

TOOLKIT AND GUIDANCE FOR PREVENTING AND MANAGING
LAND AND NATURAL RESOURCES CONFLICT

Strengthening Capacity for Conflict-Sensitive Natural Resource Management



with funding and support from the European Union



The United Nations
Interagency Framework Team for Preventive Action

About the United Nations Interagency Framework Team for Preventive Action

The United Nations Interagency Framework Team for Preventive Action (the Framework Team or FT) is an internal United Nations (UN) support mechanism that assists UN Resident Coordinators (RCs) and UN Country Teams (UNCTs) in developing conflict prevention strategies and programmes. The FT works closely with UN departments and UN agencies, funds and programmes (UN AFPs) to improve programme effectiveness through better interagency collaboration within Headquarters, and between Headquarters and the field.

The framework team coordinates the partnership between the United Nations (UN) and the European Union (EU) entitled for Preventing and Managing Land and Natural Resources Conflict' on behalf of the partner agencies: the UN Department of Economic and Social Affairs (UNDESA), the UN Development Programme (UNDP), the UN Environment Programme (UNEP), the UN Human Settlements Programme (UN-HABITAT), the UN Department of Political Affairs (DPA), and the Peacebuilding Support Office (PBSO).

About this Guidance Note

This Guidance Note has been prepared by the Conflict Prevention Group at UNDP's Bureau for Crisis Prevention and Recovery (BCPR). It was prepared on behalf of the Framework Team and in collaboration with the Standing Committee of the project, consisting of the EU, UNDESA, UNDP, UNEP, UN-HABITAT, DPA and PBSO. It was submitted for peer review to participating UN departments and UN AFPs.

Copyright © 2012

This publication may be reproduced in whole or in part and in any form for educational or non-profit purposes without special permission from the copyright holder, provided acknowledgement of the source is made. No use of this publication may be made for resale or for any other commercial purpose whatsoever without prior permission in writing from the Framework Team or the BCPR.

Disclaimers

This document has been produced with the financial assistance of the EU. The views expressed herein can in no way be taken to reflect the official opinion of the UN or the EU. The designations employed and the presentation of material in this information product do not imply the expression of any opinion whatsoever on the part of the UN concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. The mention of specific companies or products of manufacturers, whether or not these have been patented, does not imply that these have been endorsed or recommended by the UN in preference to others of a similar nature that are not mentioned.

Cover photo: UNDP, India

Design: Creatrix Design Group

EU-UN PARTNERSHIP

Toolkit and Guidance for Preventing and Managing Land and Natural Resources Conflict

The management of land and natural resources is one of the most critical challenges facing developing countries today. The exploitation of high-value natural resources, including oil, gas, minerals and timber has often been cited as a key factor in triggering, escalating or sustaining violent conflicts around the globe. Furthermore, increasing competition over diminishing renewable resources, such as land and water, are on the rise. This is being further aggravated by environmental degradation, population growth and climate change. The mismanagement of land and natural resources is contributing to new conflicts and obstructing the peaceful resolution of existing ones.

To improve capacity for land and natural resource management (NRM) and conflict prevention, the EU partnered with the UN Framework Team in late 2008. The aim of this partnership was to develop and implement a strategic multi-agency project focused on building the capacity of national stakeholders, the UN system, and the EU to prevent land and natural resources from contributing to violent conflict. Six UN agencies, programmes or departments have been involved, including UNDESA, UNDP, UNEP, UN-HABITAT, DPA and PBSO. The partnership is also designed to enhance policy development and programme coordination between key actors at the level of country offices.

The first outcome of this project is an inventory of existing tools and capacity within the UN system and a set of four Guidance Notes on addressing NRM and conflict prevention. These Guidance Notes cover: (i) Land and Conflict (ii) Extractive Industries and Conflict (iii) Renewable Resources and Conflict, (iv) Strengthening Capacity for Conflict-Sensitive Natural Resource Management.

Based on the Guidance Notes, the second outcome of the project is to deliver a series of training modules for UN and EU staff in country offices, as well as local partners, to enhance the knowledge and skills needed to understand, anticipate, prevent, and mitigate potential conflicts over land and natural resources. Participants will acquire the skills to formulate and operationalize preventive measures in relation to NRM and conflict.

In countries where specific NRM and conflict challenges are identified, the project will aim to provide focused technical assistance in the development of conflict prevention strategies. This could include the deployment of staff and other experts to assist the UN Country Team (UNCT), including the Resident Coordinator (RC) or Peace and Development Advisor, in analysing options and designing programmes. Where needed, dedicated follow-up measures will also be undertaken on an inter-agency basis, in partnership with the EU.

For more information, please contact the Framework Team Secretariat at: framework.team@undp.org.

ACRONYMS

ADR	Alternative Dispute Resolution
AFP	Agency, Funds and Programmes (of the United Nations)
ASM	Artisanal and Small-scale Mining
CBNRM	Community-Based Natural Resource Management
CSOs	Civil Society Organizations
CSPs	Country Strategy Papers
EIA	Environmental Impact Assessment
EITI	Extractive Industries Transparency Initiative
FDI	Foreign Direct Investment
FLEGT	Forest Law Enforcement, Governance and Trade
GDP	Gross Domestic Product
GEF	Global Environment Facility
GBV	Gender-Based Violence
HLP	Housing, Land and Property rights
IUU	Illegal, Unreported and Unregulated
EI/EIs	Extractive Industry/Extractive Industries
EITI	Extractive Industries Transparency Initiative
EU	European Union
FT/Framework Team	Interagency Framework Team for Preventive Action
ICCM	International Council on Mining and Metals
ICZM	Integrated coastal zone management
IDPs	Internally Displaced Persons
IWRM	Integrated Water Resource Management
MFP	Multi-Stakeholder Forestry Programme
NGO	Non-Governmental Organization

NRM	Natural Resource Management
PCNA	Post-Conflict Needs Assessment
PES	Payment for Ecosystem Services
PPPs	Public-Private Partnerships
RC	Resident Coordinator
SFM	Sustainable Forest Management
SMEs	Small to Medium Enterprises
UN	United Nations
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDESA	UN Department of Economic and Social Affairs
UNDP	United Nations Development Program
UNDPA	United Nations Department of Political Affairs
UNEP	United Nations Environment Programme
UN-HABITAT	United Nations Human Settlements Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNPBSO	United Nations Peacebuilding Support Office
VPs	Voluntary Principles on Security and Human Rights
WCD	World Commission on Dams

TABLE OF CONTENTS

EXECUTIVE SUMMARY	6
1 INTRODUCTION.....	8
1.1 The role of natural resources in conflict.....	8
1.2 Objectives and structure of this Guidance Note	9
2 THE CHALLENGE OF FRAGILE AND CONFLICT-AFFECTED STATES	11
2.1 Good governance for conflict prevention	11
2.2 Natural resources in peace negotiations.....	12
2.3 Special challenges in the aftermath of conflict	12
3 CAPACITY BUILDING GOALS.....	13
4 DIMENSIONS OF CAPACITY BUILDING	14
4.1 Building institutions, knowledge, leadership, and accountability	14
4.2 Moving from technical performance to peacebuilding	15
4.3 The process of conflict-sensitive NRM	15
5 STRENGTHENING CAPACITY TO MANAGE LAND DISPUTES	18
5.1 Understand the land and conflict context.....	18
5.2 Explore and design options to address land conflicts and prevent violence.....	19
5.3 Build an inclusive, transparent, and accountable system to deliver secure land rights	21
5.4 Monitor and evaluate integrity, performance, sustainability, and land conflicts	23
6 STRENGTHENING CAPACITY TO MANAGE DISPUTES OVER RENEWABLE RESOURCES.....	24
6.1 Understand the renewable resources and conflict context	24
6.2 Explore and design options to address resource conflicts and prevent violence	25
6.3 Build inclusive, transparent, and accountable water, forest, and agricultural management systems	26
6.4 Monitor and evaluate integrity, performance, sustainability, and conflicts	28
7 STRENGTHENING CAPACITY TO MANAGE DISPUTES OVER EXTRACTIVE RESOURCES.....	29
7.1 Understand the resource extraction and conflict context.....	29
7.2 Explore and design options to manage Extractive Industries and prevent violence	30
7.3 Build an inclusive, transparent, and accountable Extractive Industries sector	31
7.4 Monitor and evaluate integrity, performance, sustainability, and conflicts.....	33

8	COMMON CAPACITY BUILDING CHALLENGES	35
8.1	Who sets national priorities?	35
8.2	Quick service-delivery or long-term capacity development?.....	35
8.3	Strategy and coordination among international actors.....	35
8.4	Did it do any good?.....	35
9	CONCLUSION	36
10	ADDITIONAL RESOURCES	37
10.1	Capacity building and assessment	37
10.2	Conflict analysis	37
10.3	Corruption	38
11	REFERENCE AND FURTHER READING	39

References.....	42
-----------------	----

Acknowledgements.....	43
-----------------------	----

Examples contained in this Guidance Note include:

Table 1:	Comparing capacity development in fragile and post-conflict and ‘normal’ development contexts.....	11
----------	----------------------------------------------------------------------------------------------------	----

Case Studies contained in this Guidance Note include:

Case Study 1:	Encouraging leadership in Burundi	16
Case Study 2:	Timor-Leste: developing law and policy in a post-conflict setting.....	20
Case Study 3:	Kyrgyzstan: legal rights advocacy through community empowerment	22
Case Study 4:	Ecuador: land titling and claim adjudication through community paralegals	22
Case Study 5:	Indonesia: The Multi-stakeholder Forestry Programme (MFP).....	27

EXECUTIVE SUMMARY

Natural resources and conflict

Conflict arises when two or more groups believe their interests are incompatible. Conflict is not in itself a negative phenomenon. Non-violent conflict can be an essential component of social change and development, and is a necessary component of human interaction. Non-violent resolution of conflict is possible when individuals and groups have trust in their governing structures, society and institutions to manage incompatible interests.

Conflict becomes problematic when societal mechanisms and institutions for managing and resolving conflict break down, giving way to violence. Societies with weak institutions, fragile political systems and divisive social relations can be drawn into cycles of conflict and violence. Preventing this negative spiral and ensuring the peaceful resolution of disputes is a core interest of the international community. The challenge for UN, EU and other international actors is to promote positive social transformation, while mitigating the risks and potential impacts of violent and damaging conflict.

Environmental factors are rarely, if ever, the sole cause of violent conflict. However, the exploitation of natural resources and related environmental stresses can be implicated in all phases of the conflict cycle, from contributing to the outbreak and perpetuation of violence to undermining prospects for peace. This Guidance Note accordingly focuses on the role of natural resources in triggering, escalating or sustaining violent conflict. Its aim is to provide practical guidance on the role that the UN and EU can play in early warning and assessment, structural conflict prevention (long-term measures) and direct conflict prevention (short-term measures). It is meant to provide a combination of strategic advice and operational guidance, as well as to unite existing tools and guidance under a single framework.

Capacity-building and conflict prevention

Conflict-sensitive natural resource management (NRM) systems are an important tool for preventing violence. A NRM system is conflict-sensitive if the power to make decisions about vital resources can be contested by different stakeholders without violence. This, in turn, requires a government that is capable, accountable, transparent and responsive to the wishes and needs of its population. In this way, natural resources have the potential to be turned from triggers for violence into a tangible commitment on the part of the government to peace and development. It also requires a civil society that is ready and able to engage with the government to manage resources in a sustainable, profitable and non-violent manner. External actors, such as the UN and the EU can help build the capacity of conflict-affected and fragile societies to understand, manage, mediate and respond to natural resource conflicts without violence, but the process must be led from within.

This Guidance Note first identifies some of the challenges associated with capacity-building for NRM that arise in conflict-affected and fragile states; it then focuses on the goals of NRM and capacity-building. A country's NRM goals are likely to include promoting economic development and fostering sustainable resource use. But these goals will likely remain unmet so long as potentially violent tensions remain unresolved. It is critically important to convince powerful stakeholders to "buy in" to governance systems and to address resource conflicts peacefully.

To help countries pursue growth and sustainability while preventing violent conflicts, the EU and UN should:

1. Work with governments to build the capacity of, and mediate between, different stakeholders; and,

2. Assist civil society to participate in the NRM process at all levels.

Creating and maintaining social “buy in” to a NRM system requires government and civil society actors to not only fulfil scientific or technical roles, but also develop peacebuilding capacities. These capacities include: the “soft skills” of negotiation, mediation, and dialogue; the ability to communicate effectively; a culture of accountability, inclusivity, and responsiveness to the public; and, a willingness to share power with other stakeholders.

