure rights and equitable access to land in ways that meet the goals of sustainable development. This recognition has come about, at least in part, through global, rights-based conventions including the Sustainable Development Goals. (SDGs)[3]

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1 According to the United Nations "land is broadly defined as the surface of the earth, the materials beneath, the air above and all things fixed to the soil. It contains structures, resources and landscapes of significant political, economic, cultural, spiritual and symbolic value." (United Nations 2019)

2 Over the last decade, The Nature Conservancy and other conservation groups have been studying the resilience of ecosystems, also known as terrestrial resilience, as an approach to mitigating negative environmental changes, especially climate change (see Land Trust Alliance 2020).

3 Others include International Labour Organization Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries (International Labour Organization 1989); the Convention on Biological Diversity (United Nations 1993); the United Nations Declaration on the Rights of Indigenous Peoples (United Nations 2007); Convention on the Elimination of All Forms of Discrimination Against Women (United Nations Commission on Human Rights 1979); Convention on the Rights of the Child (United Nations Commission on Human Rights 1989); Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles [United Nations Commission on Human Rights 2005]), among others. Other relevant international and regional instruments and protocols, including the Food and Agriculture Organization's (FAO) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests, or VGGT (2012), and the Organization for Economic Cooperation and Development's (OECD 2020) set of core principles and measures to address the human rights challenge of large-scale land acquisitions and leases. Together, they seek to ensure that land governance and land efforts are

Land and Conflict

Land and natural resources are almost never the sole cause of conflict. However, pressures emerging from climate change, population growth, increased food insecurity, migration, urbanization, and other external shocks frequently lead to conflict over access, use, and control of land and natural resources. Even in contexts that appear to be peaceful and stable, it is well documented that new violence may emerge from grievances related to inequitable land use and management; policies that result in expropriation, consolidation, or redistribution; commercial agriculture investments; or unequal access to forests and other natural resources. These latent issues may be triggered in contexts where weak land governance, institutions, administration, and uncertain tenure and property rights prevail.

There is global consensus that conflicts have become increasingly intractable, longer, and more complex. Competition and conflict over land is likely to intensify. For example, the struggle for land and natural resources remains one of the key factors fueling instability in Africa, from Ethiopia to Liberia to Mozambique and elsewhere.[4] The nexus between land governance and armed conflict, specifically, has also been noted. Due to growing evidence of the links among land, armed conflict, and human rights abuses, global actors including the United Nations, assert that its entities should be responsive to the emerging needs in addressing land conflict and for advancing all SDGs (Global Land Tool Network 2019).

Once conflict escalates, land-related issues are compounded. In the wake of forced evictions and displacement from land and property, societies may experience illegal land sales, land grabbing, natural resource exploitation (minerals, fisheries, and forests), increased marginalization of already vulnerable groups, disappearance or confiscation of land records, and collapse of customary and state land governance. Conflicts may also emerge in the wake of external shocks in the form of climate-related events such as drought and natural disasters, and global emergencies such as COVID-19.

In post-war or conflict settings, formal peace agreements often do not consider the cascading effects of land grievances and conflicts that either lead to fighting or have emerged as a result. The post-conflict phase often includes subsequent distortions in land markets, tenure insecurity, population displacements, and disruptions in land administration systems, among others, with generational implications. If unaddressed vulnerability to conflict remains, it can continue the cycle described above.

Land Governance

Establishing secure and documented property rights is essential for inclusive economic growth, environmental sustainability, conflict mitigation, and development that leaves no one behind. People living in poverty—especially women, local and customary communities, Indigenous Peoples, youth, and other vulnerable groups—often face bias, exclusion, and negligent practices that threaten their access, use, and control over vital resources and hinder their ability to move sustainably out of poverty.

Land Governance activities and sectoral programs with land efforts will inevitably involve the introduction (or transfer) of resources into the context where they are implemented. Resources can include equipment

undertaken for the benefit of all, with an emphasis on marginalized people, to meet goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection, and sustainable social and economic development.

[4] According to the AUC-ECA-AfDB Consortium. See AUC-ECA-AfDB Consortium 2010.

(computers, maps, offices, cars); knowledge and capacity (through training), access and rights to land parcels, titles, and housing; access to forests; and more. Where people are in conflict, these resources represent power and wealth. Some individuals or groups may attempt to control and use these resources to consolidate power, support their side of the conflict, or weaken other constituencies they are against. If they are successful, this can cause harm. However, the transfer of resources and the way such programs are conducted can, alternatively, strengthen capacities for peace, bring communities together, and reduce the divisions and sources of tensions that can lead to destructive conflict.

The COVID-19 context has increased recognition that this and any future pandemics will have far reaching land-related implications. Reductions in economic assets, such as wages and savings, are making housing, land, and property an even more important part of overall household assets and potentially increasing landlessness and homelessness. Increased competition and conflict over these resources is predicted to define the coming generation in many parts of the world (Blake and Divyanshi 2020). Higher mortality rates from COVID-19 among males can endanger the land and inheritance rights of female heirs, while Indigenous Peoples around the world are facing an uptick in land grabs and food insecurity.

Thus, failure to consider all land issues, both root causes and those resulting from a conflict itself, whether in formal peace agreements, humanitarian efforts, or post-conflict development strategies, will impede progress in peacebuilding and durable solutions.

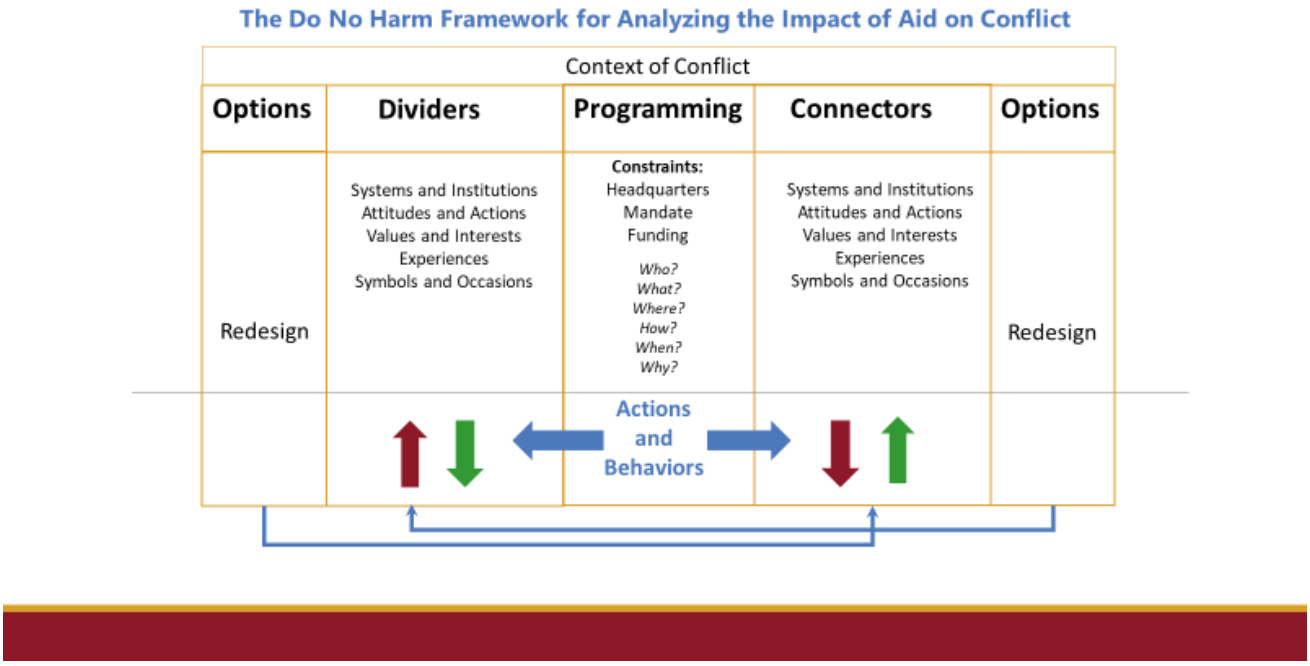
Conflict Sensitivity and Do No Harm

Peacebuilding, development, and humanitarian programs requiring land efforts are complex. Practitioners should understand the distinction between peacebuilding, or working "on" conflict (i.e., actively addressing key driving factors of conflict), and conflict sensitivity, or working "in" conflict (i.e., being aware of conflict dynamics in a given area). Familiarity with the dimensions of land governance is also important. This does not mean that one must be an expert in all domains to be effective!

Many people recognize the phrase "do no harm" as a key element of the Hippocratic Oath that doctors take before they begin to practice medicine. It is a recognition that even though medical professionals are trained to save lives, they also have the power to cause harm and it is their ethical duty to minimize that harm. The phrase was adopted for the humanitarian sector as a synthesis of evidence gathered through case-based, collaborative learning processes. Thus, Do No Harm became a core humanitarian principle.

Over time, and with significant input from those responding to and affected by crises, CDA formalized these observations into a practical resource. The Do No Harm Framework (see Figure 1) is designed to be an accessible and widely applicable tool for teams eager to learn and implement conflict sensitivity. As a tool, it helps development and humanitarian practitioners understand fundamental power and conflict dynamics of a crisis-affected area so they can make informed choices to minimize unintended negative consequences of their work and leverage local capacities for peace.

Figure 1. Elements of the Do No Harm Framework



Since land is inherently linked to conflict dynamics—prior, existing, historical, and potential--the objectives of the *Conflict Sensitivity in Land Governance Activities* framework are summarized by four guiding questions:

1. What are the current **Dividers and Connectors in the context,** and how can program options be designed so that land governance activities and land efforts in conflict-prone or affected settings help people disengage from conflict dynamics and develop alternative systems for addressing the problems that underlie the conflict, rather than feeding into and exacerbating conflict dynamics?
2. How can the details of programming—and the actors and partners that implement programs—better practice commitments to **conflict sensitivity in the ways they work,** including anticipating the potential patterns of impact on the context through their actions and behaviors?
3. How can a better understanding of power dynamics to develop **options** for programs and approaches increase the effectiveness of land efforts while minimizing negative effects on existing conflicts during implementation?
4. What has been the impact of programming on the peace and conflict context and is there a need—or opportunity—for **redesign** of land governance activities or land efforts?

2. Applying Conflict Sensitivity in Land Governance Programs and Sector Programs with Land Efforts

Overview

There are six main lessons that have emerged from the DNH Framework and six steps to follow in its implementation:

Lessons

1. When an intervention of any kind enters a context, it becomes part of that **context.**
2. All contexts are characterized by **"Dividers"** and **"Connectors."**
3. All **interventions will interact** with both Dividers and Connectors, making them better or worse.
4. Interventions interact with Dividers and Connectors through their organizational **actions and the behavior** of staff.
5. The details of an intervention are the source of its **impacts.**
6. There are always **options** for mitigating those impacts.

Employing Do No Harm at Each of Phase of Land Project Cycle

As most projects follow a cycle of phases from preparation, to design, implementation, and monitoring and evaluation, the table below and the subsequent section place each of the above lessons and steps into phases of the project cycle. Ideally, Do No Harm tools and references are employed from the earliest stages of project or program preparation through the end and even post project. However, practitioners can start employing Do No Harm approaches regardless of where they are in the project cycle. Each phase of the project cycle Is hyperlinked to direct the reader to the phase that pertains to their project/program, where additional guidance and land governance examples are provided.

