

# **Natural Resources Conservation and Development**

## **Level II**

# **Learning Guide-59**

**Unit of Competence: Promoting Implementation  
of Property Rights, Land Laws and Regulations**

**Module Title: Promoting Implementation of  
Property Rights, Land Laws and Regulations**

**LG Code: AGR NRC2 M13 LO4-LG-59**

**TTLM Code: AGR NRC2 M13 TTLM 0919v1**

**LO 4: Implement conflict resolution  
mechanisms**

This learning guide is developed to provide you the necessary information regarding the following content coverage and topics:

- Identifying Source of conflicts
- Electing conflict resolution committees
- Conflict resolution mechanisms

This guide will also assist you to attain the learning outcome stated in the cover page. Specifically, upon completion of this Learning Guide, you will be able to:

- Identify Source of conflicts
- Electing conflict resolution committees
- Resolve conflict based on various resolution mechanisms

**Learning Instructions:**

1. Read the specific objectives of this Learning Guide.
2. Follow the instructions described below 3 to 6.
3. Read the information written in the information “Sheet 1, Sheet 2 and Sheet 3”.
4. Accomplish the “Self-check 1, Self-check t 2 and Self-check 3” in **page 8, 10 and 17** respectively.

### **1.1. Definition of conflict**

A conflict is defined by sociologists, is a social fact in which at least two parties are involved and whose origins are differences either in interests or in the social position of the parties. Consequently, a land conflict can be defined as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it.

A land conflict, therefore, can be understood as a misuse, restriction or dispute over property rights to land. Land issues are often root causes of armed conflict, yet often go unaddressed. Land conflicts are indeed a widespread phenomenon, and can occur at any time or place. Both need and greed can equally lead to them, and scarcity and increases in land value can make things worse. Land conflicts especially occur when there is a chance to obtain land for free– no matter if this land is state, common or someone's private property.

### **1.2. Source of conflict**

The basic sources of conflict are:

- Communication barrier
- Structural barrier
- Individual barrier (the interests of individuals)

### **1.3. Conflict related issues**

In order to successfully resolve land conflicts, it is important to be aware of the many different types of land conflicts that exist. One difference is found in the identity of the actors involved, some of them being legitimated to act in the way they do, others not. Other differences are found in aspects of the land itself, whether the conflicts occur on state, private or commonly owned land. Still other differences result from the complexity of causes of the conflict, as well as how these influence and intensify one another.

Finally, the dimension of a land conflict varies significantly which makes a major difference for its resolution. Understanding the specific nature of the land conflict under consideration is a vital step in its eventual resolution.

#### **1.4. Types of Land Conflict**

Disputes over land fall into four general categories. Within these categories, conflicts may be separated into sub categories. This system of classification builds upon the kind of land involved (state, private or common property), the specific object of the conflict as well as the legitimacy of actions and the level of violence used by the parties.

##### **A) Conflicts occurring on all types of property**

- Boundary conflicts
- Inheritance conflicts
- Ownership conflicts due to legal pluralism
- Ownership conflicts due to lack of land registration
- Ownership conflicts between state and private/common/collective owners
- Multiple sales/allocations of land
- Limited access to land due to discrimination by law, custom or practice
- Peaceful, informal land acquisitions without evictions
- Violent land acquisitions, incl. clashes and wars over land
- Evictions by land owners
- Illegal evictions by state officials acting without mandate
- Market evictions and distortion of local land market/values
- Disputes over the payment for using/buying land
- Disputes over the value of land
- Conflicts between human/cultural and natural use (flora and fauna)
- Destruction of property

## **B) Special conflicts over private property**

- Expropriation by the state without compensation
- Sales of someone else's private property
- Leasing/renting of someone else's private property
- Illegitimate expropriations by banks
- Conflicts due to land/agrarian reforms
- Conflicting claims in post-conflict situations
- Illegal/improper uses of private land
- Intra-family conflicts, especially in case of polygamy

## **C) Special conflicts over common and collective property**

- Competing uses/rights on common and collective land
- Illegal/improper uses of common property
- Unauthorized sales of common or collectively owned property
- Disputes over the distribution of revenue from customary land

## **D) Special conflicts over state property**

- Illegal/improper uses of state land
- Competing uses/rights on state property
- Land grabbing by high-ranking public officials
- Illegal sales of state land
- Illegal leases of state land (including concession land, forests, and mines)
- Disputes over revenues from state land generated through lease, sale or transformation of its use
- Improper land privatization (e.g. unfair land distribution or titling)