The EU and UN should help government and civil society stakeholders to strengthen both the technical and the peacebuilding skills needed to manage natural resources. Conflict-sensitive NRM can be broken down into four steps. At every stage, external actors can help countries to develop the knowledge, institutions, leadership, and accountability necessary to address conflicts over natural resources peacefully:

- **Develop shared understandings of the resource and conflict context:** Preventing violence over resources begins with an analysis of the role that resources can play in conflict. Ideally, the conflict analysis process should be inclusive and participatory. Additionally, national and international actors should also assess skill gaps – in government and civil society – in order to design appropriate training. Finally, assessing environmental knowledge gaps is another important early step. Baseline environmental data is often poor in developing countries, particularly in post-conflict situations.
- **Design natural resource policies and projects:** Based on the analysis, stakeholders should be able to engage in dialogue on priority issues and begin to establish a shared vision of how different elements and actors can come together to form a sustainable and effective NRM system. Inclusion and broad participation of stakeholders is vital. Governance issues that

are likely to arise include: changes to legal and regulatory frameworks; the development of specific NRM activities ranging from land titling to construction of water infrastructure; strengthening local dispute resolution systems; and, enhancing both government and civil society oversight capabilities.

- **Build inclusive, transparent and accountable NRM systems:** Conflict-sensitive management is based on a governmental commitment to inclusive decision-making, transparency, and accountability. All governments can strengthen their position by providing services, information and analysis to citizens. Credibility and public support come from acting transparently and accountably, and from empowering local communities to act. For these reasons, and in order to make the best use of both limited state capacities and local knowledge and interest, developing government authority for some decisions and functions to the community level may be critical to the success of NRM.
- **Monitor and evaluate environmental trends and results:** Monitoring and evaluating allows a society to continually determine whether conflicts are being adequately addressed, if new conflicts are emerging, whether resource use practices are moving towards environmental sustainability at a reasonable pace, and to what extent popular expectations are being met.

The second half of this Guidance Note contains practical actions that UN and EU can take to apply these basic capacity-building concepts in the specific contexts of disputes over land, extractive resources, and renewable resources. The Guidance Note concludes by providing links to resources, partners and reading materials that staff can draw on to support their conflict prevention and capacity-building efforts.

1

INTRODUCTION

1.1 The role of natural resources in conflict

Natural resource conflicts arise when parties disagree about the management, distribution and protection of natural resources and related ecosystems. These conflicts can escalate into destructive relations and violence when the parties are unable or unwilling to engage in a constructive process of dialogue and conflict resolution.

Societies lacking the institutional arrangements that facilitate constructive conflict resolution can be drawn into intractable cycles of conflict and violence, particularly where political systems are fragile, and in situations where divisions between opposing parties are extreme.

Conflict becomes problematic when societal mechanisms and institutions for managing and resolving conflict break down, giving way to violence. Societies with weak institutions, fragile political systems, and diverse societal relations can be drawn into cycles of conflict and violence. Preventing this negative spiral and ensuring the peaceful resolution of disputes is a core interest of the UN and the EU.

While there are many issues that can cause conflict between groups, the role of natural resources in triggering, escalating, or sustaining violent conflict is the focus of this series of Guidance Notes. They provide practical guidance on the role that the UN and EU can play in terms of early warning and assessment, structural conflict prevention (long-term measures) and direct conflict prevention (short-term measures). They are meant to provide a combination of strategic advice and operational guidance, as well as uniting the existing tools and guidance under a single framework.

The urgency of developing practical guidance on preventing conflicts over natural resources was highlighted by a 2009 UNEP Report entitled *From Conflict to Peacebuilding: The Role of Natural Resources and the Environment*. This report synthesizes a decade of academic research, and draws upon the United Nations experiences working on the linkages between natural resources, violent conflict, and peacebuilding. The main findings from the report include:

- Over the past 60 years, 40% of civil wars can be associated with natural resources; since 1990 there have been at least 18 violent conflicts fuelled by the exploitation of natural resources.
- Natural resources and other environmental factors are linked to violent conflict in a variety of ways that are often obscured by more visible drivers such as ethnic tensions. Specifically, competition to control or gain access to natural resources can contribute to the outbreak of violent conflict. Natural resources can be exploited by rebel groups to fund war. During conflict, individuals and groups may be able to exploit natural resources in ways that create an incentive for them to abstract or undermine efforts to build peace.
- The environment suffers tremendous harm during violent conflict: resources may be targeted for destruction or damaged by bombs and other ordinance; war may displace populations into fragile environments where the struggle to survive degrades the resource base; and, the institutions designed to manage the environment may be disrupted or shut down during a war.
- In rebuilding war-torn societies, the environment and natural resources play a

number of crucial roles – from supporting economic recovery, through the creation of livelihoods and the resettlement of displaced populations, to providing opportunities for dialogue, cooperation, confidence-building, and government reform.

The main conclusion of the report is that natural resources can play different roles throughout the conflict cycle. Understanding both the dynamics of the natural resource in question and the specifics of how it can contribute to the conflict cycle can help policy-makers and practitioners ensure that conflict prevention and conflict-sensitivity are included within all NRM programmes.

Though each particular crisis or conflict has a dynamic of its own based on local politics, economics and history, the need for preventative action is clear. Politicized revenue allocation from natural resources based around ethnic, religious, or regional lines has been a major driver of internal conflict. Similarly, politicized allocation of water, land, and other renewable resources is constantly driving low level conflict, which can spark into major violence when linked to ethnic, national and other divisions. Migration away from environmentally degraded regions can also cause confrontation within countries and across borders.

Even in countries that have not experienced conflict, the corrupting influence on elites of revenues from high-value natural resources is a powerful source of underdevelopment and failing economies. The World Bank estimates that over the last 40 years developing countries without major natural resources have grown two to three times faster than those with high resource endowment.¹

Fortunately, there is no lack of operational tools and policy options to address these issues. A wealth of experience exists on preventing and managing environmental disputes, designing NRM systems, and allocating resource revenues that can be used to reduce instability risks.

There is a deficit, however, in the application of these tools, in the development and coordination of conflict prevention strategies, and in addressing the

roots of instability during development programmes. In a world of rising resource scarcity, a reactive and piecemeal approach will not preserve security and stability. This project and set of Guidance Notes aims to address this gap by increasing awareness, attention and action towards NRM and conflict prevention, as well as providing an inventory of tools and examples that can be drawn upon at the operational level.

1.2 Objectives and structure of this Guidance Note

This is one of four Guidance Notes in a series entitled, ‘Toolkit and Guidance for Preventing and Managing Land and Natural Resources Conflict’. The other three Guidance Notes address: land and conflict; renewable resources and conflict, and the Extractive Industries. The Guidance Notes are aimed at UN and EU policy-makers and practitioners who design and implement programmes in situations where environmental drivers are a major cause of, or contributing factor to, conflict. This Guidance Note addresses the capacity-building component of NRM i.e. the skills, institutions, practices, and relationships among state and civil society actors needed to effectively manage and prevent violent conflicts over these vital resources.

The other Guidance Notes in this series explore why land, renewable resources, and extractive resources are often root causes of conflict. Briefly, in developing states, many people’s lives and livelihoods are dependent on access to land, water, forests, and other renewable resources. The sustainable use of such natural resources require care, ‘adaptiveness’, and participation by many people; in many conflict-affected states and post-conflict states, these abilities may not be sufficiently developed. Further, a nation emerging from conflict is likely to be dependent on natural resources for economic growth and prosperity, particularly if high-value extractive resources are available. When any of these resources become scarce or degraded, or when claims to them come into conflict, “peace dividends” disappear and other tensions within society may be exacerbated. The results can be explosive.

Building capacity in government and civil society institutions is central to implementing the policy suggestions found in the other Guidance Notes in this series. In conflict-affected states, state and civic institutions have often been weakened, politicized, and de-legitimized by violence, and may not play a constructive role in the resolution of disputes. This weakness cannot go unaddressed by development professionals. Building capacity for conflict-sensitive NRM, both within the state and civil society, is critical to the success of conflict prevention, recovery, and peacebuilding efforts.

It is important to note that this Guidance Note is a roadmap, not an instruction manual. It attempts to help further understanding amongst EU and UN staff on *what needs to be done* in order to integrate

conflict prevention and post-conflict recovery concerns into capacity-building efforts in the NRM sector – *not how to do it*. Thus, while the Guidance Note covers the basic functions and goals of a NRM system, it is not detailed a step-by-step guide to building environmental protection agencies, land registries, mining regulators, or similar institutions. And, while the Guidance Note emphasizes that conflict analysis is the first step towards building capacity to prevent resource conflicts, it does not contain detailed instructions on any particular conflict analysis methodologies. Instead, the “Additional Resources” and “Further Reading” sections are included at the end of this paper for further guidance.



Photo: UNEP, Gaza

2 THE CHALLENGE OF FRAGILE AND CONFLICT-AFFECTED STATES

The conditions encountered in fragile and post-conflict contexts can complicate the work of development practitioners. Table 1 summarizes some of the key distinctions that affect capacity-building efforts.

2.1 Good governance for conflict prevention

In any society, but particularly in a fragile or conflict-affected state, a system that effectively and inclusively shares NRM functions between

government and civil society can help convince powerful stakeholders to “buy in” to the governance system and address resource conflicts peacefully. This requires the government to not only fulfil technical functions such as monitoring water quality, but also to develop negotiation, mediation, and dialogue skills, a culture of accountability, responsiveness to the public, tools for effective communication, and a willingness to share power with other stakeholders.

In conflict-affected contexts, the capacity-building challenge is to integrate these and other

TABLE 1: Comparing capacity development in fragile and post-conflict and ‘normal’ development contexts

Features shared with peacetime development	Features distinctive to fragile and post-conflict contexts
<ul style="list-style-type: none"> • Need to consider sustainability and reinforcement of endogenous capacity; • Long timeframe; • Requires change agents, champions, political will and ownership; • Importance of adapting approaches to context; and, • Systems perspective to capture complexity and interconnections. 	<ul style="list-style-type: none"> • Pressure to restore services and security quickly, often under severe infrastructure challenges; • Shorter timeframe; • Hyper-politicised environment; • Little “margin of error” (e.g. lack of: trust, social capital, institutional resilience, etc.); • Society may be experiencing significant disruptions, including population movements and social trauma; • Limited capacity to build on, ‘own,’ and oversee capacity development processes; • Often not simply rebuilding, but creating new capacities; • Local institutions may lack legitimacy; • Broader range of international actors involved; • Higher risk of dependence on external actors; • Risk of capacity objectives being skewed by dynamics of conflict; and, • Potential to ‘build back better.’

Source: Adapted from: Bruch, Carl; Jensen, David; Nakayama, Mikiyasu; Unruh, Jon; Gruby, Rebecca and Wolfarth, Rebecca, ‘Post-Conflict Peacebuilding and Natural Resources’, *Yearbook of International Environmental Law*, Volume 19, 2009, pp. 58 – 96

“peacebuilding capacities” into the design and the practices of government agencies and civil society organisations for which peacebuilding is secondary to a primary mandate such as water delivery, resource extraction, or environmental protection.

Capacity-building must be a gradual, sustained, and country-owned process. Institutions and infrastructures cannot be imposed or imported, and strengthening or reforming existing ones takes time.

2.2 Natural resources in peace negotiations

In post-conflict societies, the design of a NRM system may be constrained by the bargains struck in the process of reaching a peace agreement. In some cases, there may be an immediate need for capacity-building – or at least a capacity “loan” – during the course of peace negotiations. Parties to a negotiation may have unequal access to information about the value and condition of the resources at stake, and this may frustrate attempts to reach a peace agreement.² Further, well-informed negotiators are more likely to reach an agreement that is adhered to in the long run.

2.3 Special challenges in the aftermath of conflict

Peacebuilding capacities are equally critical in post-conflict settings because the challenges and opportunities are even greater. On the one hand, the post-conflict period often offers a disruptive moment of change.³ But capacity-building efforts start from a very low base because conflict drastically weakens both government and civil society. Physical infrastructure can be destroyed to varying degrees in conflicts. Institutions can become dysfunctional, divisive and less representative. Claims to leadership positions conflict with ambiguous boundaries between what constitutes formal and informal legitimacy. Conflict disrupts education, experienced

workers may flee or die, and the institutional memory and relationships necessary for an effective and functional state may disappear, while corruption can easily become endemic. Citizens suffer psychosocial trauma and their attitudes towards uncertainty, risk, learning, decision-making, trust and authority may change in ways that inhibit reconciliation and reconstruction efforts.