For each phase of the project cycle, specific tools are shared to help guide practical conflict-sensitive activities in land governance/land efforts. This resource employs *six simple tools* which align with the project cycle:

Table 1. Do No Harm in the Project Cycle

Phase	Objectives	Tools & References
Program Preparation & Analysis	Map out conflicts Understand the conflict context and needs Develop a list of Dividers and Connectors For each Divider and Connector, assess whether and how your program could affect it	Conflict Mapping Impact of Conflict on Land Governance Gender & Social Inclusion Analysis Dividers & Connectors Analysis
Design	Understand interactions between context & details of programming options Develop preliminary land governance/land programming options For each instance where program or actions may weaken a Connector or strengthen a Divider, generate options that can prevent or mitigate that potential negative effect Assess conflict sensitivity of design & revise	Dividers & Connectors Analysis
Implement	Plan what and how activities can minimize negative impacts and maximize positive impacts Strengthen adaptive capacity and conflict sensitivity of program team and partners	Patterns of Action RAFT Critical Detail Mapping
Monitor, Evaluate, Adapt	Conduct conflict-sensitive monitoring & build structures to inform potential redesign Evaluate program impact, including on peace and conflict	Conflict Mapping Dividers & Connectors Analysis Conflict Indicators

A. Program Preparation & Analysis

The Program Preparation and Analysis phase provides an opportunity to understand the conflict context, what land efforts may be needed in program design, an assessment of how it will impact the context (for better and worse), and identify some *preliminary* programming options. Four tools may be employed to understand the context in ways that can contribute to conflict sensitivity:

1. Conflict Mapping
2. Analysis of Impacts of Conflict on Land Governance
3. Gender and Social Inclusion Analysis
4. Dividers and Connectors Analysis

The traditional Do No Harm Framework utilizes a Dividers and Connectors Analysis to determine the sources of tension and local capacities for peace respectively. *Conflict Sensitivity in Land Governance* includes three additional tools to ensure a detailed and multi-level understanding of existing conflicts, the impacts of conflict on Land Governance, and how they have an effect on diverse groups in the conflict context. The latter is especially helpful in ensuring inclusion in program design.

Although using all of the 4 tools is recommended, time and resources may require a program team to prioritize. In this case, the Dividers and Connectors Analysis is essential since it is the foundational step for conflict sensitivity. Annex 2 contains templates and examples for each of the 4 Tools.

Understand the Context

Tool 1. Conflict Mapping

There are often multiple conflicts occurring in a community, society, or country at any given point in time. It is important to identify as many of those conflicts as possible and understand their basic parameters (such as their respective drivers, geographic scope, whether the conflict is latent or active, and who is involved in the conflict). It is also important to note that conflicts are dynamic. Therefore, this mapping exercise should be revisited as often as necessary to keep up with the evolution of the conflicts. Pay special attention to where land issues intersect with these conflicts.

Land-related conflicts may take a number of forms and may be overlapping. These may include boundary disputes between adjacent land parcels, inheritance disputes between siblings who divided inherited land from parents, disagreements over access to common grazing land or water sources, communities or groups disputing the rights to land, or latent tension during title regularization effort.

The example below (Table 2) of a conflict mapping exercise analyzes a conflict wherein returnees return to a region post-war to reclaim land and property. This might be one of several types of land-related conflicts or disputes. The cause or trigger might be that a particular plot of land or piece of property is being occupied by someone else, who claims to be the new owner. In a situation where land records were destroyed, it may be difficult to discern rightful ownership. There may be an active conflict/dispute between the returnees and those occupying the parcel that may be exacerbated by power dynamics between the two ethnic groups. Those directly involved may be the two individuals and their families. However, there are likely others indirectly involved, such as customary or political leaders, civil society organizations, international

organizations, land offices, or judicial bodies. An integral part of this analysis, but which also merits a separate examination, are the gender and identity dynamics that might be underpinning latent conflicts, wherein some groups may not be treated equally.

Table 2. Land Conflict Mapping Example

Conflict	Immediate Cause/ Trigger	Underlying Causes/ Drivers	Active/ Latent Conflict	Geographic Scope	Direct Participants	Indirect Participants/ Sponsors
1. Returnees attempting to claim land and homes during war	Disputing claims over ownership of land and property	Land records destroyed during conflict	Ethnic differences and power differences Differing interpretations of ownership	May be one conflict or dispute among many in a region, pointing to a larger issue	The individuals and families involved in the claim	Local and regional leaders Civil society organizations Judicial bodies, etc.
2. Pastoralist conflict	Access to common grazing land or water sources	Two communities or villages dispute rights to land	Tends be active, with both sides trying to exclude members of the other community	Larger areas of land (especially in case of pastoral groups) could be at stake	Members and leaders of nearby communities	If communities belong to different clans or ethnicities, other villages may take sides and conflict could widen

Tool 2: Impact of Conflict on Land Governance

Conflict, whether active or latent, may have many direct impacts on land governance. When planning programs, it is important to understand how conflicts may be affecting various dimensions of land governance. Worksheet 2 is designed to help program teams undertake this analysis together to understand how conflicts may be affecting, for example land tenure security, land administration, or other key issues at the intersection of land such as livelihoods or displacement. This information will be invaluable in developing conflict sensitive, targeted programming. Each entry should be as specific as possible.

Table 3. Example of Analysis of Impacts of Conflict on Land Governance

Conflicts	Impacts on Land Rights	Impacts on Land Records	Displacement and/or Movement Restrictions	Impacts on Livelihoods	Other Dimensions of Impact
1. Returnees attempting to claim land and homes during war	Conflict may result in people fleeing their homes and lands, and result in subsequent claims for land restitution	Land records could be destroyed	Roadblocks are preventing access to markets to buy and sell agricultural goods	Bombs/fighting have made it impossible for farmers to reach fields or workers to reach shops	Government has closed borders, cutting off route for medical supplies during pandemic. More people getting sick diminishing resilience.
2. Pastoralist Conflict	Government is curtailing seasonal access rights to water due to drought	None	Pastoralists move to other areas, but they are blocked by farmers in new locations	Cattle have no access to water or grazing lands, creating hardships for herders	Pastoralists move to areas where land is already degraded, further degrading lands and potentially having climate impacts.

Tool 3: Gender & Social Inclusion Analysis

A third exercise during the Program Preparation phase is to analyze the effects of conflicts on groups through the Gender & Social Inclusion Analysis of Land Conflict and Governance. This exercise can identify what specific harms the identified groups are vulnerable to and are currently experiencing during the conflict and identify the group(s) responsible for the harm.

Inclusion should be at the center of leveraging local capacities for peace and mitigating tensions through land efforts. Cross-cutting factors such as gender, age, and social considerations need to be identified so actions can be taken to minimize potentially adverse effects of land governance or land efforts in sectoral activities on these populations, as well as leverage their sources of power. It is important to understand the dimensions of inclusion and exclusion: who is included, who is excluded, how, and why? Gender and social inclusion analyses are often misunderstood to be about understanding only how issues affect women. Gender analysis is about understanding how specific harms are done to specific groups. Gender is often the primary starting point of analysis, but it is important to consider the intersection of gender, age, and other social identities.

In the context of land governance, there may be differential treatment of permitted land uses, access, transactions, tenure, and succession between women, men, boys and girls, Indigenous groups, ethnic groups, and rural/urban populations. For example, there may be gendered differences in access to land (food, forests, livelihoods) and/or upholding security of land tenure and its benefits. Even when legal provisions provide for equality, social norms, especially gender norms, may negatively influence how land is governed and who has access to land, control, and right of ownership. There could be differential treatment by government in land-related decision-making. The process of documenting land rights can create increase conflict within families and communities—potentially leading to gender-based violence.

Table 4. GESI Analysis Example

Conflict/ Dispute	Women	Girls	Men	Boys	Other Genders and Gender Identities	Indigenous Groups
1. Returnees attempting to claim land and homes during war	Discriminatory allocation among male and female siblings upon return since parent died in war	Girls may have legal rights to inheritance but they are not realized de facto	Brothers or other male relatives may be in conflict if access to any lands is scarce.	Boys may have legal inheritance rights, but predatory male adults take these lands outright	Unknown by program staff. Requires further local inquiry	Women and girls within indigenous communities face obstacles as they relate to tenure and associated tenure rights
2. Pastoralist Conflict	Conflict between farmers and pastoralists has secondary impacts on	Conflict leads to girls not being able to attend school, leaving them vulnerable to violence, early	Men unable to undertake respective livelihood activities due to conflict	Boys no longer learning pastoralist way of life leading to vulnerabilities to join conflict	Per above	Per above

	domestic and gender-based violence	marriage, etc				

Social and cultural differences may also manifest in ways that favor or disfavor certain populations. Changes in marital status (marriage, divorce, and death of spouse) can unjustly affect certain groups' land rights more than others. Polygamy and informal unions might affect land rights and governance. There may also be barriers for certain groups to participate in different steps of land governance, even when in theory processes are participatory. Barriers include practical ones (distance, cost of transportation, mobility issues for disabled people or the elderly, lack of time due to caring responsibilities, safety) and social ones (participation perceived as being men's or adult's domain only, "head of household" representing all in family, etc.).

Power dynamics are also very much at play, with disproportionate risks faced by women and vulnerable groups of being forced off their land. In some systems older people have more agency and decision-making power than youth; in others the opposite is true. Often there is a high concentration of land among few, usually those in positions of power. Remaining areas of cultivable land are vulnerable to speculators or unscrupulous investors, who may exploit those who lack the power to stand up for their rights. Use the above tools to unpack these dynamics.

Tool 4: Dividers & Connectors Analysis

There are many ways to understand a context. There are conflict assessments and gender, political economy, systems, and vulnerability analyses to name just a few. All of them are useful. From a conflict sensitivity perspective, and for practical reasons, the exercises undertaken above, combined with Dividers and Connectors Analysis (Annex 2 Worksheet 4) reduces the amount of information about the context to a manageable level, as well as enables conflict sensitivity throughout the program cycle.

Dividers are things or factors that increase tensions between people or groups. Dividers matter in land governance and land efforts because, while it may appear that they will not have a direct influence on overt dividers, the impacts will reverberate through the context and can make seemingly unrelated dividers stronger. For instance, if the structures surrounding land governance are developed along ethnic lines which mirror existing ethnic divides in other institutions or groups, such as military or police forces, the program may be perceived to be reinforcing discriminatory practices within the government as a whole, leading to conflict among groups.

For example, in recent land titling efforts in Ethiopia, ethnically divided communities presented implementers with unexpected challenges: ethnic minorities in particular villages perceived that their land rights were not being recognized equitably by local land administration authorities controlled

Connectors are things or factors that reduce tensions between people or groups and lead to and undergird constructive collaboration. For example, markets, infrastructure, common experiences, historical events, symbols, shared attitudes, and formal and informal associations—all of these provide continuity with non-war life and with former colleagues and co-workers now alienated through conflict. Similarly, all societies have institutions that contribute to and leverage local capacities for peace even if unintentionally. From a land perspective, these may include formal or informal land adjudication systems (when they work!), farm or natural resource cooperatives, and agricultural markets.