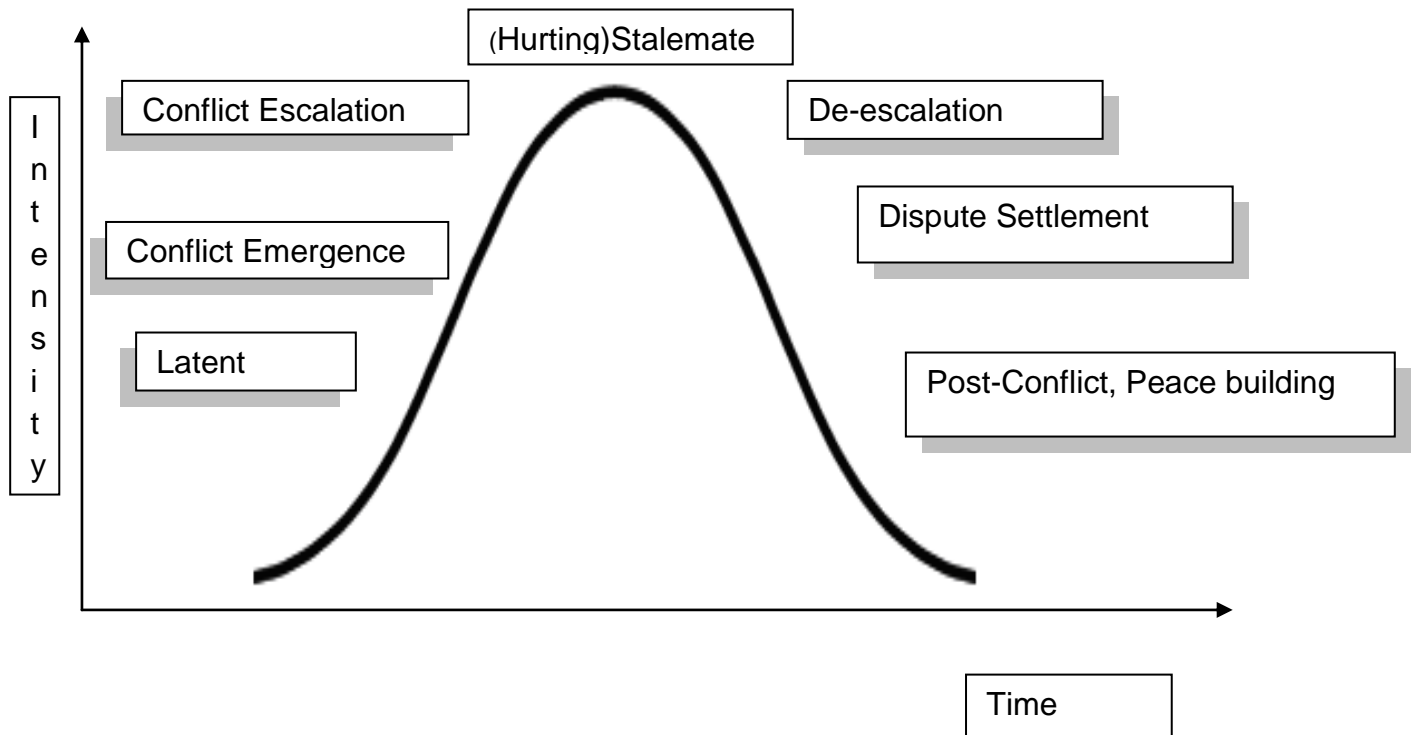
## 1.5 Signs and possible cause of conflict

Signs that indicate land disputes will be issues are:

- **A History of Conflict and Grievance:** including colonization, foreign occupation, armed conflict or the use of land to consolidate the political control of some societal groups at the cost of others.
- **Legal and Institutional Pluralism** or situations in which statutory law institutions co-exist with customary, informal or religious institutions without established hierarchies or defined relationships to each other.
- **Weak Rule of Law:** characterized by limited state capacity to enforce decisions and ensure accountability, as well as lack of political will to tackle land issues and non-transparent decision-making processes.
- **Weak Land Administration:** in which land records are either incomplete, leaving most land rights unrecorded, has not been updated consistently, or have been subject to fraud and tampering.
- **Dysfunctional land markets:** whereby there is insufficient supply of affordable and legally recognized land, forcing people to occupy land without secure land rights.
- **Conflict over land and natural resources:** in which the revenues derived from such resources, become the object of conflict or post-conflict power struggles and political consolidation.
- **Environmental degradation:** due to climate change, natural hazards, landmine pollution or industrial activities that jeopardize existing uses of land and reduce the land available for new development.