A post-conflict context comprises a wide range of other constraints including widespread distrust, poor and incomplete data, deeply entrenched unsustainable coping behaviours, and urgent priorities linked to the most basic human needs, which can make it difficult to take full advantage of the disruptive opportunity.⁴ Capacity development in such environments is not neutral, but entails potentially conflictive processes that create both ‘winners’ and ‘losers’.

Despite these difficulties, in post-conflict contexts it is important to:

- Provide early support for state institutions to lead conflict-sensitive recovery planning;
- Build state capacity to deliver peace dividends;
- Strengthen systems of local governance; and,
- Build the capacity of civil society and local authorities to mediate, make decisions and plan for recovery.⁵

3

CAPACITY BUILDING GOALS

Many societies, both conflict-prone and post-conflict, would benefit from developing a NRM system that is designed to:

- Contribute to economic development;
- Foster sustainable use of land and renewable resources while minimizing and compensating for the negative environmental and social impacts of extractive activities; and,
- Address resource-based conflicts peacefully.

On one level, a capacity-building programme is successful if it: enables a country to foster conditions that attract Foreign Direct Investment (FDI) to resource-based economic activities; enhances employment generation; increases budget revenues; and strengthens state-society relations. However, the overwhelming majority of livelihoods in conflict-affected states are dependent on access to land and renewable natural resources such as forests and water. Therefore, economic development goals will not be met while practices revolving around unsustainable resource use remains. Similarly, Extractive Industries – which often provide relatively few locally based jobs – may impose heavy and uncompensated burdens on the land, water, forests, and other resources that traditionally underpin most livelihoods in other sectors of the economy.

In addition to providing economic benefits and environmental wellbeing, NRM systems in conflict-affected or fragile states must also counteract the very salient risk of violence. Natural resources are valuable livelihood assets imbued with deep cultural, religious, and social meaning. For these reasons, they are also recurrent sites for contestations of power. Technical institutions and practices cannot be

imposed unilaterally; they must be negotiated into existence with the support of many stakeholders. This is particularly true where capacity to manage natural resources starts from an extremely weak base. The risk of violence is reduced if powerful stakeholders, for whom violence is an available option, view it as in their interests to take a non-violent approach, and are empowered to identify existing and potential conflicts between themselves and participate meaningfully in a governance system that provides peaceful remedies.

Therefore, the goals of EU and UN in the context of capacity-building for NRM in conflict-affected and post-conflict contexts should be:

- To help governments *enable* and *mediate between* different stakeholders (rather than trying to *control* them); and,
- To help civil society participate in the resource management process at local and national levels.

A government that seeks buy in from conflicting groups must develop credibility and trust by listening to their priorities and supporting their decisions, delivering visible improvements, and providing relevant education and tools. In turn, non-governmental stakeholders must be able to voice their concerns, respond to government action, and engage in the NRM process on a sustained basis. Building a society's capacity to manage natural resources in this way helps it develop its own conflict prevention mechanisms while meeting its environmental and economic goals.

4

DIMENSIONS OF CAPACITY BUILDING

Capacity-building for NRM refers to the process through which individuals, organizations and societies can obtain, strengthen and maintain the capabilities to set and achieve their own NRM objectives over time. NRM is a multi-dimensional challenge. Development professionals must aid governments and civil society in building institutions, leadership, knowledge, and accountability. These actors also need to acquire both technical and peacebuilding capacities. Strategic direction, long-term continuity and local ownership of such processes are crucial if capacity-building is to be successful.⁶

4.1 Building institutions, knowledge, leadership, and accountability

UNDP's approach to capacity-building⁷ focuses on four domains that underpin the successful execution of every function of a NRM system: governance and institutional arrangements; leadership; knowledge; and, accountability.

- **Governance and institutions:** Bound by a framework of laws and regulations and managed transparently, inclusively, and accountably, governmental and civic institutions can encourage: the sustainable use of land, water, and forests; mitigate the social and environmental impact of extractive activities; and, fairly allocate the benefits, burdens, and responsibilities of resource extraction. Such institutions can also help resolve disputes over ownership, access, and use of natural resources in a non-violent manner. However, negotiating the creation or revision of an institutional framework is a complex challenge in conflict-affected and fragile states, where there may be different levels of authority at which informal actors coexist or compete with formal institutions.⁸
- **Leadership:** Leadership is critical in identifying conflicts and establishing a shared vision of how different elements will come together to make up a sustainable and effective NRM system. More importantly, it takes committed and sustained leadership to build the institutional cultures, long-term relationships, practices, and trust necessary for effective and non-violent management of natural resources. Leaders may serve as 'champions of change', modelling desired behaviours such as accountability and integrity, or lend legitimacy and credibility to state or non-state institutions.⁹ Building capacity for leadership can be politically difficult and requires practitioners to engage local partners on sensitive issues relating to power, trust and culture.
- **Knowledge:** Knowledge underpins capacity development. Management of natural resources, ecological systems, and social conflicts is founded on specific types of knowledge: including environmental science, law, technology, and policy; an understanding of historic and emerging conflicts over resources; knowledge of the negotiation, active listening, and dialogue facilitation techniques needed to address stakeholder grievances and needs; and others.
- **Accountability:** Accountability, and the related values of transparency and inclusion, is vital aspects of an effective NRM system; trust and cooperation between stakeholders will not be achieved without them. Accountability exists

when duty-bearers deliver on their obligations and rights-holders can vindicate their rights. Donors have traditionally focused on basic fiduciary accountability and transparency, and these are indeed important, particularly in the extractive industries where billions of dollars are at stake. But accountability also concerns the willingness and ability of public institutions to put in place systems and mechanisms to engage citizen groups, to capture and use their feedback, and the capacity of people to make use of such platforms.¹⁰

4.2 Moving from technical performance to peacebuilding.

International actors often focus on building **technical capacities**, including the most appropriate methods and techniques, trained personnel, and hardware for the performance of sector-specific functions such as geological surveying, land demarcation and titling, water quality testing, valuing timber or ecosystem services, or administrative/managerial functions such as budgeting and recruiting.

Although infrastructure, equipment and staff are important, “engaging with stakeholders”¹¹ constitutes another vital capacity. In conflict-affected situations, stakeholder engagement is so critical that it must be fully integrated into all government actions. Indeed, the term should be unpacked to reveal the many different **peacebuilding capacities** that go into engaging stakeholders.

Peacebuilding capacities are what make stakeholder engagements possible. They are highly developed processes, institutions, and skills – both traditional and modern – for mediating tensions over access to resources, managing recurring conflicts before they lead to violence, ensuring widespread and equitable access to justice, and building consensus around critical national priorities.¹² They include: facilitating open consultation and dialogue; mediation; negotiation; active listening; building consensus; and, developing and using collaborative models of change. These capacities allow states to exist as self-mediated entities that represent an inclusive balance of relations between the key groups and sectors in a society.

4.3 The process of conflict-sensitive NRM

Conflict-sensitive NRM can be broken down into four steps. These steps provide an organizing framework for addressing capacity-building challenges

a) Understanding the resource and conflict context:

Preventing violence over natural resources begins with an analysis of the role they play in conflict. Ideally, the analytical process should be inclusive and participatory to allow stakeholders to define the particulars of their resource conflicts for themselves, and begin to develop an understanding of the dynamics of the situation and possible responses, as well as an understanding of the perspectives of other stakeholders.¹³ Conflict analysis also helps the EU and UN to maintain a conflict-sensitive approach to capacity-building efforts and ensure that their efforts ‘do no harm’. It is important for international actors to avoid “taking sides” with one particular customary or formal institution over another, and to avoid putting UN or EU support behind a debilitated or corrupt institution. The sections at the end of this paper refer to several sources of information about how to conduct and use conflict analyses.

National and international actors should also assess skill gaps. In Afghanistan, for example, UNEP discovered that in order to build environmental management capacity, it first needed to provide training on computer skills and project development as a basis for training on specific technical subjects such as Environmental Impact Assessment (EIA) methodologies. Although the results are often imperfect, several capacity assessment toolkits exist, including one developed by UNDP.¹⁴ Any capacity development intervention should be informed by a thorough assessment of the ‘state of the state’. This can touch on a range of relevant topics: historical and cultural analysis; political analysis of the key actors, their interests and relationships; the ways that state institutions have developed; mapping of formal and informal institutions and their sources of legitimacy.¹⁵

CASE STUDY 1: Encouraging Leadership in Burundi

The Burundi Leadership Training Program (BLTP) was started in 2002 to aid the peace process. The purpose of the training was to build trust among a network of leaders to work across ethnic and political divides. It grew from an initial focus on 95 key leaders to a process involving thousands of leaders at national and local levels.

The leaders involved included the former rebel leader and President-elect. It was also integrated into the curriculum of Burundi's national military academy. According to reviews of the program, it succeeded in breaking down barriers, building social cohesion, helping transform local institutions and enhancing collaborative capacity in Burundi. One review noted that Burundi may be "the first case of a country emerging from conflict in which key leaders have integrated into their peace process a national training program explicitly designed to rebuild their capacity to work effectively together in advancing their country's post-war reconstruction".

Source: Wolpe, Howard and McDonald, Steve, 'Training Leaders for Peace', Journal of Democracy, Volume 17, Number 1, January, 2006, pp. 126 - 132

Assessing environmental knowledge gaps is another important early step. Baseline environmental data is often poor in developing countries, particularly in post-conflict situations.¹⁶

b) Exploring and designing options to address resource conflicts and prevent violence:

Based on a conflict analysis, stakeholders should be able to identify priority issues and begin exploring ideas for resolving immediate disputes, building a functional NRM system, and improving relationships between the government and civil society. The goal is to establish a shared vision of how different elements and actors will come together to form a sustainable and effective resource management system. Inclusion and broad participation of stakeholders is vital.

It is worth exploring many different governance issues that influence the functions of a NRM system, including:

- **Legal framework:** Is there a need to: clarify government mandates; harmonize formal and traditional systems of authority; create or significantly reform agencies, ministries, and local governments; change laws to recognize and empower community-based management

schemes; establish a regulatory framework that ends impunity for powerful actors and binds government to inclusive, accountable, and transparent procedures? Further, do agencies and ministries have inclusive and transparent regulatory systems in place for resource monitoring; impact assessment; pollution and land use controls, enforcement of rules and adjudication of disputes? Do citizens have meaningful access to adjudicatory bodies such as land commissions? Are the rules designed to avoid giving excessive discretion or a monopoly of power in a particular area to single individuals in government, who may be tempted to abuse this power for personal gain?

- **Resource management activities:** Is the government ready to: provide information and educate individuals on topics such as sustainable land use; coordinate voluntary or market-based regulatory efforts; directly provide infrastructure (e.g. water) or services (e.g. land titling); and support community-based NRM initiatives?
- **Dispute resolution:** Can local and accessible institutions resolve specific disputes over land, water use, grazing, timbering, and other resource issues? Is there local agreement about the substantive, procedural, and evidentiary rules that should be used in these dispute resolution systems? Are the decisions of these bodies

acknowledged and respected by higher levels of government? Do those presiding over these issues, from local arbiters to judges in the capital, have the relevant knowledge base to render fair decisions? Does their capacity need to be strengthened?

- **Oversight:** Can citizens appeal governmental decisions to courts or adjudicatory bodies? Is there a need for an ombudsman or civil society advocates to represent individuals who object to government action? Is there a role for national human rights commissions, especially those who have quasi-judicial powers? How strong is the legislative branch's oversight capacity? Is there a need to build civil society oversight and monitoring abilities? Is there a government corruption watchdog with investigative powers, independence, and authority to challenge politically powerful individuals?

c) Building inclusive, transparent, and accountable NRM systems:

A resource management solution may appear technical: a new agricultural extension program, a legal reform that gives formal recognition to land use decisions made by traditional chiefs, an integrated water resources management program, etc. But technical solutions alone cannot assure sustained economic development, environmental protection, and a cessation of violence. Conflict-sensitive management requires long-term buy-in from stakeholders, which in turn is based on a governmental commitment to inclusive decision-making, transparency, and accountability.