The Do No Harm Framework provides five categories that practitioners can use to think through the range of issues that can divide or unite societies. These may take the following forms:

Table 5. Dimensions of Dividers and Connectors

Category	Dividers	Connectors
Systems & Institutions	What national, local, economic, or cultural systems or institutions keep people apart?	What national, local, economic, or cultural systems or institutions enable people to come together?
Attitudes & Actions	What attitudes, stereotypes, threats, or acts of violence exist in the context?	How do people express tolerance, acceptance, or appreciation for other groups?
Values & Interests	How do differing (or external) values and interests divide people?	How do people's shared values and interests bring them together?
Experiences	How do different experiences of events shape people's relationships?	How do shared experiences of events shape people's relationships?
Symbols & Occasions	Do some celebrated events or icons of one group accentuate differences, excite suspicions, conflict, or strife to the other?	Do some celebrated events or icons cross group lines and unite people?

The Dividers and Connectors Analysis determines the dynamics that divide and connect people. The Conflict Mapping exercises, including the Gender and Social Inclusion Analysis may help to start to identify dividers and connectors. *However, dividers and connectors should include those things that are not necessarily related to land governance!* This is important because conflict sensitivity considers how programs may have unintended impacts on the conflict context. Some dividers, for instance, may seem to have no relationship with land governance or land efforts. However, that may not be the case and certain details of a program, or its impacts may interact with those dividers. Therefore, a Divider and Connector Analysis should include non-land specialists and those with local knowledge.

To start, refer to the list of existing conflicts you have documented. For each conflict, generate a list of Dividers and Connectors. Dividers and Connectors can be viewed through a series of lenses or categories.

In undertaking the activities under a Divider and Connector Analysis, the idea is not to generate an analysis that illuminates everything about the context, but rather a sufficient and useable analysis. Ultimately, context analysis is an ongoing process and generates a living document that informs land governance programs or land efforts throughout the program cycle. Therefore, a program team can use the Dividers and Connectors Analysis—and all the information generated in the worksheets—as an iterative reference document throughout the life of the program.

Prioritization of which connectors and dividers on which to focus is informed by this analysis. For example, an organization may be relatively certain that its program could aggravate Divider A, which would affect a relatively privileged group, but the impact on the conflict context would not be significant. On the other hand, the same program could also aggravate Divider B but if that happened, it could have a devastating effect on Indigenous groups and increase latent grievances. In this case, an organization might choose to prioritize mitigating Divider B over Divider A. Generally, mitigating impacts that might strengthen a Divider or weaken a Connector should be prioritized. And if possible, enhance impacts that weaken a Divider.

Table 6. Example of Dividers & Connectors Analysis in Land Governance

Category	Dividers	Connectors
Systems and Institutions	Formal adjudication institutions to manage grazing rights are variable and often favor one side or the other. As a result, the court system has not earned adequate trust within communities.	Customary mechanisms for alternative dispute resolution are seen as fair and result in enforcement. As a result, the customary system is seen as trustworthy.
Attitudes and Actions	It is well documented that the area has developed an implicit bias against pastoralists due to recent water shortages as a result of climate change. The perception that grazing is exacerbating climate change has deepened broader social divisions in the country.	Joint awareness campaigns by NGO's and trusted leaders throughout the community are seeking to find solutions to accommodating all types activities that promote livelihoods and food security. A boys Youth NGO focuses specifically on livelihoods to decrease vulnerabilities to joining the ongoing conflict.
Values and Interests	When people have insecure tenure over valuable assets, predatory actors (public and private sector) often struggle for control of these assets.	Pastoralists and sedentary farmers have a long history of trade and have shared space in common market areas. Even when in conflict they do cooperate economically.
Experiences	Members of the farming community have historical grievances rooted in earlier displacements and land takings. These grievances have generated a demand for redress that has fueled broader conflicts.	The country has a shared experience of coming through a series of weather-related shocks that was achieved through cooperation throughout the country, increasing social cohesion across a diversity of groups and with gender and social inclusion.
Symbols and Occasions	The non-wearing of masks during COVID-19 by pastoralists has been politicized and has introduced new conflict flashpoints among mask-wearing and non-mask-wearing citizens.	A new Youth School dedicated specifically to educating girls in a variety of agricultural livelihoods has just been dedicated in the region.

B. Program Design

As preparation and analysis concludes and program design begins, your program team has learned about the conflict context, including the number and nature of conflicts, an analysis of the gender and social inclusion dimensions of these conflicts, with special reference to land issues, the impacts of conflict on land governance, and an analysis of the dividers and connectors of each conflict. These worksheets should be saved, as they will be important reference documents for program design, implementation, monitoring, and developing options should the conflict context change as the program is implemented**.** *The worksheets can also inform your monitoring and evaluation plan. Specifically, monitoring changes in priority dividers and connectors will enable conflict sensitivity.* This will be discussed in greater detail in the section on Monitor, Evaluate, Learn and Adapt.

In the Program Design phase, reflect on the worksheets, drawing connection among conflicts, connectors and dividers, GESI, and the land issues. What patterns are evident? What dynamics are surprisingly relevant?

To ensure conflict sensitivity of land governance activities and land efforts during program design, it is essential to refer to the Dividers and Connectors Analysis. Remember, by entering a context, a land governance program, or sectoral program with land efforts, your team will have an impact on dividers and connectors, by either strengthening (increasing their dividing/connecting power) or weakening them.

At this point, a scoping and programming team should develop a preliminary menu of land governance efforts. Whether a full land governance initiative or a sector program that will include land efforts, understanding and defining those elements that will be required can begin. Table 7 captures the universe of land governance dimensions and offers corresponding Do No Harm guidance. This table is detailed by design and intends to assist practitioners who may not be land specialists to have a thorough understanding of land efforts and the possible conflict consequences therein. The table notes a diverse set of issues that may arise along a given set of dimensions: Gender, Youth & Social Inclusion Legal & Policy Frameworks, Land Use Planning & Management, Land Dispute Resolution & Conflict Management, Land Administration, Security of Tenure, Land Consolidation, Land Readjustment, Land Redistribution, Land Restitution, Access to Land/Land Markets, and Climate Change & Resilience.

In the process of identifying land governance and cross-cutting issues and preliminary programming options, it is important to remember that even the best-intentioned programs and efforts can have negative effects that reach far beyond anticipated outcomes or impacts. At the same time, land efforts can help to lessen tensions, prevent them from turning into violent conflict, stabilize and rebuild communities, or prevent a return to conflict. These latter land efforts that are known to have had this impact are those that lead to improved land restitution; tenure security for all, including women, Indigenous communities, and youth; improved and efficient land governance and administration; community participation in land and natural resource policies; climate adaption; food security; resilience; and increased trust in state and community entities. The Land Governance and Do No Harm Guidance Table identifies a number of issues that might directly or indirectly affect conflict dynamics along with a set of land governance dimensions. This table should be used in tandem with the Conflict Mapping to determine what might be the immediate and/or underlying causes/drivers of conflicts. It should also be used in the Program Design phase to integrate Do No Harm guidance to mitigate such risks.

Table 7. Land Governance Issues & Do No Harm Guidance

Illustrative Land Governance Issues	Do No Harm Guidance
Gender, Youth & Social Inclusion	
• Differential treatment of permitted land uses between women, men, boys and girls, Indigenous groups, ethnic groups, rural/urban populations • Gendered differences in upholding security of land tenure and its benefits • Gendered differences in access to land (food, forests, livelihoods) • Differential treatment by government in land-related decision-making affecting women versus men • Disproportionate risks faced by women and vulnerable groups of being forced off their land • High concentration of land among few, usually those in positions of power • Concern in some countries that remaining areas of cultivable land is vulnerable to speculators or unscrupulous investors, who may exploit those who lack the power to stand up for their rights • Documenting land rights can increase conflict in families and communities, potentially leading to gender-based violence • Even when legal provisions provide for equality, social norms, especially gender norms, may negatively influence how land is governed and access to land, control, and right of ownership. • Issues related to age. In some systems older people have more agency and decision-making power than youth. • Differences in matrilineal and patrilineal systems. A matrilineal inheritance system does not necessarily mean that women have decision-making power over the land • Inheritance issues (boys/men might be favored). • Changes in marital status (marriage, divorce, and death of spouse) can unjustly affect certain groups' land rights more than others • Polygamy and informal unions might affect land rights and governance • Barriers for certain groups to participate in different steps of land governance, even when in theory processes are participatory. Barriers include practical ones (distance, cost of transportation, mobility issues for disabled people or the elderly, lack of time due to caregiving responsibilities, safety) and social ones (participation perceived as being men's or adult's domain only, "head of household" representing all in family, etc.) • Lack of secure tenure rights for widows and orphans	✓ Carry out GESI assessments to understand the context and social barriers. ✓ Adhere to Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) and free, prior, and informed consent (FPIC) principles and guidelines. ✓ Promote and publicize gender-sensitive policies and laws (e.g., on regulated spatial planning, on property rights, land administration services). ✓ Adopt inclusive, consultative approaches to preparatory/baseline research and design to ensure meaningful representation of marginalized groups. ✓ Take measures to improve trust between different groups, enhance social cohesion and help build resilience (Vivekananda 2020). ✓ Ensure that all types of tenure (statutory, customary, and de facto) rights are secure and documented. ✓ Enable dissemination and public information in applicable languages and formats accessible to all, including women. ✓ Integrate methods of planning and territorial development used by women, disadvantaged groups (e.g., Indigenous peoples), and other communities with customary tenure systems. ✓ Take additional or special measures to enable women and other vulnerable groups to access land administration and legal services (e.g., mobile legal support, surveyors, mobile surveying equipment, including them as part of staff or teams providing and managing services while assuring their safety). ✓ Be careful not to inadvertently reinforce illegal discrimination. ✓ Ensure de facto housing, land, and property rights for all, even where statutory law is supportive of excluded constituencies.