Land conflicts often have extensive negative effects on economic, social, spatial and ecological development. This is especially true in developing countries and countries in transition, where land market institutions are weak, and opportunities for economic gain by illegal action are widespread and many poor people lack access to land. Land conflicts can have disastrous effects on individuals as well as on groups and even entire nations.

## 1.6 Stages of conflict



1. **Latent conflict:** is a situation when two conflicting parties have different values, needs and interest one party bothers for another one but no harm is given.
2. **Conflict emergence:** a triggering event may emerge a conflict situation.
3. **Conflict escalation:** here, the severity and intensity of conflict increases and finally comes a situation when one party tries to harm another party.
4. **Stalemate:** is a situation in a conflict process when both parties recognize that conflict is going nowhere (no result can be obtained) and cost of continuing conflict is greater than profits gained. So they compromise and end up the conflict.
5. **De-escalation:** even the interact able conflict deescalates; both the conflicting parties sacrifice some of their grievances in order to have compromise.
6. **Settlement and agreement:** both the conflicting parties compromise and finally an agreement is being signed both the side.



<b>Self-Check -1</b>	<b>Written Test</b>
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**Directions:** Answer all the questions listed below. Use the Answer sheet provided in the next page:

1. Describe cause of conflict.(**5 points**)
2. List out and discuss the stages of conflict. (**5 points**)

**Note: Satisfactory rating - 10 points      Unsatisfactory - below 10 points**

You can ask you teacher for the copy of the correct answers.

**Answer Sheet**

Score = \_\_\_\_\_

Rating: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Short Answer Questions**





<b>Information Sheet-2</b>	<b>Electing conflict resolution committees</b>
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### **2.1. Conflict resolution committees**

- A **committee** is a group of people who take on the responsibility of managing a community group, voluntary organization, charity, trust or social enterprise. Committees are normally made up of between three and twelve people, and should meet regularly to make decisions about the direction of the organization or group. It is possible to have more than twelve people on a committee, but the more people you have round the table, the more difficult it can become to reach agreement on decisions. “The Conflict Resolution Committee” is a standing committee charged with the responsibility of managing the mediation process.

#### **A committee involves:**

- Having a shared sense of purpose (following aims & objectives)
- Providing direction and leadership
- Taking collective responsibility
- Dealing with compliance issues (e.g. Registered Charities must follow Charity Law requirements)
- Being accountable to stakeholders (e.g. members, funders, service users, the wider community)

#### **To work well, committees rely on the following:**

- Members who understand their responsibilities and role
- Having the right mixture of skills, abilities and experience around the table
- Commitment to the role and the aims and objectives of the group
- Having a sense of purpose which translates into leadership
- An understanding of the boundaries between overall direction and day-to-day management (for organizations with staff)

#### **A good committee member:**

- Commits to preparing for and attending meetings
- Has a good understanding of the community, what it does and how it does it
- Is not afraid to ask questions
- Agrees to stick to the majority decision
- Supports fellow committee members and staff
- Acts as an advocate for the community



<b>Self-Check -2</b>	<b>Written Test</b>
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**Directions:** Answer all the questions listed below. Use the Answer sheet provided in the next page:

1. What does conflict resolution committee mean? **(5 points)**
2. What are the duties and responsibilities of conflict resolution committee? **(5 points)**
3. List out the characteristics of a good committee members. **(5 points)**

**Note: Satisfactory rating - 15 points                      Unsatisfactory - below 15 points**

You can ask you teacher for the copy of the correct answers.

**Answer Sheet**

Score = _____
Rating: _____

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Short Answer Questions**



<b>Information Sheet-3</b>	<b>Conflict resolution mechanisms</b>
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### 3.1. Concepts of Conflict resolution

**Conflict resolution:** is a wide range of methods of addressing sources of conflict - whether at the inter-personal level or between states - and of finding means of resolving a given conflict or of continuing it in less destructive forms than, say, armed conflict. Processes of conflict resolution generally include negotiation, mediation, diplomacy and creative peace building. The term "conflict resolution" is sometimes used interchangeably with the terms dispute resolution or alternative dispute resolution. The processes of arbitration, litigation, and formal complaint processes through an ombudsman, are part of dispute resolution, and therefore they are also part of "conflict resolution." The concept of conflict resolution can also encompass the use of non-violent methods such as civil resistance (also often called nonviolent resistance) by a party to a conflict as a means of pursuing its goals, on the grounds that such means are more likely than armed struggle to lead to effective resolution of the conflict. Conflict resolution is a more comprehensive term which implies that the deep-rooted sources of conflict are addressed and transformed.