All governments can strengthen their position by providing services, information and analysis to citizens. By taking a consultative approach with communities, and opening up space for dialogue and mediation of divisive issues, a government can begin to develop increased credibility.

Credibility and public support also come from acting in a transparent and accountable fashion. This includes preventing and prosecuting corruption throughout the system, including front-line actors such as security sector forces. Ministries and agencies must listen to

and involve civil society actors in NRM decisions, particularly if some groups feel marginalized or excluded from prior important decisions about the natural resources that support their livelihoods. The development of a multi-party parliamentary committee that specifically liaises with civil society on such issues can also help narrow the gap between state and society.

For these reasons, and in order to make the best use of both limited state capacities and local knowledge and interest, devolving authority for some decisions and functions of government to the local level may be critical to the success of NRM processes. Where they have survived and retained trust, traditional processes and institutions for building consensus and managing crisis should be supported and strengthened. Where they have been eroded or destroyed by conflict, new structures can be created – if there is community support. In many cases, communities can take on significant responsibility for managing resources directly.

d) Monitoring and evaluating integrity, performance, sustainability, and conflicts:

Both government and civil society must be capable of monitoring the performance of the NRM sector. Measurement allows a society to continually determine whether conflicts are being adequately addressed, new conflicts are emerging, resource use practices are moving towards environmental sustainability at a reasonable pace, and popular expectations are being met.

This section of the Guidance Note covered important dimensions of capacity-building: institutions, knowledge, leadership, and accountability; the need to integrate technical and functional skills with peacebuilding skills; and the four basic steps in the process of building a NRM system that can deliver growth and sustainability without violence. The next three sections apply these general ideas in more detail to the management of land, extractive resources, and renewable resources. The four functional stages of conflict prevention in NRM guide the sector-specific discussion below.

5

STRENGTHENING CAPACITY TO MANAGE LAND DISPUTES

Challenges

Given the economic, social, and cultural importance of land, disputes over it are common in all societies. As discussed in the Guidance Note on land issues, developing a system that **provides secure land rights** in conflict contexts requires resolving broad tensions between and within systems of formal and customary land rights, and resolving specific tenure disputes within a more unified framework. Establishing tenure can be highly competitive and even aggressive in the absence of trusted and accessible allocation and dispute resolution systems. Competing statutory, communal and religious legal systems can add another layer of complexity to the situation.

In addition to these basic challenges of legal coherence and dispute resolution, post-conflict situations also present a number of unique challenges, the most pressing of which are resettlement of Internally Displaced Persons (IDPs) and demobilized combatants, and land reform. Additionally, documentation regarding land titles and land rights may be destroyed during war and “land grabs” may occur in post-war situations as people attempt to stake claims in the absence of a functioning governance system. Post-conflict countries may also experience serious localized scarcities of land suitable for settlement, agriculture, or herding due to population movements in the aftermath of conflict; furthermore, some areas may be rendered unusable because of unexploded ordnance, landmines and other toxic legacies of the war. During a conflict people may also move into protected or ecologically sensitive areas, resulting in considerable damage as an unintended consequence of coping behaviour. Unsustainable practices among displaced people, coupled with rapid resource extraction by war profiteers during the conflict,

may modify critical land cover such as forests in unsustainable ways. In the absence of clear and viable alternatives, these practices can persist and become routine.

EU and UN can help government and civil society to:

5.1 Understand the land and conflict context

- **Support environment-conflict analysis:** Involve local institutions, civil society groups and regional groupings with local name recognition and legitimacy in the analytical process:
 - o **Actors:** Which groups make conflicting land claims? Do major stakeholders bear attitudes of confidence or mistrust towards particular institutions such as the judiciary, land commission, or titling agency?
 - o **Conflict drivers:** Why does each group value land? Are land conflicts tied to other resource issues such as access to water or control of high-value extractives? How does land factor into ethnic, religious, or other group identities?
 - o **Context and institutions:** Map the existing systems of authority and control over land rights. What roles have various land institutions played in creating or sustaining conflict? Which institutions in the sector are trusted, and by whom? Are there competing power structures and, if so, where do these systems overlap and create competing land claims?

- **Analyse existing grievances:** As a priority issue, focus on those issues which arose arising from any land grabs that occurred under conditions of land rights uncertainty:
 - o Analyse disputes between the government and communities over public lands. Recognize that public land may be “repurposed” by squatters or local communities, or that prior public land reforms may not have recognized existing users and their claims.
- **Analyze grand and petty corruption:** In order to reduce opportunities for monopoly power, increase the risk and cost of being caught, and find weak links in the land titling system, the issue of corruption should be addressed as soon as possible.

5.2 Exploring and designing options to address land conflicts and prevent violence

- **Explore the legal framework:**
 - o **Land rights:** Do existing laws recognize the land rights of less powerful actors - small stakeholders and indigenous groups? Do land laws and laws related to indigenous/minority rights harmonize, or do existing land laws fail to implement the promises of these other pieces of legislation? Legal reform may be necessary to harmonize laws.
 - o **Administrative accountability:** Is there a legal framework for all agency procedures that enforces transparency and inclusiveness by regulating agency actions? Does it give all people a right to information about agency decisions, input into those decisions, and a systemic ability to enforce their rights by blocking unlawful agency action?
- **Support dialogue efforts to resolve land conflicts and build consensus:**
 - o **Peacebuilding capacities:** Provide potentially conflicting parties with training in negotiation, analysis, and dialogue skills in order to enable them to participate productively in decision making processes.
 - o **Land dialogue:** Develop inclusive national and local consultation processes to assist with defining the terms on which any land reform will occur. Address existing grievances arising from the war, the immediate post-war period, or any land grabs that occurred under conditions of land rights uncertainty.
 - o **Sharing best practices:** Share examples and case studies from other areas of how similarly situated societies have dealt with common problems such as demarcation, titling and land commissions to resolve existing disputes, large-scale land reforms, setting evidentiary rules, and the resettlement of IDPs and ex-combatants. Use those examples as the basis for thinking, not as rigid blueprints.
- **Feed dialogue into new land policies:**
 - o **Land and infrastructure:** Develop a national plan for infrastructure that will support sustainable land use based on local infrastructure priorities;
 - o **Urbanization:** Develop land use plans, community-based leadership, and dispute resolution systems within and around urban areas.
 - o **Small holders:** Explore options for giving small landowners ways to participate in market-based farming and real estate markets (renting, buying and selling land).
 - o **Decentralization:** Prioritize local control over land.
 - o **Sustainability:** Prepare a vision of sustainable land use to assist communities in moving from unsustainable behaviours to more resilient and durable livelihoods.

CASE STUDY 2: Timor-Leste: Developing law and policy in a post-conflict setting

After 24 years of occupation by the Indonesian army, a 1999 popular vote by the people of Timor-Leste led to independence. The result sparked major violence by pro-Indonesian militias, which resulted in massive property destruction, the burning of land records and people fleeing their homes.

In 2002, the United Nations created a transitional administration (UNTAET) to administer the country until Timorese Government could be formed. Meanwhile, an interim UN Land and Property Unit (LPU), with limited authority, was established to address land and property issues. The UN and the newly formed Timorese Government agreed that land and property disputes could not be properly resolved until new laws were passed by Parliament. In the meantime the LPU experimented with mediation, based on the country's tradition of informal mediation, to address some of the numerous disputes.

In the immediate aftermath of the violent events of late 1999, UNTAET faced three major land policy issues:

- Ad hoc housing occupation and conflict caused by population displacement and property destruction;
- Allocation of public and abandoned properties for humanitarian, security and commercial purposes; and,
- Re-establishing a form of land administration, particularly so as to minimise the risks of a developing informal market in private land.

The new Government then created an agency—the National Directorate for Land and Property (DNTP in Portuguese)— with staff from the former LPU. The DNTP began to draft new laws, develop internal rules and regulations and, with the support of CIDA, to develop new institutionalised dispute resolution mechanisms.

These three issues are often present in post-conflict settings; the management of such dilemmas can have a key influence on broader objectives of reconstruction and development.

A 2004 evaluation of commonly used methods of resolving land disputes revealed a strong preference for settling disputes at the local level, often through mediation or arbitration by elders. Since the design and implementation of the new system, it was estimated that DNTP staff have assisted in the voluntary settlement of a significant number of land and property cases, especially in urban areas where ownership is often highly contested. In addition, the DNTP has trained over 500 new agency personnel and local leaders to make referrals or engage in local dispute resolution initiatives.

Source: Bledsoe, David and Brown, Michael, 'Land and Conflict: A toolkit for Intervention', USAID, Washington, 2004.

5.3 Building inclusive, transparent, and accountable system to deliver secure land rights

- **Legal reform:**
 - **Land tenure laws:** Strengthen the statutory system to make it more rule-based and inclusive of customary institutions as negotiated between stakeholders. Reconcile areas and scope of traditional and formal legal systems, establish rules of evidence to prove land tenure, and develop notice and compensation rules for government land takings.
 - **Land reform:** If comprehensive land reform is planned by stakeholders to reallocate land or unwind formal claims that are perceived to be illegitimate, support the development of a transparent investigation process and uniform criteria for determining claim legitimacy.
 - **Individual disputes:** Formalize local dispute resolution processes that are transparent and reconciled to the greatest extent possible with competing power systems in the country.
 - **Transparency and accountability:** Develop freedom of information and administrative accountability legislation.
- **Strengthen government technical capacities:**
 - **Titling:** Build community and governmental capacity to title and demarcate property in participatory and inclusive processes. Extend formal recognition of rights in land to all citizens, which may include allocating land titles or recording more traditional forms of land tenure including communal customary tenure
 - **Education:** Build government capacity to educate and train stakeholders in sustainable land use practices.
- **Financing:** Build government capacity to finance itself through taxes and/or fees related to land and government provision of services to landowners
- **Culture of transparency:** Identify and support leaders who can foster a culture of transparency and public outreach within government. Provide training on values (such as accountability, work ethic, etc.) in response to changes in attitudes that may have arisen during the conflict, such as more predatory or opportunistic behaviour. Encourage and enable fiduciary accountability as a first step towards transparency and accountability.
- **Train government employees:** Provide training that is appropriate for the local context, equitably available, operationally focused and easily applicable. Prioritize a mentoring approach where counterparts can ‘learn by doing.’ Avoid substituting skills with foreign consultants or importing foreign models and methodologies.
- **Support conflict-sensitive governance:**
 - **Land commissions:** Land commissions can be a helpful way to settle local land disputes without overloading the courts. If necessary, they can also help bypass a corrupt or ineffective judiciary. Identify respected community members to serve on land commissions and empower them with the resources they need to establish authoritative knowledge for the future by mapping, recording histories, and performing similar tasks.
 - **Government as mediator:** Provide peacebuilding skills training to government employees. Where local communities are in conflict internally or with each other over issues like resettlement of IDPs, focus on government capacity to mediate, facilitate dialogue, and push communities towards interest-based negotiation.

CASE STUDY 3: Kyrgyzstan: Legal rights advocacy through community empowerment

In three provinces of the Kyrgyz Republic that experience frequent land conflicts, local leaders have been trained by the Rural Development Institute (a US-based NGO specialising in land reform) to help villagers protect and exercise land rights. Seven full-time local legal advisors undertook training in the domain of land tenure law. They, in turn, trained and worked regularly with one hundred and seventy-six local leaders from sixty-six villages. These local leaders served as advocates on behalf of local land rights holders, assisting more than four thousand citizens in one year to take action to resolve land conflicts with local officials and collective farm bosses.

Source: Bledsoe, David and Brown, Michael (2004).

CASE STUDY 4: Ecuador: Land titling and claim adjudication through community paralegals

As part of CARE's 'Sustainable use of biological resources programme in Ecuador' this project funded by USAID helped local organisations and indigenous organisations to select paralegals to become specialists in land rights, NRM and conflict management.

The paralegals facilitate or mediate conflicts over land and educate communities about their rights. As they have been selected by the communities themselves, they both understand the conflicts and are seen to have legitimacy in the community.

Source: USAID, 'Sustainable Uses for Biological Resources', (SUBIR) Project, Washington, 1994.