Illustrative Land Governance Issues	Do No Harm Guidance
• Displacement/exclusion of physically or mentally disabled from land and housing.	
Legal & Policy Frameworks	
• Discriminatory legal framework (formal or customary) for land rights; even when legal frameworks are sound on paper, social norms may hinder inclusive land governance. • Policy may be developed with one sector or with one objective (e.g., business enabling environment) without considering other impacted objectives (e.g., tenure security of the poor, impact on women or Indigenous groups). • Laws and policies are usually developed by those in positions of power, with limited inclusivity of experiences and voices. • Bodies of law of different origins (for example statutory versus customary) are poorly harmonized and are selectively used as tools by parties in contention over land in that context. • Policy frameworks may refer to housing and land rights for those with physical and mental challenges and for the elderly but the legal and regulatory frameworks may be insufficient to realize rights. While not necessarily resulting in conflict per se, the result may be a failure to realize human rights laws and protocols of which the country is a signatory.	✓ Review any intended policy or legal reforms with a representative group of stakeholders. ✓ Address practical and social barriers for meaningful participation. ✓ Ensure consistency with existing and voluntary obligations under national, regional, and international law. ✓ Consult the VGGT (FAO 2012) when proposing changes to the legal or policy frameworks related to land and natural resource governance. ✓ Consider potential unintended consequences of policy reforms for women, youth, and other populations. ✓ Examine the types of rights that exist and how those rights are held, including whether women can hold property in their own names (or jointly with spouses/other family members). ✓ Determine how family code (including inheritance, marriage, divorce, marital property) and personal law affect women's rights to land. ✓ Evaluate the law says in the event of the death of a spouse in regards to property rights. ✓ Examine in what ways the customary and statutory systems support or hinder women's land rights.
Land Use Planning and Management	
• Development plans that may be inconsistent with or different from current land use. • Non-compliance of development with existing land use plans. For example, housing developments that do not follow building or density standards, leading to expanded informal settlements, putting occupants at risk in terms of safety and security. • Economic policies of a government may favor a land use that benefits exports, (for example agricultural crops) but limits land availability for local use/consumption. • Increased interest in farmland (due to rising food and fuel prices, biofuel mandates, food security concerns, climate finance incentives, and concerns about climate change effects or scarce resources), raising the risk of displacement without fair compensation	✓ Consider all tenure rights, including those of women and disadvantaged groups, such as those with disabilities, including overlapping and periodic, seasonal, and secondary rights. ✓ Reconcile and harmonize the various objectives of the use of land and natural resources with the need to promote diversified sustainable management of land and natural resources. ✓ Include provision of safeguards against improper use of spatial planning powers, particularly regarding changes to regulated use. ✓ Create mechanisms for appropriate participatory planning process that ensures diversity, equity, and inclusion

Illustrative Land Governance Issues	Do No Harm Guidance
• Women, youth, people with disabilities, and other marginalized groups might be allocated land parcels that are smaller, worse, or farther from key resources and infrastructure. • Differential access to information about process and to decision-making spaces.	✓ Create functional and accessible grievance mechanisms for all development and humanitarian projects.
Land Dispute Resolution and Conflict Management	
• Skewed distribution/shortage of land among users in relation to demand is exacerbated by arable land scarcity. • Inclusivity of dispute resolution processes. Barriers exist for some groups to participate in steps of land governance, even when in theory processes are participatory. Barriers include practical ones (distance, cost of transportation, mobility issues for disabled people, lack of time due to caring duties, safety) and social ones (participation perceived as men's or adult's domain only, "head of household" representing all in family). • Demographic shifts; certain groups might be more likely to have been negatively affected by demographic shifts and migration. • Land records may not be available and marginalized groups are more likely to not have records. • Land records could be lost due to displacement, migration, and changes in marital status. • Conflict resolution officers and bodies are normally male dominated and lack gender-sensitive training. • Courts and alternative dispute resolution mechanisms may operate in the dominant or official language of the country, which may inhibit full participation from Indigenous groups or ethnic groups who may speak a different language.	✓ Incorporate a robust dispute resolution mechanism (between disputants), as well as a grievance mechanism (complaints to project management) in event of competing claims or conflict. ✓ Design an open and transparent process in which all disputes and grievances are recorded, and processes defined to hear claims. ✓ Draw on the knowledge of neighbors or respected leaders to help confirm and resolve claims. ✓ Support the development of impartial and competent judicial and administrative bodies to resolve disputes over tenure rights in a way that is timely, accessible, affordable, contextually appropriate, and effective. ✓ Support alternative dispute resolution mechanisms, including customary or hybrid approaches. ✓ Provide legal assistance that is accessible and affordable to women, the elderly, disabled, those with no formal tenure rights or otherwise marginalized.
Land Administration	
• Differing commitments to transparency and access to land records and other land administration functions may unfairly consolidate power to dominate ethnic, class, or gender groups. • Registration procedures are complex and costs too high, leading to exclusion of women and young people. • Land administration systems do not recognize multiple tenure arrangements such as customary "ownership" or Indigenous Peoples land and forest access, leading to multiple land claims. • Land administration may not capture social tenure arrangements which may be vital to, for example, access to livelihoods for the urban and rural poor. • Local officials may serve as "gatekeepers" for access to key land administration resources such as maps, cadasters, forest, and mineral boundaries, leading to potential land and resource capture by elites. • Land administrative systems may not be inclusive; implementation of quotas or other systems to ensure	✓ Apply safeguards to ensure coordination between implementing agencies at all levels, including customary systems. ✓ Support access and availability of information about tenure and access of land and natural resources to all, including women and marginalized groups. ✓ Support the development and use of socio-culturally appropriate ways of recording rights of Indigenous Peoples and others with customary tenure systems. ✓ Prevent corruption and promote transparency as they relate to tenure rights by widely publicizing processes, requirements, fees, etc. ✓ Developing fit for purpose land administration systems that clarify and coordinate functions across national, state, and local levels.

Illustrative Land Governance Issues	Do No Harm Guidance
(meaningful) participation need to be carefully designed (including avoidance of inadvertent or inappropriate exclusion of other groups).	✓ Ensure due diligence and minimum standards to protect people and their land rights. ✓ Use land information management to track trends such as people returning to their areas of origin or other areas, conflict and dispute resolution patterns, and to identify areas that need additional land-related peace-building interventions.
Security of Tenure	
• Conflict undermines the guarantees that encourage investment by users and outsiders in land. • Individual vs joint titles and the implications of each for men and women; joint titling depends on kinship systems, cultural and social norms, etc. In certain cases, advocacy for joint titling can reduce women's tenure security (i.e., in matrilineal areas) and in some instances may also increase vulnerability to gender-based violence (GBV). • If people cannot trust the state to enforce their property rights or resolve conflicts over land, they will take measures to do so themselves, often in ways that are outside the law, drawing resources from more productive activities, and perpetuating the vicious circle of violence • Obstacles to leveraging of title/documentation (e.g., access to credit) in an equitable fashion • Where a formal title is not possible (e.g., informal settlements) and whether alternative documentation be provided; secondary rights/persons of interest in land can help increase security for certain vulnerable groups. • Importance of collecting sex and age disaggregated data.	✓ Support recognition of all categories of legitimate tenure rights in a way that is clearly defined, publicized, and transparent. ✓ Refrain from infringing on the tenure rights of marginalized populations, including women and Indigenous groups. ✓ Ensure safeguards are in place to avoid infringing on human rights and legitimate tenure rights. ✓ Protect against evictions related to large-scale infrastructure, mineral, housing settlements through legal, customary, and de facto protection. ✓ Ensure human and institutional capacities are sufficient to address and improve security of tenure for all. ✓ Assess and address operational issues that account for gaps in processes or procedures relevant to land and property matters that are deemed weak, corrupt or may not seem to exist. Strengthen and support those that are working.
Land Consolidation	
• Land consolidation that seeks only to improve primary production of agricultural products rather than to improve rural livelihoods carries risks of expropriation without just compensation, loss of livelihoods and food insecurity. • Inadequate consultation of affected communities. • Environmental risks such as land degradation and loss of biodiversity.	✓ Land consolidation projects should always begin with a feasibility study to provide an initial assessment of the positive and potentially negative impacts of the proposed project. ✓ Protect women against discriminatory customs related to land and promote the participation of women in the land consolidation process. ✓ Provide for proper safeguards, guaranteeing that legitimate rights of all land consolidation stakeholders are considered and respected. ✓ The process of introducing land consolidation in a country and the drafting of the Land Consolidation Law should include broad consultations with potential land consolidation stakeholders, such as

Illustrative Land Governance Issues	Do No Harm Guidance
	CSOs representing the interests of landowners, farmers, rural population, nature, and environment.
Land Readjustment	
• Efforts by public authorities, such as the redrawing of boundaries and the associated adjustment of property rights, must not unfairly (or discriminately) impact affected populations • Incentives for participation must be equitable • High transaction costs. • Risk of land expropriated without just compensation. • Readjustment strategy may not take into account social, economic, and environmental sustainability. • Lack of appropriate safeguards to protect the interests of women, Indigenous groups.	✓ Legal frameworks relating to planning and property tend to have disproportionate impacts on major groups, especially the interests of the poor and vulnerable. These need consistent attention in developing a legal strategy for land readjustment (UN HABITAT 2019).
Land Redistribution	
• Potential to infringe on rights and benefits of existing landowners without just compensation • Quality, location, and type of land may differ depending on the beneficiary. • Interests of intended beneficiaries such as women, Indigenous groups may be lost due to interests of elites during redistribution process. • Differential impacts on equity, economic growth, jobs, and poverty reduction. • Numerous competing interests around issues of land.	• Inclusion of land reform provisions significantly reduces the risk of civil war recurrence following the establishment of a negotiated settlement. • Vested interests may attempt to slow or halt—or accelerate the process of land redistribution, either ensuring that meaningful change never occurs—or that it is done so quickly that it creates "winners and losers." • Post-settlement support is critical to ensure the long-term success of land redistribution programs (see Byamugisha 2014).
Land Restitution	
• Bona fide good faith occupants (people who moved onto land that was "abandoned" for legitimate reasons by other persons, but who did not know of or participate in triggering that migration) may have invested in land, sowed crops, built homes, etc., and then must vacate because prior rightful owners (e.g., post-war) are given back their land. Good faith squatters deserve some compensation. • Risk that returning rights-holders are harassed or even face harm. For example, the people who flee or are displaced during a particular conflict may be the ethnic minority, which may make	✓ Allow the displaced victim a degree of flexibility in whether to seek the actual original property or its equivalent in kind (or even cash), given the dynamics of return. ✓ Effective dispute resolution may consider alternative means of reparation. ✓ "In countries that are undergoing a program of agrarian reform or redistribution of land amongst groups of different ethnic origins, the right of women, regardless of marital status, to share such redistributed land on equal terms with men should

Illustrative Land Governance Issues	Do No Harm Guidance
the city they left skewed towards the ethnic majority. When they return to reclaim their land, they may face risk. • Property records are often destroyed during the conflict, the original occupants may not have had clear documentation in the first place and/or a single land administrator may have possession of all land records, but has not yet returned. • Original rights holders may not, for a variety of reasons, even wish to return, or be able to safely return.	be carefully observed" (See CEDAW Article 27 [United Nations Commission on Human Rights 1994]).
Access to Land/Land Markets	
• Risk that politically connected elites have access to land allocations, but those in opposition politically, or minority ethnic groups, are left out of state-controlled allocations/re-allocations. • Within families, risk of one person being considered landowner and/or "head of household" and unfairly benefiting from access to land and land markets. • Rampant land speculation that elevates land prices making land and housing inaccessible to the poor and even middle class.	✓ Include actions to reduce legal and de facto barriers to land ownership for groups including women, youth, the disabled, and those without access to formal credit and banking. ✓ Facilitate fair and transparent sale and lease markets for all. ✓ Prevent land speculation, land concentration, and abuse of customary forms of tenure. ✓ Facilitate operations of efficient and transparent markets to promote participation under equal conditions and opportunities, regardless of the size, power, or resources of the respective parties. ✓ Ensure administrative procedures for land transactions are affordable and accessible to avoid discouraging market participation by women and other vulnerable groups. ✓ Ensure women and marginalized groups have access to credit markets to secure land.
Climate Change & Resilience	
• Climate related displacement and conflict which may disproportionately affect vulnerable groups • Use and management of resources (land, water, soil, plants, trees, and minerals) • Climate change mitigation and/or payment for ecosystem services (PES) programs. • Climate change—impacts on land use and availability for specific purposes (e.g., agriculture) whose burden may fall disproportionately on the urban and rural poor • Possible human rights violations	✓ Develop programs with understanding that conflicts can be triggered by changes in energy and economic policies aimed at mitigating anthropogenic climate change, and (b) conflicts due to changes in those social systems directly or indirectly impacted by climate variations. ✓ Secure equity in benefit and cost-sharing with local communities for climate initiatives ✓ While climate adaptations should be conflict sensitive, work in peacebuilding and development should be climate-sensitive also: peacebuilding and adaptation are effectively the same kind of activity, involving the same kinds of methods of dialogue and social

Illustrative Land Governance Issues	Do No Harm Guidance
	engagement, requiring from governments the same values of inclusivity and transparency.

