Indigenous Tenure Rights and Forest Guardianship: The case for location specific comprehensive conflict sensitivity/analysis and conflict transformation in development (CSCT).

Sharing our experience from the Maleya Foundation in the Chittagong Hill tracts of Bangladesh

1.Introduction

The *Pledge* to commit 1.7 billion USD between 2021-2025 to advance tenure rights and forest guardianship of Indigenous Peoples and local communities in tropical and subtropical forests is to be welcomed in principle, hopefully along with the necessary capacity to support the developments if the objectives of the Pledge are to be achieved.

In welcoming this well intentioned initiative, we need to emphasise the need to take both the prevailing location specific circumstances into account in terms of the analysis of existing conflicts as well as the propensity of funding to either further divide communities or to enhance, build and strengthen them. To secure land tenure and resource rights in order to carry out the vital work of protecting the environment is a sensitive and dangerous procedure as is evident from the social and political situation of the vast majority of indigenous peoples today.

Fundamental changes are needed at every level from local communities to national and international institutions and governments.

2.a.) Indigenous Peoples – Living in Conflict.

There are increasing conflicts over land rights where indigenous people live and there is a correlating pervasive increase in the incidence of violence, threats, abuse and harassment globally.

It is encouraging to note that these situations are not only understood and acknowledged by the architects of this initiative but that resources are committed to tackle the fundamental issues being confronted.

Questions of how issues of conflict can be best addressed and what strategies are available to tackle under-development, exploitation and conflict over resource utilization. How can development aid most positively support the ending of destructive conflict and enable the building of improved and more sustainable livelihoods towards a peaceful environment through conflict transformation?

The challenge is to identify how development can support indigenous communities living in conflict situations in ways that enable local people to disengage and establish alternative systems for dealing with the problems that underline the conflict, rather than feeding into and exacerbating the conflict. The approach requires a clear understanding and knowledge of the context, not only the symptoms, of each particular situation and of the cause(s). Although there may be commonalities in the causes, such as the illegal acquisition of land, in every context conflict will be between two or more groups. Development aid and assistance - however well intentioned - should not create new conflict by casual alterations in the condition of one of the groups or trigger the existing conflict into violence.

An example from the Chittagong Hill Tracts (CHT), Bangladesh illustrates this issue. Indigenous peoples in the CHT were subject to armed/violent conflict for two and a half decades. This was brought to an end in 1998 with the signing of the CHT (Peace) Accord. During the years of war,

there was virtually no development work undertaken by national NGOs/CSOs or by international donors.

In 2000, a number of CHT indigenous peoples' NGO/CSOs established the Hill Tracts NGO Forum (HTNF) with the aim of providing capacity building training. We found that NGO leaders were reluctant to talk about the conflict, believing that the groups should have nothing to do with conflict issues because they promoted divide and rule attitudes. It was deeply felt that there was no potential benefit or opportunity in even debating the nature of conflict in order to understand it. Instead people preferred to work around the issue of conflict as an unofficial taboo subject.

In the CHT, many believed that the signing of the Accord would automatically put an end to war and solve the problems of conflict there but although the armed struggle eventually ended and arms were surrendered, the underlying conflict continued. There was a lack of a systems conflict analysis which led people -who had desperately hoped and worked for a peaceful settlement - to be frustrated causing further divisions in the region. This was primarily because of a lack of political will on the part of the government to ensure that the key agreements in the Accord were fully implemented – which has ensued now for nearly 25 years – has caused further divisions. In this context conflict in the CHT has been viewed only as a problem and not as an opportunity for Conflict Transformation.

Diagrammatic illustration of the complexity of conflict in the CHT.

2.b) The Role of Development Aid and Assistance in conflict situations.

Aid agencies are frequently confronted with dilemmas over different types of conflicts and some have made constructive/positive changes in the conflict context. However, it is important to recognise that, in situation of conflict and violence, neutrality is not an option. The work begun in the CHT by the Maleya Foundation is an attempt to apply the principles of CSCT.

The impact of development funding on conflict through resource transfers is not neutral.

Experience demonstrates that even when aid is effective in achieving the intended development objectives, it often reinforces and prolongs conflict. Aid workers frequently report well-intentioned resources and efforts are misappropriated and distorted by local politics fuelling the potential for the extension of new conflicts. This is not a new phenomenon, victims of war and violence report that aid often enriches the perpetrators of violence and systems of aid and the interactions of aid workers unintentionally reinforce the existing power balance and inadvertently undermine the participation of Indigenous Peoples. When aid is provided in a specific context of violent conflict, it becomes a part of that context. Although aid agencies often seek to be none partisan in conflict situations, the impact of their interventions are not neutral. Development assistance can reinforce, exacerbate, and prolong the conflict; it can also help to reduce tensions and strengthen peoples' resolve to find an end through peaceful means but development aid cannot remain separate from conflict. When any assistance is given in the context of conflict, it both affects and is affected by that location specific conflict. There are number of ways in which development assistance and conflict interact and the choices made in aid programming obviously affect whether the impacts are negative or positive.

An understanding of potential negative patterns of development enables analysis of complex situations of conflict to use programming options that support and build local capacities for peace.

3. An approach towards Conflict Sensitivity and Conflict Transformation (CSCT). Maleya Foundation

In order to support Indigenous Peoples, who are one of the most vulnerable groups of society due to human as well as natural induced crises, it is important that we have a very clear understanding of the context – not only of the socio-economic situation - but of the total situation including conflict on a location specific basis. In every context where two or more groups exist there is a propensity for conflict and/or violent conflict.

Aid can support war – or peace! If the aid is not conflict sensitive – it has the propensity to support war. And if it is dealt constructively, it helps enable building peace.