- o **Empowering marginalized groups:** Support representation of disempowered and marginalized groups (including women and minorities) in systems of NRM.
- o **Corruption:** Help the government to identify institutional reforms that will reduce petty corruption by focusing on transparency and monopolies in the provision of permits or licenses. Give priority to "micro-measures" – relatively small structural changes that remove opportunities for corruption. These include creating a "one-stop shop" – an office that reduces the number of steps or licenses necessary to obtain a title or a building permit – and creating multiple identical one-stop shops, which denies any one office a monopoly on providing these important public services.
- **Strengthen civil society:**
 - o **Advocacy:** Support civil society organisations that educate individual landowners and renters about their rights, help them to prove tenure, and provide legal aid to enforce rights.
 - o **Education:** Build civil society capacity to educate and train landowners and renters in sustainable land use practices.
 - o **Awareness raising:** Improve public knowledge of rights in land and how to protect them, particularly among marginalized (including women) and indigenous groups.

5.4 Monitoring and evaluating integrity, performance, sustainability, and land conflicts

- **In government:**
 - **Performance:** Establish delivery and results tracking systems for land commissions and titling agencies.
 - **Human resources:** Review the organizational policies and systems that govern the recruitment and retention of staff, such as human resource development strategies, to facilitate 'brain gain' strategies. Review monetary and non-monetary incentive systems for the public service and put in place performance management systems.
- **In civil society:**
 - **Advocacy and analysis:** Support competent civil society organizations that can hold state institutions accountable for land use policies and decisions.
- **Media:** Support journalists in developing specialized expertise in land policy, understanding government structures and following land use decision-making processes. Raise journalists' awareness of their own potential to influence public opinion towards or away from conflict; to recognize hate speech or incitement to violence and to report it. However, international organizations must consider how they support media in terms of the sensitivity of the issues involved. In some situations, investigative journalists have been threatened, harassed, injured, or killed.

6

STRENGTHENING CAPACITY TO MANAGE DISPUTES OVER RENEWABLE RESOURCES

Challenges

Renewable resources can be defined as any natural resource (such as timber or solar energy) that can be replenished naturally with the passage of time. Conflict-affected and fragile states face significant challenges related to renewable resource scarcity and environmental degradation, as well as to climate risk. They may face shortages of food, water and energy, as well as ecosystem degradation and biodiversity loss on a scale that damages critical ecosystem services such as air and water filtering and reduces buffering areas; the impacts further undermine resilience, and increases exposure and vulnerability to climate risk. Such states may have little or no understanding of climate risk and hence knowledge of how to integrate appropriate adaptation mechanisms into the early waves of recovery and reconstruction.

Further complicating matters, fragile and conflict-affected states are likely to face enormous pressures to convert natural resources into livelihoods and capital, and to use them to meet pressing basic needs, before fully ascertaining the longer-term implications for sustainable development and climate risk management. When addressing natural resource issues in national dialogue and governance processes, the fact that natural resources are viewed as a lucrative source of foreign direct investment often prompts stakeholders to consider the short-term benefits that would accrue, rather than examine the long-term consequences of exploitation and unsustainable practices.

At the same time, particularly in post-conflict states, there may be a rare window of opportunity to undertake national inventories and assessments, introduce new technologies and institutionalize better management tools. The challenge is to develop a peaceful NRM system that supports economic

growth while protecting the environmental assets that underpin that growth.

Understand the renewable resources and conflict context

6.1 Understand the renewable resources and conflict context

- **Support environment-conflict analysis of renewable resources:** Identify and work with local institutions, civil society groups and regional groupings with local name recognition and legitimacy to assess:
 - **Actors:** Which groups are in conflict over a particular resource? Do major stakeholder groups bear attitudes of confidence or mistrust towards institutions such as the judiciary, the local government, the ministry of environment, or the ministry of agriculture?
 - **Conflict drivers:** Is degradation or scarcity an issue fuelling a resource conflict? Does insecurity of tenure or an open-access resource system lead to violence?
 - **Context:** What is the nature of the competing power structures that control water, forests, fisheries, and agricultural practices? Do different arms of government with different mandates support contradictory policies or fail to enforce laws?
- **Support the analysis process with baseline environmental information:** Integrate environmental risk assessment into this process to gauge the extent of environmental degradation,

as well as disaster and climate risks to livelihood-sustaining natural resources.¹⁷

- **Focus on existing grievances:** For quick results delivery, it is more productive to focus on existing grievances over prior environmental policies as a priority issue.
- **Analyze the economics of petty corruption:** It can be helpful to analyze the economics of petty corruption as it relates to water provision or other types of service delivery, equipment/finance for community-based resource management projects and the construction of environmental infrastructure projects. Identify any opportunities for monopoly power and abuse of discretion by government employees.

6.2 Exploring and designing options to address resource conflicts and prevent violence

- **Explore the legal framework:**
 - o **Agency/ministry mandates:** Is environmental protection written into all relevant government agency mandates? Are the mandates of different arms of government clear? And, are there areas where different parts of the government have overlapping authority over a resource? If multiple parts of government regulate different uses of a river or forest, for example, then multiple government actors may need to participate in some policy discussions.
 - o **Administrative accountability:** Is there a legal framework for all agency procedures that enforces transparency and inclusiveness by regulating agency actions? Does it give all people, including formerly disempowered groups, a right to information about agency decisions, input into those decisions, and a systemic ability to enforce their rights by blocking unlawful agency action?
 - o **Freedom of information:** Do freedom of information laws make it possible for civil

society to gain access to regulations, permit records, and environmental data?

- **Support dialogue efforts to resolve resource conflicts and build consensus:**
 - o **Public inclusion and local community engagement:** Help government staff learn how to communicate more effectively with the public, and provide adequate opportunities for broad consultation and participation in decision-making. Assist the government in: first, soliciting priorities from communities (especially with respect to investments in water and agricultural infrastructure); and, second, assessing knowledge gaps at the community level that must be addressed if community-based water, pasture, fisheries and forestry management are to succeed.
 - o **Intra-governmental relations:** If there is an environment agency, external actors can help it to improve critical relationships with more powerful government ministries (agriculture, minerals, water, industry, trade).
 - o **Inter-governmental relations:** Help the government to develop an understanding of regional environmental challenges and the institutions necessary to address them.
 - o **Peacebuilding capacities:** Provide training to potentially conflicting groups in advocacy, negotiation, analysis, and dialogue skills such as active listening, at first in order to facilitate their engagement in participatory decision-making processes, and later to ensure that communities are able to resolve many of their own conflicts without intrusive government involvement.
 - o **Sharing best practices:** Share knowledge from other countries of how similar governments and civil society organisations have dealt with problems, such as: community involvement in protected areas; integrated water resources management; community-based forestry; and, management for non-timber forest products, agricultural extension

services, promotion of energy efficiency, etc. Use those examples as the basis for thinking, not as rigid blueprints.

- **Feed dialogue into new resource policies:**
 - **Integrated water resource management:** Establish consensus around the use of cooperative water management mechanisms in order to clarify authority over water usage; address the impacts that water use practices and/or activities in a watershed have on other watershed users (for example, the impact that pollution or agricultural diversions have on a fishery).
 - **Forests:** Address customary rules of forest use, sustainable management principles, controlling illegal timber extraction, and support for community-based forestry.
 - **Conservation:** Develop a national conservation and protected areas strategy based on local participation that integrates local livelihood needs and concerns.
 - **Climate change:** Develop a climate action plan that includes a climate change and disaster risk reduction strategy, and help the government apply for Global Environment Facility (GEF) funds.

6.3 Building inclusive, transparent, and accountable water, forest, and agricultural management systems

- **Legal reform:**
 - **Legal mandates:** Set out framework laws to establish governmental authority over environmental problems, harmonize the mandates of different ministries or agencies to ensure clear allocations of responsibility and power, and include environmental protection in the mandate of all relevant government agencies.
 - **Appropriate decentralization:** Define the respective roles of community-based and

central government schemes in natural resources laws, as agreed by relevant stakeholders. Create a legal space in which courts and the central government cede the primary role in managing local conflicts and resolving local disputes to community-based entities.

- **Transparency and accountability:** Develop freedom of information laws or environmental laws that include provisions for environmental monitoring, reporting, and the disclosure of environmental data. Support administrative accountability legislation.
- **Strengthen government technical capacities:**
 - **Creating an environmental monitor:** One of the most crucial jobs of an environmental agency is to measure and analyse environmental data in order to help societies to anticipate and adapt to trends, including scarcities which may threaten livelihoods and raise tensions between different stakeholders. The ability to gather and understand environmental data underlies the development of early warning systems as discussed in the accompanying Guidance Note, 'Renewable Resources and Conflict'.
 - **Creating an environmental regulator:** An environmental protection agency or ministry requires basic regulatory capabilities in addition to monitoring abilities. It is important to build capacity to carry out or review environmental impact assessments, monitor compliance with assessment procedures, and enforce environmental laws.
 - **Enabling community-based management through agricultural extension services:** Build government capacity to support community-based NRM initiatives with funding, education, and materials. Staff should listen to local needs, then deliver information, education, and useful tools to move households away from unsustainable agricultural, forestry, water use, and energy use practices.

CASE STUDY 5: Indonesia: The Multi-stakeholder Forestry Programme (MFP)

The MFP aimed to establish a long-term dialogue between the Government and civil society through multi-stakeholder forums which would: connect well-established networks from the community up to the district and national level; generate empirical evidence to be used in policy-making; train local journalists on the issues; increase flows of informational and help the Ministry of Forestry engage with major stakeholders.

Source: Multi-stakeholder Forestry Programme (Ministry of Forestry Republic of Indonesia, UkAid, Kehati), 'MFP Overview', www.mfp.or.id/dev/overview, accessed on 19 March 2012.

- o **Water:** For quick and visible improvements, create a participatory water and agricultural infrastructure-rebuilding program where priorities are determined by stakeholders. Seek to implement integrated water resources management, and to build government capacity to monitor water quality and quantity.
- o **Forests:** Build a clear regulatory framework for forests that include customary authorities, sets management principles and norms, and can resolve disputes. Roll out and support community-based forestry initiatives for previously marginalized communities by: clarifying group rights; setting up and recognizing decision-making forums; and providing education and on-going support to communities for sustainable forestry strategies. In cooperation with communities, control illegal timber extraction by defining access rights; building a monitoring infrastructure; and developing enforcement capability. A government's willingness to participate in international sustainable timber certification schemes may draw funding and technical support, thereby distributing the challenge of building capacity across a wider range of actors and drawing in technical experts with experience in mentoring.
- o **Financing:** Build government capacity to finance itself through taxes/fees related to resources and government provision of services.
- o **Culture of transparency:** Identify and support leaders who can foster a culture of transparency and public outreach within government. Provide training on values (such as accountability, work ethics) in response to changes in attitudes that may have arisen during the conflict, such as more predatory or opportunistic behaviour. Encourage and enable fiduciary accountability as a first step towards transparency and accountability.
- o **Train government employees:** Provide training that is appropriate to the local context, equitably available, operationally focused and easily applicable. Prioritize a mentoring approach where counterpart staff can 'learn by doing'. Avoid substituting skills with foreign consultants or importing foreign models and methodologies.
- o **Emergency preparedness:** Ecological surprises, both positive and negative, are inevitable. Part of adaptive management of natural resources is being prepared - in a broad sense - for unanticipated changes. Government agencies should jointly develop "ecological shock" plans that borrow elements of disaster preparedness; this includes harnessing contingency funds or a list of budget lines, staff, and material that can quickly be repurposed to support livelihoods and prevent violence in the event of flooding, drought, pest outbreak, or other unanticipated events.

- Support conflict-sensitive governance:
 - **Government as communicator:** Build government capacity to communicate scientific evidence to manage relationships with stakeholders.
 - **Government as mediator:** Provide peacebuilding skills training to government employees. Where local communities are in conflict internally or with each other, focus on governmental capacity to mediate, facilitate dialogue, and push communities towards interest-based negotiation. As and when EU or UN representatives engage in “environmental diplomacy” between communities to head off immediate risks of conflict, share that experience with the government and help it to step in to that role.¹⁸
 - **Empowering marginalized groups:** Support representation of disempowered and marginalized groups (including women and minorities) in local systems of NRM.
 - **Corruption:** Promote institutional reforms to prevent grand and petty corruption by focusing on critical issues such as transparency and monopolies. Give priority to simplifying permitting processes and to areas with opaque spending and non-competitive markets, such as are typically found in infrastructure construction and maintenance.
- **Strengthen civil society:**
 - **Advocacy:** Diffuse sufficient technical capacity across stakeholders to ensure their participation in agenda setting and decision-making.
 - **Education:** Support civil society organisations that educate and train the public in sustainable resource practices.
 - **Dispute resolution:** Help the central government provide training in peacebuilding capacities, as well as financial and technical support, for local conflict management and dispute resolution systems.