C. Implementation

The Program Preparation and Analysis phase provided an opportunity to understand the conflict context to determine what land efforts may be needed in program design, an assessment of how it will impact the context (for better and worse). Determining which land efforts will comprise your land governance or sectoral program, the team has developed a conflict sensitive program programming. It is important to keep in mind that programs do not simply comprise activities. Land governance and land efforts bring resources into a context. It is important to ensure that you have anticipated all the possible effects and impacts of these choices.

In terms of conflict sensitivity, one equation can help to guide implementation:

Context + Program = Impact

Three tools may be employed to ensure that program implementation is also conflict sensitive. These are:

1. Critical Detail Mapping
2. Patterns of Action
3. Patterns of Behavior

Templates and examples for each of these Tools can be found in Annex 2.

As program start-up begins, using the Tool of Critical Detail Mapping and can help to keep the land governance or sectoral program with land efforts conflict sensitive. Some of these details may have had to be addressed in the Program Design phase.

Tool 5: Critical Detail Mapping

Any land governance program or sectoral program with land efforts, embodies a series of decisions answering a fundamental set of questions. Why have we chosen this activity with these resources in this place with these people? How did we select these people, these resources, and these staff? Who made these decisions and how? Too often, these criteria are implicit and not formalized. Making the criteria explicit is central to effective conflict sensitive programming. Impacts on dividers and connectors are affected by the Who, What, Where, When, and How during implementation.

Below is a sample of guiding principles to help implementers and partners of land efforts to understand how these critical details might affect the conflict context.

Who?

- Who are the designated beneficiaries of the program? Who else may also benefit from this effort?
- Based on what criteria? Who is being excluded?

Guidance Note
All of the results of the tools and worksheets you utilized in the Program Preparation/Analysis and Program Design phases can be used to keep a record of changes in the social dynamics as the Implementation phase rolls out. For example, begin with the list of team-generated Dividers and Connectors. Commit to tracking their changes over time.

Establish consensus early on regarding how beneficiaries will be selected or identified and allow for a transparent process of challenging such decisions. For example, in the context of land restitution, consider options for a substitute parcel or compensation if the beneficiary perceives a risk to safety in returning to their original home. Consider extending benefits (if relevant) to other segments of the population or geographic zones, in a later phase of the project (including by government's own funds), if first phase is successful. It is important that the "who" is inclusive. There is a risk that some people perceive that an organization has a bias in favor for or against a specific group through the way they distribute resources.

Staffing. Who are our staff? How did we hire them? Why? Why did we hire these specific people?

Recruitment ads should be placed in a variety of venues, platforms, and languages. If the pool of applications is not sufficiently representative, then consider proactive outreach via professional associations, CSOs, educational institutions, and community associations. Include people who have experience and skills with conflict mediation and social dialogue. Be sure to vet events with these staff. Please note that recruitment will be an ongoing effort that often begins in the planning stages and then recurs throughout the project life cycle because of staff turnover.

Partnering. Who are our partners? How did we select them? Why? Why did we choose to partner with these specific organizations?

It is important to keep in mind partner organizations who are, or who are perceived to be, using their resources to support a political or governing authority. In polarized political environmental environments, consider forming a standing multi-stakeholder project committee, with representation of all major political parties that can meet annually or semi-annually to provide feedback or voice concerns. Agreements

between the project and government should be formalized in written form (such as memoranda of understanding), reducing though not eliminating the risk that a change in government will undo such pacts.

What?

- What are the specific resources we are bringing in? Why?
- Is the land governance program or sectoral program with land efforts indirectly bringing other resources? (Land, rights, natural resources, political power?)
- What changes in the context may require us to develop new options?

Be specific. Resources can include cadaster equipment, computers, capacity, agricultural inputs, titles, staff, office equipment, money, and mobile mapping devices, new technologies, and data. Bringing resources into a context will have an impact on that context and those impacts can influence the dynamics of an ongoing conflict or set in motion a new conflict. It is important to keep in mind the risk of changes in the local incentive structures and patterns of opportunity caused by the introduction of new resources. These new resources may affect incomes, wages, profits, and prices, meaning perceptions of economic winners and losers may emerge.

Where?

- Where are we working?
- Why did we choose this location?
- Why not other locations?
- At what scale are we working? Village, city, regional, national?
- Why are we choosing to work at these levels?
- Why have we not chosen to work at other levels/scales?

As program implementation begins, it may become evident that there are opportunities for scale up because of improvements in dividers and connectors. For example, new land adjudication mechanisms within a land governance program to resolve local boundary disputes may be requested at the regional level. Or the context may be so contentious that the same effort may have to wait for a better enabling environment.

When?

- Do we have an exit strategy?
- What are our criteria for selecting the timing and duration?
- What process have we undertaken to appropriately sequence interventions?
- Will we know when our project is finished?

There are 3 dimensions to the "when" questions: The first pertains to what stage of the conflict the program is currently being implemented; the second pertains to when individual land efforts should be implemented within the program; and the third pertains to what outcomes should be in place when the program ends. These questions require careful consideration, as they inform the sequencing and objectives of the program as a whole. For example, if the context is immediately post-conflict, it may be unwise to implement a titling initiative: documents may have been lost or destroyed during the war and security and livelihoods should be restored first.

How?

- How are we doing the work?
- How are these program details affecting Dividers and Connectors as we implement?
- What measures are in place to ensure that risks are mitigated, negative effects on all actors associated with the program are avoided, and dividers have not been aggravated?

Land efforts can have an impact on the context by virtue of how laws, policies, or processes affect the allocation, costs, and distribution of land and natural resources. For example, programs can create parallel structures that may inadvertently replace local capacity. Or an urban planning initiative that fails to work with constituencies who have been affected by Covid 19, including those who have lost homes or jobs, will risk aggravating latent conflicts in their city or neighborhood.

Tool 6: Patterns of Action

The "action" of a land effort involves applying resources into a context. Resources are generally considered the chief method and mechanism for creating change. Even if those resources result in the desired change(s), they may also have unintended consequences on conflict. Conversely, they may also leverage local capacities for peace. It is critical to identify these potential patterns so that actions can be taken to minimize their negative, unintended consequences. The Patterns of Action tool enumerates five types of patterns: 1) theft/diversion, 2) market effects, 3) distribution effects, 4) substitution effects, and 5) legitimization effects. By asking key questions along each dimension, potential patterns of action start to emerge.

To determine the risk of theft or diversion of resources, it is important to consider whether there are resources that are likely to be stolen or diverted and whether these could be used for conflict purposes. For example, materials and funds intended for a large-scale land investment, mining, and even land sales may take valuable tax benefits away from communities (**Theft/Diversion**). Potential effects on markets can be clarified by asking whether the approach could distort markets. For instance, land efforts could inadvertently facilitate land speculation, leading to spikes that can price people out of their own markets and reinforce powerful monopolists (**Market Effects**). In determining the distribution of resources, careful attention must be paid to whether the approach could reinforce existing lines of division. Distributing land parcels to refugees and internally displaced in a visible way where arable land is scarce, for example, could reinforce existing divisions and conflicts along lines of division. (**Distribution Effects**). While intending to strengthen a governmental agency, it is important to consider whether the approach might undermine trust in the government. For example, land related critical government services, such as managing forests or providing critical infrastructure which may have been performed by NGO or funded by donors for decades, may contribute to a lack of confidence in the government (**Substitution Effects**). Conversely, it is possible to inadvertently lend legitimacy to a leader who is seen as unjust by involving them in potentially contentious land efforts such as land titling, mining, forest, and other natural resource programs (**Legitimization Effects**). Table 8 provides illustrative examples of the dimensions of patterns of action.

Table 8. Patterns of Action: Illustrative Examples

Distribution Effects- Key Questions *Are resources being distributed along the lines of existing divisions where the program is proposed?*	A Distribution Effect occurs when people perceive that an organization has a bias in favor for or against a specific group through the way it distributes resources. Distributing goods or services may increase tensions and undermine trust if people perceive those distributions to be unfair, regardless of the data behind targeting decisions	Distributing land parcels to refugees and the internally displaced in a visible way where arable land is scarce, may create resentment in host communities reinforcing existing divisions and conflicts along racial, ethnic, religious lines, etc.
Legitimization Effects	A legitimization effect occurs where an organization is perceived to be	An organization can lend legitimacy to a government, leader, or institution by

Are certain authorities or actors legitimized because of their involvement with the intervention?	using its resources to support a political or governing authority.	involving them in potentially contentious land efforts such as land titling, mining, forest, and other natural resource programs. This may be problematic when that actor is seen as illegitimate, unjust, or responsible for harm.
Market Effects *Does your organization's presence or program reinforce a wartime economy?* *Are the resources brought into the context affecting local prices such that local people are priced out of their own markets, and more vulnerable to getting engaged in conflict?*	Market effects are the result of changes in the local incentive structures and patterns of opportunity caused by the introduction of new resources that can affect perception of economic winners and losers. Market effects, like distributional effects, are ways that new resources give some people and groups advantages over others.	Land governance efforts that inadvertently facilitate land speculation can lead to spikes that can price people out of their own markets and reinforce powerful monopolists.
Substitution Effects *Are existing systems and structures ignored, overwhelmed, or undermined by the intervention?* *Is the organization taking on roles that should be played by authorities, thus undermining governance capacity?*	A Substitution Effect occurs when an organization takes over for local capacity, reducing or replacing local efforts.	Land-related government services, such as managing forests or providing critical infrastructure, have been performed by NGOs or funded by donors for decades, which may contribute to a lack of confidence in the government.
Theft *Are resources likely to be stolen or diverted?* *Can the stolen or diverted resources be used for conflict purposes?*	Often, materials and funds for development projects are diverted to people undermining the response.	Profits from land activities including large scale land investments, mining, and even land sales may take valuable tax benefits away from communities.

Tool 7: The RAFT: Negative and Positive Patterns of Behavior

Land governance and sectoral programs with land efforts, and the people who design and implement them, demonstrate their values through their behavior. People—and even programs—send messages through conduct and behavior. These messages and behaviors, like actions described above are another key method and mechanism for creating impact on social dynamics, that is Dividers and Connectors. Patterns of behavior send implicit ethical messages about the values, intentions, and priorities of an organization and can affect both underlying conflicts and the effectiveness of the intervention. The RAFT (Respect, Accountability, Fairness, and Transparency) provides examples of negative and positive behavior patterns.