### 3.2. Dispute Resolution and Conflict Management

In order to speed up the settlement of land disputes federal and regional land laws state that where dispute arises over rural land holding right, effort shall be made to resolve the dispute through discussion and agreement of the concerned parties. Where the dispute could not be solved through agreement, it shall be decided by an arbitral body to be elected by the parties or be decided in accordance with the rural land administration laws. Alternative dispute resolution processes are available so that disputes can be settled by mediation and conciliation as an alternative to court actions.

Causes of dispute are Inheritance, Holding right, Marital /divorce, Boundary, Land redistribution related, Renting related, Share cropping, sale, Registration related, exchange etc.

### 3.3. Principles of conflict resolution

Effective implementation of the conflict resolution processes of negotiation, mediation, or consensus decision-making requires an understanding of the following four essential principles:

- A. **Separate people from the problem.** Every problem involves both substantive issues and relationship issues. By separating these issues, individuals come to see themselves



as working side by side, attacking the problem, not each other. Fisher and colleagues state, “Where perceptions are inaccurate, you can look for ways to educate. If emotions run high, you can find ways for each person involved to let off steam. Where misunderstanding exists, you can work to improve communication.”

- B. **Focus on interests, not positions.** Understanding the difference between positions and interests is crucial to problem solving. Interests, not positions, define the problem. Positions are something that individuals decide they want; interests are the underlying motivations behind the positions they take. Fisher and colleagues note that “compromising between positions is not likely to produce an agreement which will effectively take care of the human needs that led individuals to adopt those positions.”<sup>6</sup> Where such interests are not identified, temporary agreements may be reached, but typically do not last because the real interests have not been addressed.
- C. **Invent options for mutual gain.** Disputants focus on identifying options for resolving the conflict without the pressure of reaching a decision.

In General:

- Make sure that good relationships are the first priority.
  - Keep people and problems separate.
  - Pay attention to the interests that are being presented.
  - Listen first: talk second.
  - Set out the “Facts.”
  - Explore options together.
- D. **Use objective criteria.** Using objective criteria ensures that the agreement reflects some fair standard instead of the arbitrary will of either side.
- Using objective criteria means that neither party needs to give in to the other; rather, they can defer to a fair solution. Objective criteria are determined by disputants based on fair standards and fair procedures.

### 3.4. Steps in conflict resolution

**Conflict:** a mental and/or physical disagreement in which people’s values or needs are in opposition to each or they think that they are opposed

- Identify positions (“what are they saying”) of each side of the people in conflict.
- Learn more about the true needs and desires behind each side.
- Ask clarifying questions for more information.
- Brainstorm possible solutions.



- Discuss how each solution would affect each side and figure out possible compromises.
- Agree upon a solution.
- Implement solutions.
- Re-evaluate solutions, if necessary.

#### **a. Methods of conflict resolution**

##### **1. Litigation**

Litigation is the process of taking a case through court. The litigation or legal process is most common in civil lawsuits. In litigation, there is a plaintiff (one who brings the charge) and a defendant (one against whom the charge is brought).

Short of coercion and physical violence, the ultimate formal mechanism for conflict resolution is taking recourse to the legal system of the country. In a legal proceeding, the parties to a dispute are heard by a court of law that decides upon the case on the basis of existing laws in force in the country. In many instances, this is the only way to resolve a conflict but in many other cases, it may not be so.

##### **2. Alternative Dispute Resolution (ADR)**

To overcome the limitations of litigation, alternative dispute resolution (ADR) techniques have been developed in the West in the past century and are frequently applied in many jurisdictions successfully. Generally, alternative dispute resolution (ADR) refers to any process or collection of processes established to resolve disputes without trial or violence. The term “ADR” is often used to refer to a broad category of “ADR processes” such as negotiation, conciliation, mediation, settlement conferences, arbitration, consensus building, and community conferencing. In addition, ADR includes conflict management and prevention systems, such as an ombudsman office, which can help people, decide what dispute resolution process they want to use. Often, one or more ADR processes may be appropriate for resolving certain kinds of disputes. The common ADR methods are as follows:

**A. Negotiation**

**B. Facilitation**

**C. Mediation**

**D. Arbitration**



**A. Negotiation** is a process where the parties to the dispute meet to reach a mutually acceptable solution. There is no facilitation or mediation by a third party: each party represents its own interest. Large disputes over public policy are increasingly being settled using processes based on mediation and negotiation, commonly referred to as negotiated rule making or regulatory negotiation. Representatives of interested parties are invited to participate in negotiations to agree on new rules governing issues such as industrial safety standards and environmental pollution from waste sites.