6.4 Monitoring and evaluating integrity, performance, sustainability, and conflicts

- **In government:**
 - **Performance:** Establish delivery and results tracking systems for NRM programmes.
 - **Continuous learning:** Build government capacity to evaluate new environmental technologies and practices that enhance sustainability, then educate and support deployment.
 - **Human resources:** Review the organizational policies and systems that govern the recruitment and retention of staff to facilitate ‘brain gain’ strategies. Review monetary and non-monetary incentive systems for the public service and put in place performance management systems.
- **In civil society:**
 - **Environmental groups:** Support competent environmental civil society organizations that can hold state institutions accountable for NRM.
 - **Community monitoring:** Empower communities to monitor and report on compliance of logging, fishing, and other resource-based enterprises with relevant laws and agreements.
 - **Media:** Help journalists develop specialized expertise in forestry, community-based NRM, the science of pollution and water quality, and understanding environmental governance structures. Raise journalists’ awareness of their own potential to influence public opinion towards or away from conflict, and to recognize hate speech or incitement to violence and to report it. However, international organizations must consider how they support media in terms of the sensitivity of the issues involved. In some situations, investigative journalists have been threatened, harassed, injured, or killed.

7 STRENGTHENING CAPACITY TO MANAGE DISPUTES OVER EXTRACTIVE RESOURCES

Challenges

As described in the Guidance Note on 'Extractive Industries and Conflict', there are eight basic challenges associated with extractive industries: poor engagement of communities and stakeholders; inequitable benefit-sharing and distribution; social and environmental impacts; relationships between communities and security forces; economic impacts; revenue management and corruption; financing war; and the quality of the institutional and legal framework.

These basic challenges are amplified under conditions of violent conflict when concessions may be granted under duress or when it becomes possible to make sizable personal gains through extracting resources illegally, especially if some of the proceeds are used to fund parties to the conflict (e.g. conflict diamonds). When a violent conflict ends, other problems arise, such as the tendency for communities to exaggerate the wealth that will be created in the post-conflict era. The potential for conflict recurrence may be closely linked to what transpires in this sector, and tensions can arise quickly amongst communities, investors and government agencies - erupting in riots, violent clashes, human rights abuses, strikes and other threatening and criminal acts.

At the same time, the extractive industries offer a remarkable opportunity to create jobs, attract foreign investment, generate revenues for the state and local communities, and to cultivate trust through processes that are participatory, transparent and accountable. The challenge for the extractive industries is **to generate revenue for development while sharing the benefits and burdens** of resource extraction transparently and broadly.

EU and UN can help government and civil society to:

7.1 Understand the resource extraction and conflict context

- **Support a conflict analysis:** Identify and involve local institutions, civil society groups and regional groupings with local name recognition and legitimacy in the analytical process:
 - o **Actors:** Which agencies, companies, security forces, and communities have been involved in prior conflicts over extractive activities? Are there multiple institutions or actors who claim to be the proper interlocutor between extracting companies and local communities?
 - o **Conflict drivers:** What are the conflict dynamics around these resources? Are there disputes about revenues, control of land, consultation and involvement, negative environmental impacts, failed compensation schemes? Are there community concerns about current exploration or other early-stage developments?
 - o **Institutions:** How do differing government mandates affect the government's coherence in the sector? Is it possible to identify attitudes of confidence or mistrust by key actors in the conflict towards government institutions, existing concessionaires, and public/private security forces?
- **Support the analysis with baseline information:** Create an inventory of mineral

value as well as existing or potential social and environmental impacts of extractive activities.

- Focus on existing grievances over prior extractive activities as a priority issue for quick results delivery.
- Examine and address opportunities for grand and petty corruption – in compensation schemes for communities, licensing, theft or misuse of state revenues, and infrastructure budgets.

7.2 Exploring and designing options to manage extractive industries and prevent violence

- **Explore the legal and policy framework:**

- o **Administrative accountability:** Is there a legal framework for all agency procedures that enforces transparency and inclusiveness by regulating agency actions? Does it give all people, including formerly disempowered groups, a right to information about agency decisions, input into those decisions, and a systemic right to access an appeals and dispute resolution system? Will the appellate body enforce public rights by blocking the issuance of licenses for resource extraction or ordering their revocation if lawful procedures are not followed?
- o **Revenue transparency:** Are there laws governing transparent and future-oriented revenue management? Is the country willing to include the terms of the extractive industries Transparency Initiative (EITI) in national legislation? Does the law dictate transparent management of investments in compensation/social benefits packages?
- o **Terms of resource concessions:** Is it possible to build substantial agreement around the legitimacy or illegitimacy of some existing concessions? Does national or local law set standards for what investors must provide for the country as a whole

and for the impacted community in terms of development funds, infrastructure, employment, training, compensation for adverse impacts, and abatement of environmental impacts? Does national law require concessionaires to post adequate environmental performance bonds?

- o **Revenue management:** In countries facing significant challenges of corruption, or where conflict has been fuelled in part by natural resource revenue, the centralisation of natural resource revenues under the authority of the Ministry of Finance may be a step towards a more transparent resource revenue system.¹⁹
 - o **Corporate accountability:** Help the government and civil groups engage with companies that seek to operate in the extractives sector to define their human rights and grievance resolution procedures and responsibilities. Industry-wide voluntary codes of conduct in mining, oil and gas, timber, and other industries govern corporate compliance with human rights standards and the development of grievance mechanisms that are accessible to individuals who are negatively affected by extractive activities. Additionally, evolving international norms, which are a kind of 'soft law,' impose duties on corporations to respect human rights and be accountable for the harm they do to people in the places where they work.²⁰
- **Support dialogue efforts to resolve conflicts and build consensus:**
 - o **Peacebuilding skills:** Provide potentially conflicting parties, including indigenous and/or marginalized communities, government actors, concessionaires, and security companies, with the dialogue, active listening, advocacy, negotiation, and analysis skills needed to engage in effective participatory decision-making processes and in interest-based negotiation processes

around the allocation of benefits, costs, and responsibilities of resource extraction activities. Take into account any negative historical relationships between government and the local communities.

- o **Artisanal issues:** Engage with stakeholders about how a fair and sustainable system can be implemented for license allocation and how artisanal miners can be protected from exploitation (e.g. through the creation of unions, or through a purchasing process that guarantees them a fair return on their findings).
- o **Impacts and benefits of large-scale extraction:** The government and communities should discuss their mutual expectations. What will investors provide for the country as a whole? What will directly impacted communities receive in terms of: development funds; infrastructure; employment; training; and, compensation for losses (e.g. in the agricultural sector)? What rules are there to assure abatement of environmental impacts? What kind of grievance mechanisms exist already, and what functions do communities, the government, and corporations in the industry wish to see assigned to these mechanisms?
- o **Government as mediator or negotiator:** To what extent are communities willing to have the government engage in discussions with large corporations about benefits and compensation for adverse impacts? Will communities accept government leadership or support in negotiating with corporations, in what form, and is government capable of offering meaningful support? Based on this, build government capacity to support communities in their discussions or to serve as a mediator between extractives concessionaires and their host communities.
- o **Sharing best practices:** Share examples and case studies of how similar governments have dealt with common problems that arise in the extractives sector, such as environmental impact assessments, concession

terms, monitoring, dialogue with affected communities, supporting social investments, etc. Use those examples as the basis for thinking, not as rigid blueprints.

- **Feed dialogue into new policies:**
 - o **Extractive resource development policy:** Identify priorities in the extractives sector, rationalize them with the broader national strategy, and coordinate stakeholders around these priorities while managing stakeholder expectations by conveying a clear and fair vision of how costs and benefits will be distributed.
 - o **Economic policy:** Explore an economic/ industrial policy that encourages value capture and business linkages within the country to help meet community expectations.

7.3 Building inclusive, transparent, and accountable extractive industries sector

- **Legal reform:**
 - o **Transparency and accountability:** Develop freedom of information and administrative accountability legislation.
 - o **Revenue transparency and management:** Legislate or even constitutionalize transparency and management rules (to prevent later manipulation). Encourage the government to participate in the EITI, and to consider centralizing revenues under one ministry with clear reporting obligations.
 - o **Review of existing resource concessions:** If a review of existing concessions is planned by stakeholders to alter or unwind concessions perceived to be illegitimate, support the development of a comprehensive, transparent investigation process and uniform criteria for determining claim legitimacy.

- o **Terms of new or renegotiated resource concession:** Government requires attorneys and investment advisors with specialized expertise both to negotiate advantageous price terms and to prevent conflicts by setting mandatory standards of corporate accountability, protecting communities from negative environmental impacts, and requiring adequate performance bonds for rehabilitation of affected areas. Strong support for negotiation and drafting is particularly critical when dealing with international parties. Many governments have agreed to contracts or treaties that include very broad stabilization clauses. Such clauses prevent any change in the law applicable to foreign private investors, insulating them from future legal changes. There is significant concern in the international legal community that stabilization clauses that are too broad can prevent the creation and enforcement of environmental protection and human rights laws.
- o **Oversight role for civil society:** A government dependent on resource revenues may be reluctant to enforce environmental rules or prosecute violations of license terms. Create legal rights for civil society representatives to play a strong role in extractive industries oversight. At the same time, civil society's capacity should be built to undertake strategic litigation, and if national remedies have been exhausted, take their cases to regional and international bodies.
- **Strengthen government technical capacities:**
 - o **Resource valuation and negotiation:** Build or hire the legal, geological/forestry, and financial knowledge base to assess, value, and negotiate a fair price from concessionaires.
 - o **Impact assessments:** Build technical and functional capacities to review social and environmental impact assessments of proposed mining, logging, or drilling. The government also needs sufficient independent capacity to perform its own review of the cumulative impacts of multiple projects.
- o **On-going supervision:** Build ministerial capacity to visit and inspect operations on an on-going basis for compliance with environmental laws and policies.
- o **Culture of transparency:** Identify and support leaders who can foster a culture of transparency and public outreach within government. Provide training on values (such as accountability, work ethic) in response to changes in attitudes that may have arisen during the conflict, such as more predatory or opportunistic behaviour. Encourage and enable fiduciary accountability as a first step towards transparency and accountability.
- o **Train government employees:** Provide training that is appropriate to the local context, equitably available, operationally focused and easily applicable. Prioritize a mentoring approach where counterpart staff can 'learn by doing'. Avoid substituting skills with foreign consultants or importing foreign models and methodologies.
- **Support conflict-sensitive governance:**
 - o **Empowering marginalized groups:** Support representation of disempowered and marginalized groups (including women and minorities).
 - o **Grievance mechanisms:** Once an extractive industry development is underway, challenging issues will inevitably arise. Help the government, communities, and companies to develop and maintain a grievance mechanism that conforms to global standards of transparency and corporate responsibility.

- o **Training police and security forces:** Train security actors (public and private) and extractive companies in the application of the internationally and collaboratively developed Voluntary Principles on Security and Human Rights, or a similar set of principles. Help trainees learn about best practices in dealing with communities and defusing tension that were developed in other countries.²¹
 - o **Government as mediator:** Provide the peacebuilding skills training to government employees that they will need to take on a negotiation or mediation role, as agreed in stakeholder dialogues. Help the government learn how to coordinate different stakeholders, mediate conflict, and communicate effectively.
 - **Strengthen civil society:**
 - o **Negotiation:** Build the capacity of communities to engage in interest-based and well-informed negotiations. Help communities learn about arrangements agreed elsewhere that constitute global best practice.
 - o **Value-chains:** Build private sector capacity to capitalize on opportunities associated with extractive industries development: education and training for individuals; fostering a supportive commercial environment; developing opportunities for companies to gain experience, etc.
- to facilitate 'brain gain' strategies. Review monetary and non-monetary incentive systems for the public service and put in place performance management systems.
- o **Social benefits oversight:** Oversee and coordinate decisions about how social benefits (compensation) are invested or provided to ensure that: the benefits meet local needs; the decisions are made by communities who are effectively informed about successes and failures elsewhere; and, various branches of government are prepared to provide the necessary long-term support needed to ensure that the investments are sustained. Multi-stakeholder oversight that involves the central government, local community representatives, the funding corporation, and NGOs is advisable.
 - o **Performance:** Establish delivery and results tracking systems for NRM programmes.
 - o **Operational oversight:** Ensure that concessionaires engage in regular and standardized reporting. Build government capacity for oversight and auditing based on international standards of best practice.
 - o **Anti-corruption:** Advocate for top-level political commitment to transparency and the creation of independent ombudsmen or prosecutors with authority to address high-level corruption.