Table 9. Patterns of Behavior

Negative Behavior Patterns		Positive Behavior Patterns
• Hostile Competition • Suspicion • Anger, Aggression, Belligerence • Indifference	**Respect**	• Cooperation and Collaboration • Trust • Calm • Listening (and sensitivity to local concerns)
• Powerlessness • Impunity • Security, Arms & Power	**Accountability**	• Positive Action • Responsibility • Rule of Law (or Nonviolence) • Human Rights
• Different Value for Different • Lives	**Fairness**	• Recognition of Value Following Rules
• Closed • Decision making process unknown • Hide information	**Transparency**	• Open • Decision making process known • Share information

Transparency contributes to all above behaviors. Positive behavior patterns, characterized by transparency and trust, can lead to positive impacts on conflict and peace. For example, a land NGO solicited young people and trained them in mobile mapping for a project to crowd-source land rights information at the village level using mobile technology. Because the approach trained young civil society representatives and local community members to use technology developed for this purpose, they felt ownership of the process and ensured the success of program by gathering land rights and tenure information. In contrast, negative behavior patterns can undermine success and exacerbate tensions. For example, in a food security initiative, a land effort to improve management of an area with degraded soil excluded indigenous community members during consultations. As a result, these indigenous groups were not allocated suitable land, nor did they enjoy tenure security. Additionally, the community as a whole was not informed about who would have access to data and maps for a large land administration initiative that would register these improved lands. Rumors quickly spread that only government officials, and not the public, would be able to access this information. As a result, many feared that the dominant ethnic group would falsify land information, leading to accusations of corruption.

Table 10 provides illustrative examples of the RAFT in practical terms.

Table 10. Illustrative Examples of the RAFT in Land Governance and Land Efforts

Illustrative Negative Behavior Patterns		Illustrative Positive Behavior Patterns
Representatives preparing for an agricultural project requiring land assembly did not consult existing smallholder farmers to discuss options to determine if a possible cooperative could be formed instead of expropriating and compensating farmers.	**Respect**	During scoping and context analysis, program teams meet with farmers to determine their needs and preferences to maintain livelihoods.
An urban planning program to encourage infill development of affordable housing in a mega city to stop proliferation of slum settlements does not include zoning changes that limit density, promote building standards, or prevent land market speculation. As a result, developers continue to build unsafe housing developments leading to lack of security and infrastructure for the urban poor.	**Accountability**	Program implementers re-group with city officials to ensure that an enabling environment is created to reach original program outcomes. A series of stakeholder meetings are convened to develop viable options to move the program forward.
A well-intentioned Housing, Land and Property program in a refugee area undertakes participatory workshops to help with the design and siting of housing structures. The location of workshops is completely inaccessible to the elderly and those with disabilities. No child care is provided for women with infants and small children. The program is viewed as placing value only on the lives of men and the program loses credibility during start-up.	**Fairness**	Program staff work with representatives to ensure that childcare, accessibility, timing and location of workshops accommodate all community members.
In developing a Fit-For-Purpose land administration system, regional officials limit access to information, stakeholder engagements, and maps. As a result, local officials are unable to inform constituencies about the project and what it will entail.	**Transparency**	All implementers from at the program, partner, and government levels create communication products that describe all aspects of the new land administration system, including transaction costs, accessibility, and sustainability plan.

Key take-away messages regarding staff behavior are summarized below:

Respect: Staff need to show respect to people affected by war and conflict. Given the elite/neocolonial nature of how many development organizations are structured, many affected populations can feel disrespected by staff who are undertaking rapid assessments. This may undermine trust and ultimately the success of land efforts.

Accountability: Staff need to demonstrate interest in feedback from the populations they are working with, as well as be ready to take responsibility for their actions to build trust and strong

communication channels with affected communities.
Fairness: Staff need to ensure their actions are not prioritizing those with the most voice, power, or influence. There are also different assumptions as to what 'fairness' means to different people.
Transparency: Being clear and open about the land governance program and its aims is essential to building trust. Trying to shield elements of the program that may be controversial from critique by hiding information may lead to unintended conflicts.

D. Monitoring, Evaluation, and Adapting

Conflict sensitive monitoring and evaluation (M&E) is key to identifying and addressing possible conflict-escalating side effects of all land governance and land efforts. Monitoring for conflict sensitivity tracks sources of tension (dividers) and potential capacities for peace (connectors) in the conflict context; how all aspects (operational and programmatic) of the intervention affect are affected by dividers and connectors; and how the organization is adapting to minimize negative and maximize positive effects**.**

Evaluating conflict sensitivity involves reviewing the effects of the program on conflict, the effects of both the outcomes (peacebuilding, development, humanitarian, etc.), the organization's operational decisions on the conflict, and the functionality of the processes in place to ensure conflict-sensitive action (Chigas and Goddard 2016).

Conflict-sensitive monitoring needs to examine not only its *intended* impacts, but also *unintended* impacts that may occur external to the specific technical and geographic areas of the land efforts and target population. For example, while a specific effort within a land governance program may be designed to achieve increased land ownership among women in a rural community through collaboration with the Ministry of Land, it could impact relationships between men and women in the targeted area as women gain more economic power. It could also transform agricultural production, contributing to intergroup tensions with neighboring communities. Conversely, a similar land effort might unexpectedly lead to positive, yet unintended, impacts. For example, socio-economic conditions within the target area may improve due to increased and varied crop yields, leading to more cooperative trade with neighboring areas, even though there are ongoing ethnic tensions. The lesson is that there may be a mix of intended, positive impacts and unintended, negative impacts.

Indicators

During the Program Design phase, the team will have developed programmatic indicators and indicators to monitor the conflict context, as described in Section B: Program Design. As the implementation of the program continues, be sure to develop others to monitor the conflict context. These may include:

1. **Conflict:**
    - Analyze the conflict and collect data on how conflict dynamics have evolved, particularly sources of tension, and sources of cohesion in the context.
    - Monitor how the conflict issues relevant to the land governance or land effort are evolving.
    - Assess whether processes for conflict sensitivity are in place and functioning well.
    - Assess how the land effort has adapted to changes in the conflict context.
    - Assess how the conflict affects the appropriateness or feasibility of the land effort.
    - Track sources of new or emerging tension (dividers) and capacities for peace (connectors) in the conflict context.
    - Examine whether the land governance program or land effort outcomes were achieved in a conflict-sensitive way.

2. **Interaction:**
    - Monitor how the program both affects and is affected by the conflict. This can be achieved through both quantitative and qualitative methodologies, considering facts and perceptions of who actually benefits from the land effort.
    - Assess whether people perceive program implementers and/or partners to have a bias in favor for or against a specific group through the way they distribute resources (**Distribution Effects**).
    - Assess whether the program implementers and/or partners are or are perceived to be using resources to support a political or governing authority (**Legitimization Effects**).
    - Assess whether land efforts are changing the local incentive structures and patterns of opportunity caused by the introduction of new resources and whether they affect perception of economic winners and losers (**Market Effects**).
    - Assess whether program implementers and/or partners have taken over local capacity and reduced or replaced local efforts (**Substitution Effects**).
    - Assess whether the intervention may be fueling the conflict or division due to stolen or diverted resources (**Theft/Diversion**).
    - Assess to what extent **RAFT** is perceived by beneficiaries.

There are many techniques to conduct conflict-sensitive monitoring. Two methodologies that are more open ended and thus capture not only intended, but also unintended consequences, are presented below. The choice of approach will hinge on many factors, including time, resources, and appropriateness. In all instances, it is important that the approach to evaluation avoids potentially creating tensions between beneficiary/non-beneficiary groups. Consideration needs to be given to confidentiality, the selection of participants, the timing and format of data gathering, representativeness of the stakeholders, and composition of evaluation team including potential for biases.

Most significant change (MSC) is a form of participatory M&E. It involves the collection and selection of stories of change, produced by program or project stakeholders. MSC can be used in projects and programs where it is not possible to precisely predict desired changes beforehand and is therefore difficult to set pre-defined indicators of change.[5]

Outcome Harvesting is "an evaluation approach to retrospectively identify emergent impact by collecting examples of what has changed in 'behavior writ large' (actions, relationships, policies, practices) and then work backwards to determine whether, and how, the intervention has contributed to these changes."[6] As the land governance or sectoral program with land efforts continues, monitoring and reporting may indicate changes in the context and in dividers and connectors. Implementers and partners are working in complex environments with numerous demands. Land Governance programs may be having positive or negative outcomes. It is important to capture these lessons learned and make adaptations to programming.

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[5] For more guidance on MSC, see https://www.intrac.org/wpcms/wp-content/uploads/2017/01/Most-significant-change.pdf.

[6] Source and additional info: https://www.dmeforpeace.org/resource/outcome-harvesting-best-practices-for-learning-reflection/

Case Study Example

In Zambia's customary systems chiefs and their advisors—known as indunas—and village headpersons allocate land. These customary leaders are usually men and, as custodians of tradition and culture, heavily influence whether harmful gender norms and practices persist or change. The United States Agency for International Development (USAID)-funded "Integrated land and resource governance (ILRG)" program piloted an approach to engage these traditional leaders in shifting harmful gender norms and strengthening women's land rights in Zambia's Eastern province. A series of dialogues provided indunas with a safe space to reflect and take positive action regarding land ownership, access and control of land. The pilot showed that shifting harmful gender norms at the community level is crucial in supporting women to access land rights. Given their role in regulating local culture and advising the traditional authority on land administration, customary leaders like indunas and village headpersons are a key entry point for that shift.
Excerpt from: Patricia Malasa for IIED

E. Options and Opportunities

Conflict sensitivity and the tools and frameworks presented in *Conflict Sensitive Land Governance* are not simply about understanding a context more completely. Throughout the life of a program, contexts are ever-changing and the social dynamics are fluid. Donors, implementers, and partners need to be able to respond to change. Monitoring for changes in the context, as described above, will help to surface the kinds of changes that may require options. Other questions to develop Options and Opportunities can include:

1. What are the incentives for people in this area to participate in violence or conflict?
2. What counter incentives can we provide?
3. Are we currently providing incentives for violence or conflict?
4. Who is not engaged in or involved in the violence? Can they be supported?
5. Where are there locations, either geographical or social, that seem violence free? Can we grow them or build similar areas elsewhere?
6. Which patterns are the most significant at this moment in this context? What we can do to affect them? How do we turn the observed patterns to our advantage?

How can options and adaptations be developed? The techniques and frameworks presented in *Conflict Sensitivity in Land Governance* are not simply about understanding a context more completely; they can be joined, and they can work together. While the tools and techniques of Conflict Mapping, Divider and Connector Analysis, GESI, Patterns of Impact and Patterns of Behavior, and Critical Details Analysis, can be used on their own to inform understanding of the context, they achieve real power when they are used together.

Guidance Note

How to develop Options and Opportunities

With a team:

Step I: Decide what you are trying to change. The Dividers and Connectors Analysis should be referred to.

Step II: Use the patterns Impact (Actions and Behaviors) and Critical Details Analysis-Note why Dividers and Connectors are changing.

Step III: Brainstorm Options and Opportunities- Having identified the patterns at work, use the patterns to guide creative adaptions and options.

Step IV: In small groups of two or three, write down ideas that will impact dividers and connectors.

Step V: Plenary- Come together, share, and collect ideas on a flipchart.

Step VI: Discuss- Identify what patterns or details account for changes and come to consensus re these the right patterns.

Step V: Review your Options and Opportunities- Are Options and Opportunities linked to the patterns identified? If not, go back and try again.

Step VI: *Prioritize Options and Opportunities- Use the following criteria:*

Patterns- If an option does not address the identified patterns, then put it aside for now.

Time- Options that take less time to implement are generally better—but develop long time-frame ones at the same time.

Resources- Determine if there are adequate resources to implement the options generated

Do not lose or discard the options you generate but don't use immediately—you might want to return to them!