#### **Use effective interpersonal skills**

##### **Effective verbal and non-verbal communication during negotiations**

Without communication there is no negotiation. Negotiation is a process of communicating back and forth for the purpose of reaching a joint decision. There are three typical problems with achieving effective communication.

**First**, parties to a dispute may not be talking to each other, and are unwilling to do so. **Second**, even if they are talking to each other, they may not be hearing what each is trying to communicate to the other, possibly because they have already made up their minds about each other and each other's intentions. **Third**, even where there is relative harmony between parties, a dispute may arise and be difficult to resolve because there is a general misunderstanding, for example about one party's motives for an action.

**B. Facilitation** is a process in which an impartial individual participates in the design and conduct of problem-solving meetings to help the parties jointly diagnose, create and implement jointly owned solutions. This process is often used in situations involving multiple parties, issues and stakeholders, and where issues are unclear. Facilitators' create the conditions where everybody is able to speak freely but they are not expected to volunteer their own ideas or participate actively in moving the parties towards agreement.

Facilitation may be the first step in identifying a dispute resolution process.



**C. Mediation** is a process of settling conflict in which an outside party oversees the negotiation between the two disputing parties. The parties choose an acceptable mediator to guide them in designing a process and reaching an agreement on mutually acceptable solutions. The mediator tries to create a safe environment for parties to share information, address underlying problems and vent emotions. It is more formal than facilitation and parties often share the costs of mediation. It is useful when the parties have reached an impasse.

**D. Arbitration** is usually used as a less formal alternative to litigation. It is a process in which a neutral outside party or a panel meets with the parties in a dispute, hears presentations from each side and makes an award. Such a decision may be binding or not according to agreements reached between the parties prior to formal commencement of hearings. The parties choose the arbitrator through consensus and may set the rules that govern the process.

Arbitration is often used in the business world and in cases where parties desire a quick solution to their problems.

Arbitration is a quasi-judicial process in which people in a dispute present their views to one or more knowledgeable neutral people who decide how the dispute will be resolved. Arbitrators review evidence, hear arguments, and make a decisions, often in the form of a monetary “arbitration award” paid by one person to the other. Arbitration is generally a binding process, which means that the participants agree up front to abide by the arbitrators’ decision. In “high/low” binding arbitration, the participants may negotiate in advance an upper and lower limit for the arbitrators’ award.

**3.5. Five basic ways of addressing conflict were identified by Thomas and Kilmann in 1976:**

- **Accommodation/lose-win** – surrender one's own needs and wishes to accommodate the other party.



- **Avoidance/no winners-no losers** – avoid or postpone conflict by ignoring it, changing the subject, etc. Avoidance can be useful as a temporary measure to buy time or as an expedient means of dealing with very minor, non-recurring conflicts. In more severe cases, conflict avoidance can involve severing a relationship or leaving a group.
- **Collaboration/ win-win** – work together to find a mutually beneficial solution. Collaboration as the only win-win solution to conflict, collaboration can also be time-intensive and inappropriate when there is not enough trust, respect or communication among participants for collaboration to occur.
- **Compromise/ win some-lose some** – bring the problem into the open and have the third person present. The aim of conflict resolution is to reach agreement and most often this will mean compromise.
- **Competition/ win-lose**– assert one's viewpoint at the potential expense of another. It can be useful when achieving one's objectives outweighs one's concern for the relationship.





<b>Self-Check -3</b>	<b>Written Test</b>
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**Directions:** Answer all the questions listed below. Use the Answer sheet provided in the next page:

1. What are conflict resolution methods? **(2 points)**
2. List out and explain principles of conflict resolution. **(4 points)**
3. Identify the steps of conflict resolution. **(4 points)**

**Note: Satisfactory rating – 10 points**

**Unsatisfactory - below 10 points**

You can ask you teacher for the copy of the correct answers.

### Answer Sheet

Score = _____
Rating: _____

Name: \_\_\_\_\_

Date: \_\_\_\_\_

### Short Answer Questions