7.4 Monitoring and evaluating integrity, performance, sustainability, and conflicts

- **In government:**
 - o **Human resources:** Review the organizational policies and systems that govern the recruitment and retention of staff, such as human resource development strategies,
- **Civil society:**
 - o **Operational oversight:** Governments depend on resource revenues and may therefore be reluctant to enforce rules. Build civil society capacity to review agreements, monitor whether concessionaires engage in regular and standardized reporting, and to undertake legal action including prosecuting violations where private prosecution is allowed under contractual grievance mechanisms or national legislation.

- o **Media:** Help journalists develop specialized expertise in issues specific to the oil and gas, timber, and mining sectors, licensing, government decision-making processes, and tracing revenues from natural resources. However, international organizations must consider how they support the media with regards to the sensitivity of the issues involved. In some situations, investigative journalists have been threatened, harassed, injured, or killed. Further, raise journalists' awareness of their potential to influence public opinion towards or away from conflict; to recognize hate speech or incitement to violence and to report it.
- o **Monitoring social investments and revenue distribution:** Develop the capacity of civil society groups to play a role in monitoring the distribution of license revenues and of compensation payments/benefit schemes, possibly formalized through a committee with national and local government participation.



Photo: UNEP, Afghanistan

8

COMMON CAPACITY BUILDING CHALLENGES

Capacity development is a complex and lengthy process; it is not always predictable or linear. It frequently presents external actors with complex dilemmas. Three common ones are identified here.

8.1 Who sets national priorities?

Experience shows that any state-building programme will only be sustainable if it is owned by the country and addresses domestic national priority.²² In post-conflict or fragile states with fragile institutions, weak civil societies, and divided populations, determining national priorities and ensuring effective ownership is a real challenge.

8.2 Quick service-delivery or long-term capacity development?

One of the most challenging aspects of capacity development in post-conflict contexts is managing the inherent tension between ‘doing’ and developing the ‘capacity to do.’²³ In the immediate aftermath of conflict, humanitarian imperatives are urgent and the UN must try to meet the short-term needs of communities while simultaneously developing the long-term capacity of institutions. The risk of meeting short-term needs through direct service provision is that the national government is effectively bypassed, with the result that local populations begin to look to international agents or corporations – not the government – as the service provider.²⁴ The dilemma raises questions about how to sequence interventions so as to avoid this ‘dual provision’ of services while still ensuring that there is not a gap in services where crucial environmental or humanitarian needs go unaddressed.²⁵

8.3 Strategy and coordination among international actors

International actors have realized that capacity development interventions need to be carefully coordinated to ensure that different activities are not duplicating or undermining each other. But convincing multiple actors to adopt a common strategy (rather than just information sharing – which is a ‘low impact’ form of coordination) can be very challenging.

8.4 Did it do any good?

Monitoring and evaluation are important for all programs. The EU and UN should evaluate the effectiveness of the capacity-building effort. After time and effort are expended on capacity-building, is it possible to articulate a connection between the capacity-building effort and an improvement in the conflict context of the country?

9

CONCLUSION

The sector-specific suggestions above help define the skills, institutions, and values that a NRM requires to prevent conflict while delivering economic growth and environmental protection. However, this Guidance Note cannot suggest *how* such a system should be built – which steps should be taken, which capacity building interventions applied, or in what order. To answer these questions much is dependent on the specific country conditions, on what has been tried there before, and if it has not worked, why not?

Often, it may be necessary to build capacity in all phases of the NRM process at once, with progress and momentum dictated by where entry points are found. Those decisions depend on a context-

specific analysis of existing capacities, environmental conditions, conflict dynamics, government and civil society priorities, and the actions of other members of the international community. For resources that provide examples of capacity-building projects or other tools that may help you decide how best to help a partner government and its civil society counterparts build a conflict-sensitive NRM sector, please see the Annexes that follow and the other Guidance Notes in this series.



Photo: Cyril Pelissier/WWF, Central African Republic

10

ADDITIONAL RESOURCES

A more complete list of resources, partnerships, and references on conflict and the environment, as well as a listing of UN resources, is available in the thematic Guidance Notes in this series. This section provides information on resources that focus on four specific issues discussed in this Guidance Note that do not feature as prominently in the accompanying Guidance Notes: capacity-building and assessment, conflict analysis, corruption, and peacebuilding skills.

10.1 Capacity building and assessment

UNDP's Capacity Development Group maintains a website on capacity building that includes information and guidance on the entire capacity development process, including on how to conduct capacity assessments.

The European Union has developed a number of resources that provide useful guidance concerning capacity-building and assessment. This includes a "toolkit for capacity development" that discusses the various stages involved in organizational capacity development, accompanied by a number of analytical tools appropriate for each stage. This toolkit is complemented by a reference document that focuses on institutional assessment and capacity development, and a set of guidelines concentrating on "making technical cooperation more effective".

UNEP's Post-Conflict and Disaster Management Branch (PCDMB) has developed a guidance note to help practitioners assess environmental needs as part of the Post-Conflict Needs Assessment Process. The PCDMB has also put together an Expert Advisory Group (EAG). Its members are senior experts from academic institutions, non-governmental

organizations and think-tanks that have demonstrated leadership in land, natural resources, as well as environment and conflict issues.

The UN Development Group (UNDG) plays a crucial role in formulating guidelines that trickle down to the level of country teams in the field. The Group is responsible for the content of the Post-Conflict Needs Assessment (PCNA), which deals with environment as a crosscutting issue (e.g. Sudan).

The Peacebuilding Support Office (PBSO) maintains the password secured "UN Peacebuilding and Conflict Prevention Workspace". The Workspace brings together different expert rosters, hosts the Peacebuilding network and makes available various documents in an online library.

As part of this project, the Framework Team (Interagency Framework on Preventive Action) is developing a multi-agency hub that can refer requests for expert assistance from UN and EU in the field to appropriate knowledge centres throughout the UN system. If you require assistance or advice, please contact Florian Bruyas (florian.bruyas@undp.org).

10.2 Conflict analysis

A number of international NGOs have developed a broadly-used guidance document on conflict sensitivity and conflict analysis entitled *Conflict-Sensitive Approaches to Development, Humanitarian Assistance and Peacebuilding: A Resource Pack*.

The UNEP-PCDMB is developing a Conflict Analysis Framework for release shortly, and in the meantime, has created several documents that address the role of the environment in conflict. Additionally, the PCDMB offers comprehensive

field-based assessments of the environmental impacts of crises on human health, livelihoods and security. It also assists governments with preventive environmental policies and makes technical data available to them in order to enable adequate responses and facilitate cross-border cooperation. Information about PCDMB services and publications are available in the Additional Resources section of the accompanying Guidance Note, 'Renewable Resources and Conflict'.

10.3 Corruption

UNDP's Democratic Governance Group has a team focused on Public Administration and Anti-Corruption. This team has made numerous guidance and practice notes on anti-corruption measures, policies, and conventions available through the UNDP Intranet. Select Practices > Democratic Governance > Public Administration and Anti-Corruption to reach several online resources that cover the impacts of corruption and UNDP's anti-corruption practice. Other resources are available through DGG's website, including a June 2010 guidance note on anti-corruption in post-conflict environments.

As the Secretariat of the United Nations Convention Against Corruption, the UN Office on Drugs and Crime provides various resources related to anti-corruption, including a helpful draft policy manual.

Transparency International is one of the world's leading NGOs on corruption issues.

Revenue Watch is a small non-profit focused on corruption and effective revenue flow management in the extractive industries that provides expertise, funding, and technical assistance to developing countries.

TIRI is a non-profit center of expertise on building integrity into different levels of government. TIRI promotes specific interventions for different line ministries (e.g. education, health) that respond to the integrity threats and opportunities in their specific contexts.

The Extractive Industries Transparency Initiative (EITI) is a coalition of governments, companies, civil society groups, investors and international organisations that sets a global best-practice standard and methodology for transparency in oil, gas and mining.

11

REFERENCE AND FURTHER READING

Binningsbø, H. and Rustad, S. A. 'Resource Conflicts, Resource Management and Post-Conflict Peace'. PRIO Working Paper, Uppsala University and International Peace Research Institute, Oslo, 2008.

Bledsoe, David and Brown, Michael, 'Land and Conflict: A toolkit for intervention', USAID, Washington, 2004.

Bowling, Belinda and Zaidi, Asif, 'Post-Taliban Governance of Natural Resources in Afghanistan', in Bruch et al. (eds), forthcoming 2011.

Brahimi, Lakhdar, 'State Building in Crisis and Post-Conflict Countries', 7th Global Forum on Reinventing Government, Vienna, Austria, 26-29 June 2007.

Call, Charles and Sorensen, Gigja, 'UN Peace Operations and State-building: A case study of Haiti', New York University: Center on International Cooperation, 2009.

Castro, Alfonso Peter and Engel, Antonia (eds) '*Negotiation and Mediation Techniques for Natural Resource Management: Case Studies and Lessons Learned*', UN FAO, Rome, 2007.

Clement, Caty and Smith, Adam C. (eds.), *Managing Complexity: Political and Managerial Challenges in United Nations Peace Operations*, New York: International Peace Institute, July 2009.

Collier, Paul, *The Bottom Billion*. Oxford University Press. Oxford, 2007.

Conflict Sensitivity Consortium, 'Conflict Sensitivity Consortium: Homepage', available at: www.conflictsensitivity.org, accessed 19 December 2011.

Engberg-Pedersen, Poul, 'Country-Level Donor Coordination', Welcoming address at World Bank, UNECA and NORAD Conference, 'Engaging with Fragile States: Challenges and Opportunities', 24-25 July 2007, Addis Ababa.

European Union/Europe Aid, 'Institutional Assessment and Capacity Development: Why, What and How?' Tools and Methods Series, Reference Document No. 1, European Union, Brussels, 2007.

European Union/EuropeAid, 'Making Technical Cooperation More Effective', Tools and Methods Series, Guidelines No. 3, European Union, Brussels, 2009.

European Union/EuropeAid, 'Toolkit for Capacity Development', Tools and Methods Series, Reference Document No. 6, European Union, Brussels, 2010.

Evans, Alison; Pilar Domingo; Leni, Wild; Sharma, Bhavna.; Baudienville, Geraldine; Hedger, Edward, and Foresti, Marta, 'An Approach Paper on WBI's Capacity Development Activities in Fragile States', Overseas Development Institute, London, 2009.

Extractive Industries Transparency Initiative (EITI), 'Extractive Industries Transparency Initiative: Homepage', available at: <http://www.eiti.org>, accessed 19 December 2011.

Fitzpatrick, Daniel, 'Land Policy in Post-Conflict Circumstances: Some Lessons from East Timor', UNHCR Working Paper, No. 58, February, 2002.

François, Monika and Sud, Inder, 'Promoting Stability and Development in Fragile and Failed States', Oxford Development Policy Review, 24 (2): 141-160, 2006.