3. Concluding Thoughts

Impacts may manifest during the span of a land governance or sectoral program with land efforts, or they may be latent, only coming to light after the cessation of activities. In situations where the land effort is being implemented by a group or organization who have a long-term presence in the area, monitoring of such impacts should continue over time. In cases where an external organization is leading an intervention, ex-post evaluations, or impact evaluations, could be conducted after the activities end. This, in fact, may be required by some donors.

The *way* in activities end could lead to unintended consequences. One way to reduce potential post-project conflict is to design grievance mechanisms and dispute resolution procedures that will continue to operate after implementing teams are long departed. This will require ensuring funds are sustainably established to finance such activities and that local institutions (whether they be government entities or community structures) have the capacity and resources to effectively mediate or intervene. Donor-funded projects typically include a handover and sustainability strategy—these should explicitly contain a component oriented to conflict and dispute resolution. A benefit to taking advantage of local systems during implementation, and training local community members in dispute resolution, is that such mechanisms will remain in place post-project.

Another post-project aspect to consider is how geographic areas that were not beneficiaries of the original project may be included under future programming, perhaps with other sources of financing. For example, one occasional unintended source of tension in land tenure regularization initiatives may arise from the reasonable expectation of nearby communities that they too will benefit from titling or similar activities. Viability assessments to scale up or expand such activities post-project should be considered.

Projects should also analyze what aspects during implementation may have led to conflict (actual or latent) and provide a synthesis of lessons learned for national and local government, as well as donors and other implementers, such that future programming in that particular country or area can benefit from those experiences and insights, and thereby mitigate the risk of future harm. Those recommendations can range from high-level suggestions for policy or legal reform down to successful practices and procedures in the field.

In the land governance context, another important post-project consideration is drawing up a plan to keep land ownership and rights information (titles, deeds, and other relevant certificates) publicly accessible, perhaps via a digital public web portal. This can play an important role in promoting transparency, which in turn reduces tensions often caused by opacity. This type of transparency-minded initiative needs to be agreed upon early in the project, to allow time for development, implementation, and consensus-building around what information will be made public.

Annex 1: Additional Resources

Cross-Cutting Issues	Resource Title
Gender, Youth, & Social Inclusion	• Inclusive Land Registration and The Critical Role of Social Development Officers • Indigenous Peoples' Collective Rights to Lands, Territories and Natural Resources • Intimate Partner Violence and Land Toolkit • USAID's Policy on Promoting the Rights of Indigenous People • On Equal Ground Promising Practices for Realizing Women's Rights in Collectively Held Lands • Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security • Land and Human Rights: Standards & Applications • Free, Prior Informed Consent
Legal and Policy Frameworks	• Toolkit for Integrating Gender-Related Issues in Land Policy and Administration Projects • Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security • Land Tenure, Property Rights, and Gender • Realizing Women's Rights to Land and Other Productive Resources • Scoring Gender Legislation
Land Governance Issues by Topic	**Resource Title**
Land Use Planning and Management	The Past and the Futures of Environmental Peacebuilding
Land Dispute Resolution and Conflict Management	• USAID Land & Conflict Toolkit • Land and Conflict. USAID Issue Brief • The Past and the Futures of Environmental Peacebuilding • Seeds of peace? Land reform and civil war recurrence following negotiated settlements • NRC HLP Training Manual Module No. 6: Addressing Housing, Land and Property conflicts • Land tenure alternative conflict management
Land Administration	• Do No Harm in Systematic Land Formalization: A Model for Social Risk Identification and Prevention in Dominican Republic Fragile Watersheds • Gender Issues and Best Practices in Land Administration Projects • Fit-for-Purpose Land Administration in Violent Conflict Settings
Secure Land Tenure and Regularization	• Empowering Women through Land Tenure Regularization: Evidence from Rwanda • Global Perceptions of Tenure Security: Looking Beyond the Formalization of Property Rights
Land Consolidation	Legal Guide on Land Consolidation
Land Readjustment	Global Experiences in Land Readjustment Urban Legal Case Studies
Land Redistribution	Agricultural Land Redistribution Toward Greater Consensus IFC Performance Standard 5
Land Restitution	Land and Human Rights: Standards & Applications Land Restitution, Gender Equity, and Rural Development in Colombia
Access to Land	Quick Guide to What and How: increasing women's access to land

Annex 2: Conflict Sensitive and Do No Harm Tools in Land Governance

Tool 1: Conflict Mapping

There are often multiple conflicts occurring in a given community, society, or country at any given point in time. It is important to identify as many of those conflicts as possible and understand their basic parameters. It is also important to note that conflicts are dynamic, and this mapping exercise should be revisited as often as necessary to keep up with the evolution of the conflicts. Not all conflicts listed have to be land related! Conflicts can be seemingly unrelated to land issues. However, practical experience has shown that land (governance) efforts can have impacts, for better and worse, on these conflicts. Below is a sample of specific land related conflicts. Practitioners can develop their own worksheets using this format. Table 5 from page 21.

Table 5. Illustrative Conflict Analysis

Conflicts	**Immediate Cause/ Trigger**	**Underlying Causes/ Drivers**	**Active/Latent Conflict**	**Geographic Scope**	**Direct Participants**	**Indirect Participants/Sponsors**
Conflict 1	Boundary dispute between adjacent land parcels	Intra-familial dispute between siblings who divided inherited land from parent Neighbors are from different clans or ethnicities	May be either—land program may bring a latent tension to surface during title regularization effort	Fairly limited to boundary in question	Adjacent neighbors	If neighbors from different clans or ethnicities, respective groups may take sides and widen conflict
Conflict 2	Access to common grazing land or water sources	Two communities or villages dispute rights to land between the two settlements	Tends be active, with both sides trying to exclude members of other community	Larger areas of land (especially in case of pastoral groups) could be at stake	Members and leaders of nearby communities	If communities belong to different clans or ethnicities, other villages may take sides and conflict could widen
Conflict 3	Dispute over inheritance	Death of landowner or land rights holder	May be either—land program may bring a latent tension to	Fairly limited (to one or a small number of parcels)	Family members	Conflict has potential to widen if one family member is associated with different political or

Conflicts	Immediate Cause/ Trigger	Underlying Causes/ Drivers	Active/Latent Conflict	Geographic Scope	Direct Participants	Indirect Participants/Sponsors
			surface during title regularization effort			civic groups than the other member
Conflict 4	Dispute between spouses or partners	Separation or divorce	Active	Fairly limited (to one or a small number of parcels)	Family members	Conflict has potential to widen if one spouse is from a different area or ethnicity than the other

Tool 2: Impacts of Conflict on Land Governance

Conflict, whether active or latent, may have many direct impacts on land governance. When planning programs with land efforts, it is important to understand how conflict may be affecting land governance. This worksheet is designed to analyze how conflicts may be affecting different dimensions of land tenure security and governance. Each entry should be as specific as possible.

- *Example:* Armed conflict may result in physical land records being destroyed.
- *Example*: Conflict may result in people fleeing their homes and lands, and result in subsequent claims for land restitution.

Conflicts	**Impacts on Land Rights**	**Impacts on Land Records**	**Displacement and/or Movement Restrictions**	**Impacts on Livelihoods**	**Other Dimensions of Impact**
Conflict 1 *Example*	*Conflict may result in people fleeing their homes and lands, and result in subsequent claims for land restitution.*	*Land records could be destroyed*	*Roadblocks are preventing access to mine sites*	*Bombs/fighting have made it impossible for farmers to reach fields or workers to reach shops*	*Government has closed borders, cutting off route for medical supplies*
Conflict 2					
Conflict 3					
Conflict 4					

Tool 3: Gender & Social Inclusion Analysis of Land Conflict and Governance

This worksheet should be used to specify what specific harms identified groups are vulnerable to and currently experiencing during the conflict, as well as the group responsible for the harm. Use the specific operating context of your program to define the social groups outlined in this worksheet. The *Other Identities* category boxes are provided so you can insert as many categories as are relevant for understanding patterns of harm in a conflict. These may include, but certainly are not limited to: racial, ethnic, linguistic, class, and caste groups; livelihood groups; rural or urban populations; and people with different abilities. Define the age ranges of *Children & Youth*, *Adults*, and *Elderly* based on the socio-cultural context. If information about a category is not known, leave it blank. This analysis can be done for each conflict identified in Worksheet 1.

Conflict	Women	Men	Other Genders and Gender Identities	Indigenous Groups
	Discriminatory allocation among male and female siblings upon death of a parent	Same as for women, although disproportionate negative impact more often observed for girls		Women and girls within indigenous communities face obstacles as they relate to tenure and associated tenure rights
	Discriminatory allocation of land upon divorce or separation	Same as for women, although disproportionate negative impact more often observed for women		
	Widows stripped to rights of the land of a deceased husband	Same as for widows, although disproportionate negative impact more often observed for women		
	Orphan children stripped of their rights to land (at times by unscrupulous extended family members)			
	A person with physical disabilities has the right to ownership of their urban dwelling. However, the legal framework allows a family member to go to court to have them deemed as "incompetent," thus stripping them of their ownership rights		Lesbian, gay, bisexual, transgender, questioning (LGBTQ) individuals face de facto barriers to accessing land and property despite helpful	

Conflict	Women	Men	Other Genders and Gender Identities	Indigenous Groups
			legislation	

Tool 4: Dividers and Connectors Analysis & Prioritization

Returning to Worksheet 1 and Conflict 2, *Access to common grazing land or water sources*, for example. Below is an example of illustrative Dividers and Connectors related to this conflict.

Conflict 2- Access to Grazing Land and Water by Pastoralists is often Violent

Category	Dividers	Connectors	Potential impacts	Prioritization
Systems and Institutions	Formal adjudication institutions to manage grazing rights are variable and often favor one side or the other. As a result, the court system has not earned adequate trust within communities.	Customary mechanisms for alternative dispute resolution are seen as fair and result in enforcement. As a result, the customary system is seen as trustworthy.	A) How likely is a program to affect connectors and dividers? B) How significant is impact? C) What groups may be affected? D) Can impact be addressed?	High Medium Low
Attitudes and Actions	It is well documented that the area has developed an implicit bias against pastoralists due to recent water shortages as a result of climate change. The perception that grazing is exacerbating climate change has deepened broader social divisions in the country.	Joint awareness campaigns by NGO's and trusted leaders throughout the community are seeking to find solutions to accommodating all types of activities that promote livelihoods and food security.	A) How likely is a program to affect connectors and dividers? B) How significant is impact? C) What groups may be affected? D) Can impact be addressed?	High Medium Low
Values and Interests	When people have insecure tenure over valuable assets, predatory actors (public and private sector) often struggle for control of these assets.	Pastoralists and sedentary farmers have a long history of trade and have shared space in common market areas. Even when in conflict they do cooperate economically.	A) How likely is a program to affect connectors and dividers? B) How significant is impact? C) What groups may be affected? D) Can impact be addressed?	High Medium Low
Experiences	Members of the farming community have historical grievances rooted in earlier displacements and land takings. These grievances have generated a demand for redress that has fueled broader conflicts.	The country has a shared experience of coming through a series of weather-related shocks that was achieved through cooperation throughout the	A) How likely is a program to affect connectors and dividers? B) How significant is impact? C) What groups may be affected?	High Medium Low

Conflict 2- Access to Grazing Land and Water by Pastoralists is often Violent

Category	Dividers	Connectors	Potential impacts	Prioritization
		country, increasing social cohesion across a diversity of groups and with gender and social inclusion.	D) Can impact be addressed?	
Symbols and Occasions	The wearing of masks during COVID-19 by pastoralists has been politicized and has introduced new conflict flashpoints among mask-wearing and non-mask-wearing citizens.	A new Youth School dedicated specifically to educating young people in a variety of agricultural livelihoods has just been dedicated in the region.	A) How likely is a program to affect connectors and dividers? B) How significant is impact? C) What groups may be affected? D) Can impact be addressed?	High Medium Low

Tool 5: Critical Detail Mapping

Who?	• *Who are the designated beneficiaries of the program? Who else may also benefit from this effort?* • *Based on what criteria? Who is being excluded?* • *Who are our staff? How did we hire them? Why? Why did we hire these specific people?* • *Who are our partners? How did we select them? Why? Why did we choose to partner with these specific organizations?*
What?	• *What are the specific resources we are bringing in? Why?* • *Is the land governance program or sectoral program with land efforts indirectly bringing other resources? (Land, rights, natural resources, political power?)* • *What changes in the context may require us to develop new options?*
Where?	• *Where are we working?* • *Why did we choose this location?* • *Why not other locations?* • *At what scale are we working? Village, city, regional, national?* • *Why are we choosing to work at these levels?* • *Why have we not chosen to work at other levels/scales?*
When?	• *Do we have an exit strategy?* • *What are our criteria for selecting the timing and duration?* • *What process have we undertaken to appropriately sequence interventions?* • *Will we know when our project is finished?*
How?	• *How are we doing the work?* • *How are these program details affecting Dividers and Connectors as we implement?* • *What measures are in place to ensure that risks are mitigated, negative effects on all actors associated with the program are avoided, and dividers have not been aggravated?*

Tool 6: Patterns of Action Checklist

The checklist below specifically discusses dimensions of actions that can have an impact on underlying conflict dynamics and the effectiveness of land governance efforts. This is not an exhaustive list, but rather a set of initial considerations for exploring the Patterns of Action that could impact the ability of a program to be fully conflict sensitive.

Distribution Effects	**A Distribution Effect occurs when people perceive that an organization has a bias in favor of or against a specific group through the way they distribute resources.**
Distribution Effects in post-conflict settings	In post-conflict settings, everybody has needs, often quite severe ones. At the same time, a losing side will almost always have more needs than a winning one.
Distribution Effects in resource management	Resources that are used in common, such as water, forest, or pasture, are always challenges to manage. When more than one group wants to access a resource, this can lead to conflict.
Distribution Effects based on the easy route	Some people are easier to reach than others. This can be based on geography, language, cultural affinity, transportation networks, education, and so on.
Distribution Effects based on social or economic criteria	The use of social or economic criteria ("poorest of the poor'', "the landless", "subsistence farmers", etc.) can trap organizations into working with a limited set of people.
Distribution Effects in post-disaster settings	While similar to post-conflict settings in that everybody has needs, the concern here is that those defined as "most affected" by the disaster might come from a specific group.
Legitimization Effects	**A Legitimization Effect occurs where an organization is perceived to be using its resources to support a political or governing authority.**
Legitimizing a bad actor	By allowing their resources to be co-opted by a governing authority who uses them for nefarious ends, organizations can contribute to conflict.
De-legitimizing a good actor	By not working with a governing authority, organizations can miss opportunities to help strengthen local capacities.
De-legitimizing a bad actor	By using their resources to clearly differentiate the organization from the governing authority, an organization can avoid being co-opted.
Legitimizing a good actor	By explicitly supporting a governing authority's initiatives through their own activities, organizations can maintain their independence while also helping to build local capacity.
Market Effects	**Market Effects are the result of changes in the local incentive structures and patterns of opportunity caused by the introduction of new resources. The new resources noticeably affect incomes, wages, profits, and prices so that people's perception of economic winners and losers changes.**

Market Effects on Incomes	Interventions can flood areas and local markets with cheap or free substitutes that compete directly with local products and the incomes of those who relied on selling that good will fail.
Market Effects on Wages	Hiring local people affects the wage structure of local communities. Such effects can increase jealousies at the personal level and, when one group has a greater representation among those who get paid than other groups, this pattern increases tensions.
Market Effects on Profits	Sourcing goods and services locally provide profits to local people. However, if the profits tend to accrue to members of one group over others, this can cause tensions to rise. When profits flow to politically connected people, this can be perceived as corruption.
Market Effects on Prices	Interventions that require local goods and/or services can drive the prices of these up, placing them out of the reach of locals, or changing incentives around those items.
Substitution Effects	**A Substitution Effect occurs when an organization takes over for local capacity, reducing or replacing local efforts.**
Substitution Effects free up resources to pursue conflict	Governing authorities in conflict situations often see the resources of interveners as supplementary to their own. They also understand how to manipulate intervener values.
Substitution Effects result in authorities' loss of capacity	When systems that should be supported by a local governing authority are pushed onto NGOs or usurped by them, the governing authorities may well forget that they once had responsibility for that system, or they may lose the competence they had.
Substitution and legitimacy	When a government reduces its connection with its citizens by giving up more and more services to other entities, its legitimacy erodes bit by bit. Delegitimizing government undermines Connectors and may increase Dividers.
Theft	**Theft occurs when people simply take resources from an organization.**

Tool 7: RAFT

Negative Behavior Patterns		Positive Behavior Patterns
• Hostile Competition, Suspicion, Anger, Aggression, Belligerence, Indifference	**Respect**	• Cooperation and Collaboration • Trust • Calm • Listening (and sensitivity to local concerns)
• Powerlessness Impunity • Security, Arms & Power	**Accountability**	• Positive Action • Responsibility • Rule of Law (or Nonviolence) • Human Rights
• Different Value for Different • Lives Ignoring Rules	**Fairness**	• Recognition of Value Following Rules
• Closed • Decision making process unknown • Hide information	**Transparency**	• Open • Decision making process known • Share information

Annex 3: Quick Reference

Guiding Questions for Conflict-Sensitive Land Governance Throughout the Program Cycle

I. PREPARATORY ANALYSIS
Context Analysis

1. Has a conflict analysis been conducted and updated?
2. What processes are in place to gather information and reflect on how the program/efforts could escalate or mitigate tensions?
3. Are you consulting a wide range of stakeholders/resources to understand the context and history?
4. Are you aware of any potential biases/perceptions of the sources informing the context analysis?
5. Are you aware of your own assumptions/potential biases about the history/context?

Gender, Youth, Social Inclusion

1. Which voices are a part of the preparatory analysis and which voices are not?
2. What steps can be taken to ensure the strategy development reflects a range of views?
3. Have you carefully considered potential unintended consequences of the proposed strategy and built-in appropriate mitigation measures?

Partners

1. What is the reputation of the targeted governmental counterparts? Are they perceived as neutral/just? What biases might they have?
2. What are the interests of the various stakeholders?
3. What is the relationship between political parties and ministries? What risks are there that a change in political party or in government structure could undermine potential strategy or program approach? How can you minimize those risks?
4. Will extending benefits to one group of beneficiaries (or to one set of villages and not another) cause tensions or conflict?

Target Population/Groups

1. If targeting specific populations (e.g., Internally Displaced Population, returnee population), is there a legitimate and clear way to identify these groups?
2. Will different groups benefit differently from the land governance program or sectoral program with land efforts?

II. DESIGN
Legal and Policy Frameworks

1. Have applicable local, national, regional, and international policies been respected? This may include Voluntary Guidelines, CEDAW, RAI, UN Convention of the Rights of Indigenous Persons, etc. Is there a risk that the government could use the legal framework to subsequently undermine the purpose of the project?
2. Have possible unintended negative or positive consequences been identified and understood?
3. Will legally neutral (in terms of gender or ethnicity) provisions of legal and policy frameworks have disproportionate impacts when implemented, due to contextual considerations?
4. Does the legal framework (formal or customary) for land rights explicitly discriminate against any groups?

Land Use Planning and Management

1. Will targeting benefits for one group (even if it has been victimized in the past) create jealousies and tensions with other groups, that need to be managed?
2. If the focus is on clarifying ownership, how might you mitigate risks in a context with recent conflict and displacement?
3. Will key resources such as infrastructure, housing, open space, etc. cause tensions or conflict?
4. Does planning have any regressive impacts on groups based on a procedural, territorial, socio-economic, or cultural perspective?

Land Administration

1. Are disputes (and what types) likely to arise during land administration processes such as boundary demarcation, documentation, titling, and registration?
2. Are systems in place to maintain up to date titling/documentation?
3. Are/will the system be transparent and accessible to all constituencies?

Secure Land Tenure and Regularization

1. Does the legal framework (formal or customary) for land rights explicitly discriminate against any groups?
2. Are there de facto barriers to land tenure regularization despite helpful laws?
3. Are disputes (and what types) likely to arise during documentation and titling, including latest disputes that will bubble to surface?
4. Are systems in place to maintain title/documentation up to date?

Land Markets

1. Do interventions in the land markets reinforce the interests of economic elites that have held power?
2. Is an enabling environment in place to ensure access to land markets for all?
3. Does the program or effort ensure fair and equitable access to land markets?

Climate Change

1. Are the impacts of climate change on population movement and land use understood?
2. Are the impacts of climate change on various constituencies and in various sectors understood?
3. Are there existing climate change initiatives that can either be leveraged or where lessons can be learned for program design from a conflict perspective?

III. IMPLEMENTATION

1. How does the program promote participation that is active, free, effective, meaningful, and informed?
2. Do project staff, activities and components respect all legitimate tenure right holders and their rights?
3. Will program activities in any way repress, alienate, or delegitimize the unique identities of women and marginalized groups?
4. Is the program designed to recognize the inherent dignity and the equal and inalienable human rights of all individuals?
5. Are staff trained in and sensitive to local concerns, local definitions of dignity and appropriate interactions with communities? With women and marginalized groups?

IV. MONITORING, EVALUATION, LEARNING, & ADAPTING

1. Does the overall program include processes and mechanisms to monitor and analyze progress to encourage ongoing improvements?
2. Will program activities in any way *contain, control, or segregate* ethnic or other vulnerable groups along territorial or geographic lines?
3. Will program activities in any way *maintain or widen socioeconomic gaps* or access to natural resources through the allocation of costs and benefits in keeping with the interests of dominant groups

(economic, ethnic, governmental, etc.)? Do activities promote socio-economic deprivation or dependence by women or marginalized groups?

4. Has a context analysis been conducted and updated? What processes are in place to gather information and reflect on how the intervention could escalate or mitigate tensions? Should the intervention(s) be revised in light of the analysis?
5. Has the program reduced dividers and supported connectors? What is the evidence for this?
6. Is there a plan to capture impacts post-intervention/post land effort?
7. Do objectives and activities address key drivers of conflict and are they responsive to the conflict? Is the intervention responsive and adjusting to conflict context?
8. Have intended objectives been met? Have there been secondary outcomes' related to peacebuilding and conflict dynamics?
9. Did the land governance program/land effort effectively manage conflict-related risks? What are the effects, intended or unintended, medium, or long-term, on the wider conflict dynamics, i.e., key drivers of conflict and peace?
10. Have resources from the land program or land effort been stolen or diverted? Could the stolen or diverted resources be used for conflict purposes?
11. Was there a mechanism in place to develop options to either mitigate any negative effects or enhance Connectors?

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