- Goovaerts, Piet et al., 'Demand-Driven Approaches to Livelihood Support in Post-war Contexts', International Labour Organisation and World Bank, Social Development Papers, Paper no. 29, 2005.
- Grävingholt, Jörn, Gänzle, Stefan and Ziaja, Sebastian, 'Policy Brief: Concepts of Peacebuilding and State Building – How compatible are they?', German Development Institute, 2009.
- Hammill, Anne and Matthew, Richard, 'Peacebuilding and Climate Change Adaptation', *St. Antony's International Review*, 5(2): 89-112, 2010.
- Haysom, Nicholas and Kane, Sean, 'Negotiating Natural Resources for Peace: Ownership, Control and Wealth-Sharing', Briefing Paper, HD Centre for Humanitarian Dialogue, 2009.
- Matthew, Richard; Halle, Mark, and Switzer, Jason, 'Conserving the Peace: Resources, Livelihoods and Security', IISD, Geneva and Winnipeg, 2002.
- Matthew, Richard and Hammill, Anne, 'Climate Change and Sustainable Development', 85 (6), *International Affairs*: 1117-1128, 2009.
- Ministry of Environment and Physical Development of Sudan, 'National Plan for Environmental Management (NPEM) in Post-Conflict Sudan, 2007.
- Moon, Ban Ki, 'Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict', A/63/881-S/2009/304, 2009.
- Moore, Christopher and Brown, Gary, 'Designing Dispute Resolution Systems for Settling Land and Property Disputes in Postconflict and Postcrisis Societies', in Craig Zelizer and Robert Rubenstein (eds.) *Building Peace: Practical Reflections from the Field*, 2009, Kumarian Press, Sterling, VA, United States p.79-104.
- OECD DAC, 'Principles for Good International Engagement in Fragile States and Situations', OECD DAC, Paris, 2007.
- OECD DAC, 'Supporting Statebuilding in Situations of Conflict and Fragility: Policy Guidance', OECD, DAC, Paris, 2011
- RevenueWatch, 'RevenueWatch: Homepage', available at <http://www.revennewatch.org>, accessed 19 December 2011.
- Samuels, Kirsi and von Einsiedel, Sebastian, 'The Future of UN State-building: Strategic and Operational Challenges and the Legacy of Iraq', Policy Report from a seminar held at by International Peace Academy at the Pocantico Conference Center of the Rockefeller Brothers Fund, Tarrytown, New York, November 14-16, 2003.
- Suhrke, Astri, Wimpelmann, Torunn and Dawes, Marcia, 'Peace Processes and Statebuilding: Economic and Institutional Provisions of Peace Agreements', Oslo: Chr. Michelsen Institute, 2007.
- Tänzler, Dennis and Altenburg, Jöran, 'EU-UN Partnership: Strengthening Capacities for the Consensual and Sustainable Management of Land and Natural Resources—a Capacity Inventory', Adelphi Research, Berlin, Germany, 2010.
- Tiri, 'Tiri – Making Integrity Work', available at <http://www.tiri.org>, accessed 19 December 2011.
- Transparency International, 'Transparency International: Homepage', available at: <http://www.transparency.org>, accessed 19 December 2011.
- Ubels, Jan; Theisohn, Thomas; Hauck, Volket; Land, Tony, 'From Local Empowerment to aid Harmonisation: A tour d'Horizon of Capacity Development Trends and Challenges', Leiden, The Netherlands, 2005, available at: <http://www.capacity.org/en/content/pdf/177>, accessed 16 February 2010.
- UNDG, 'Post-Conflict Needs Assessment Guidance', available at: <http://www.undg.org/?P=147#s3>, accessed 19 December 2011.
- UNDG, 'Post-Conflict Needs Assessment Review: Phase One, Sudan Joint Assessment Mission (JAM): Case Study', UNDG, 2006.
- UNDP, 'Capacity Development', available at: <http://www.undp.org/capacity/index.shtml>, accessed 19 December 2011.

UNDP, 'Capacity Development: Assess', available at <http://www.undp.org/capacity/assess.shtml>, accessed 19 December 2011.

UNDP, 'Capacity Development: A UNDP primer', UNDP, 2009.

UNDP, 'Democratic Governance: Anti-Corruption', available at: www.undp.org/governance/focus_anti-corruption.shtml, accessed 19 December 2011.

UNDP, 'Fighting Corruption in Post-Conflict and Recovery Situations: Learning from the Past', UNDP, 2010.

UNDP BCPR, 'Countries Emerging from Conflict: Lessons Learned about Capacity Development: A Desk Review', UNDP BCPR, 2009.

UNDP BCPR, 'Transitions to a Lasting Recovery: A UNDP Viewpoint', UNDP BCPR, 2009.

UNDP BCPR, 'Capacity Development in Post-Conflict Countries: Paper', Prepared for A UNDP Global Event on Capacity Development, UNDP BCPR, 9-11 November 2009.

UNDP BCPR, 'Statebuilding for Peace in Countries Emerging From Conflict: Capacity Development for Legitimacy, Resilient, Responsive Governance - Case Studies Analysis', UNDP BCPR, 2009.

UNEP, 'Integrating Environment in Post-Conflict Needs Assessments', Guidance Notes, UNEP, 2009 available at: http://postconflict.unep.ch/publications/environment_toolkit.pdf, accessed 19 December 2011.

UNEP, 'From Conflict to Peacebuilding: The role of Natural Resources and the Environment', UNEP, 2009

UNEP, Environmental Law Institute and IUCN, 'Managing Natural Resources in Postconflict Societies: Lessons in Making the Transition to Peace' (meeting report), UNEP, Geneva, 17-18 September 2007.

UNEP, 'Lessons Learned: Capacity-Building and Institutional Development Programme for Environmental Management in Afghanistan (Phases 1 and 2)', UNEP, 2007.

UN Office on Drugs and Crime, 'UNODC's Action against Corruption and Economic Crime', <http://>

www.unodc.org/unodc/en/corruption/index.html, accessed 19 December 2011.

UN Peacebuilding Support Office, 'Peacebuilding Portal', <http://peacebuildingportal.org/cop>

UN Peacebuilding Support Office, 'Measuring Peace Consolidation and Supporting Transition', PBSO briefing paper, 2008.

USAID, 'Sustainable Uses for Biological Resources (SUBIR) Project', USAID, Washington, 1994.

Wyeth, Vanessa and Sisk, Timothy, 'Rethinking Peacebuilding and Statebuilding in Fragile and Conflict-Affected Countries: Discussion Note for the OECD-DAC International Network on Conflict and Fragility', OECD, Paris, 2009.

References

- ¹ Mabey, Nick, 'Environment and Security: A Forward Agenda', E3G, London United Kingdom, July, 2006. Available at: http://www.e3g.org/images/uploads/Environment_and_Security_A_Forward_Agenda.pdf, accessed on 19 March, 2012.
- ² Haysom, Nicholas and Kane, Sean, 'Negotiating Natural Resources for Peace: Ownership, Control and Wealth-sharing', Briefing Paper, HD Centre for Humanitarian Dialogue, 2009, p. 27
- ³ Ban Ki-moon, 'Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict', A/63/881-S/2009/304, 2009. p. 7
- ⁴ Ibid.
- ⁵ Salmon, Jago and Piza-Lopez, Eugenia 'Capacity is Development: Capacity Development in Post-Conflict Countries', UNDP, 2010, available at: <http://www.capacityisdevelopment.org>.
- ⁶ European Union/EuropeAid, 'Toolkit for Capacity Development', Tools and Methods Series, Reference Document No. 6, European Union, Brussels, 2009, p. 13
- ⁷ UNDP, 'Capacity Development: a UNDP primer', UNDP, 2009, available at: <http://www.undp.org/capacity>.
- ⁸ Evans, Alison; Domingo, Pilar; Wild, Leni; Sharma, Bhavna; Baudienville, Geraldine; Hedger, Edward; and, Foresti, Marta, 'An Approach Paper on WBI's Capacity Development Activities in Fragile States', Overseas Development Institute, London, 2009.
- ⁹ UNDP BCPR, 'Countries Emerging from Conflict: Lessons Learned About Capacity Development: A Desk Review', UNDP-BCPR, 2009.
- ¹⁰ UNDP, 'Capacity Development: A UNDP Primer', UNDP, 2009, available at: <http://www.undp.org/capacity>
- ¹¹ UNDP, 'Capacity Development: A UNDP Primer', UNDP, 2009, available at: <http://www.undp.org/capacity>; UNDP, Salmon, Jago and Piza-Lopez, Eugenia, 'Capacity is Development: Capacity Development in Post-Conflict Countries', 2010, available at: <http://www.capacityisdevelopment.org>
- ¹² *Adapted from* UNDP BCPR, 'Transitions to a Lasting Recovery: A UNDP Viewpoint', UNDP BCPR, 2009.
- ¹³ UNEP has developed tools and examples to help uncover: the risks that a dispute over resources will lead to conflict; the impacts that conflicts can have on the resource base; and, the opportunity to use resources as an entry point for peacebuilding. See, e.g., UNEP, Matthew, Richard; Brown, Oli, and Jensen, David, 'From Conflict to Peacebuilding - The Role of Natural Resources and the Environment', UNEP, 2009. Available at http://www.unep.org/pdf/pcdmb_policy_01.pdf
- ¹⁴ See the resources available at: <http://www.undp.org/capacity/assess.shtml>
- ¹⁵ Wyeth, Vanessa and Sisk. Timothy, 'Rethinking Peacebuilding and State-building in Fragile and Conflict-Affected Countries: Discussion Note for the OECD-DAC International Network on Conflict and Fragility', OECD, Paris, 2009.
- ¹⁶ As discussed in the other Guidance Notes in this series, UNEP can carry out a variety of post-conflict environmental assessments at different levels of thoroughness and expense to help establish baseline environmental data. For more information, see the Guidance Note in this series entitled 'Renewable Resources and Conflict'.
- ¹⁷ For more information on environmental risk assessment see the accompanying Guidance Note in this series, 'Renewable Resources and Conflict'.

- ¹⁸ For more information on “environmental diplomacy” and descriptions of the skills and activities that go into the process, please see the accompanying Guidance Note in this series, ‘Renewable Resources and Conflict.’
- ¹⁹ Haysom, Nicholas and Kane, Sean, ‘Negotiating natural resources for peace: ownership, control and wealth-sharing’, Briefing Paper, HD Centre for Humanitarian Dialogue, 2009.
- ²⁰ For resources on corporate accountability topics, please see the Additional Resources section of the Guidance Note in this series entitled ‘Extractive Industries and Conflict.’
- ²¹ For a more complete discussion of the Voluntary Principles, please see the Guidance Note in this series entitled, ‘Extractive Industries and Conflict.’
- ²² Brahim, Lakhdar, ‘State Building in Crisis and Post-Conflict Countries’, 7th Global Forum on Reinventing Government, Vienna, Austria, 26-29 June 2007, p. 7
- ²³ UNDP BCPR, ‘Capacity Development in Post-Conflict Countries: Paper Prepared for A UNDP Global Event on Capacity Development’, UNDP-BCPR, 2009, p. 25
- ²⁴ François, Monika and Sud, Inder, ‘Promoting Stability and Development in Fragile and Failed States’, Development Policy Review, 24 (2), 2006, p. 152
- ²⁵ Evans, Alison; Domingo, Pilar; Wild, Leni; Sharma, Bhavna; Baudienville, Geraldine; Hedger, Edward and Foresti, Marta, (2009), p. 5

Acknowledgements

Development Team

Oli Brown, United Nations Environment Programme

Richard Matthew, University of California at Irvine

Edan Rotenberg, UNDP Bureau for Crisis Prevention and Recovery

Mohamed Yahya, UN Interagency Framework Team for Preventive Action

Editors

Josie Lianna Kaye, Independent Consultant

Gay Rosenblum-Kumar, UN Interagency Framework Team for Preventive Action

Edan Rotenberg, UNDP Bureau for Crisis Prevention and Recovery

Mohamed Yahya, UN Interagency Framework Team for Preventive Action

Additional Contributors

Alex Grzybowski, UN Department for Political Affairs

Matti Lehtonen, UNEP Post-Conflict and Disaster Management Branch

Natalie Trisilla, UNEP Post-Conflict and Disaster Management Branch

External Reviewers

Florian Bruyas, UN Interagency Framework Team for Preventive Action

Jenny Clover, UNEP Regional Office for Africa

Szilard Friczka, UN-HABITAT

Dennis Hamro-Drotz, UNEP Post-Conflict and Disaster Management Branch

David Jensen, UNEP Post-Conflict and Disaster Management Branch

Mirko Puig, EU-RELEX

Jasena Sareil, UN Interagency Framework Team for Preventive Action

Corinna Valente, EU-RELEX

Anne Kahl, UNDP Bureau for Crisis Prevention and Recovery

Alex Shoebridge, UN Interagency Framework Team for Preventive Action



United Nations Department of Economic and Social Affairs (UNDESA)



United Nations Department of Political Affairs (DPA)



United Nations Development Programme (UNDP)



United Nations Environment Programme (UNEP)

UNHABITAT

United Nations Human Settlements Programme (UNHABITAT)



United Nations Peacebuilding Support Office (PBSO)



with funding and support from the European Union



The United Nations
Interagency Framework Team for Preventive Action

UN Interagency Framework Team for Preventive Action

Hosted by: UNDP, Bureau for Crisis Prevention and Recovery
One United Nations Plaza, Rm. 2084
New York, NY 10017, U.S.A.
Tel.: +1-212-906-5422, E-mail: framework.team@undp.org