The purpose of this article is to answer the question - How can humanitarian or development assistance be given in conflict situations in ways that rather than feeding into and exacerbating the conflict help local people to disengage and establish alternative systems for dealing with the problems that underline the conflict?
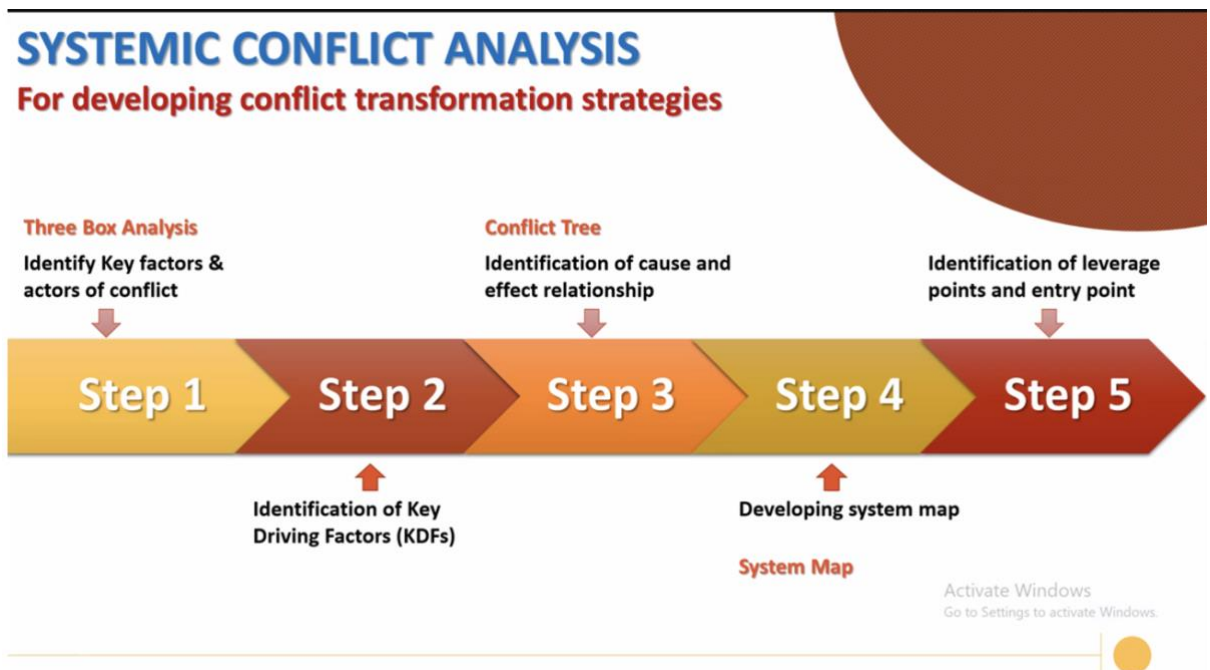
Strategies have sometimes referred to the need for conflict resolution or conflict management but few refer to the need for conflict sensitivity / conflict transformation. Why is the notion of transformation considered more effective?

Conflict Transformation (CT) is a complex idea/approach that not only requires solutions to conflict but also social change. The notion of CT does not only seek to end a specific incidence of conflict but is concerned with how something destructive is ended but replaced with something desired as stated by John Paul Lederach. That is, it is not only necessary to deal with an immediate crisis but replace that with a long-term solution - the need is to identify and apply strategies to ensure that conflicts are indeed transformed .

Conflict resolution approaches may help solve surface problems but do not transform the fundamental issues and miss therefore the greater potential for constructive change.

The Maleya Foundation(MF) and its network partners have for the last one and a half decades been working in and on conflicts in South Asia. The Maleya Foundation considers that the destructive problems arising from conflict can be transformed and that development assistance can be effectively developed and channelled so a progressive sustainable approach encompassing peacebuilding instead of conflict can be enabled.

The MF trained a team of social activists as trainers who practice CSCT in their day-to-day activities. The way MF develops design strategy objectives of its work/process:

The approach applied in the CHT has been with the Maleya Network members; the CSOs, including youth and women organizations.

A useful start has been made by these groups to pursue the CSCT agenda. For example, the diverse community/ethnic based students' group have been meeting together to discuss differences to advance their common struggle/movement. The CSOs has been successful in promoting dialogue with the notorious and disparate Non-State Armed Groups (NSAGs). They have also engaged with various Regional political parties and are working with the groups on Politically Motivated Violence (PMV). The women groups are working with a wide range of groups and individuals on Conflict on Gender based Violence (GbV).The process has also been shared with some INGOs in Bangladesh including BfdW partners through a CSCT orientation workshop, and with Peace building practitioners.

The Government of Bangladesh is an ultimate challenge and to date the CSCT approach has been introduced to responsible officers for SDG implementation in the Sub-districts of CHT.

The orientation training for groups is focussed on Developing our Capacities: Cultivating meaningful practices.

Elements of the facilitation process include,

1. Develop a capacity to view current issues as a window
2. Develop the capacity to integrate multiple time frames
3. Develop the capacity to present the energies for conflict as dilemmas
4. Develop a capacity to make complexity a friend, not a foe
5. Develop a capacity to hear and engage the voices of identity

Looking through the lens of conflict transformation has enabled participants and practitioners to recognise the potential for constructive dialogue and change inherent in conflict.

4. **Support needed from the Pledge for encouraging the use of the Conflict sensitivity Conflict Transformation approach (CSCT).**

The proposal of the Pledge to channel support to Indigenous Peoples and local communities, for capacity building and financial support for group activities, collective governance structures/management systems, and sustainable livelihoods including activities to secure, strengthen and protect Indigenous Peoples' and local communities' land and resource rights, through support to community-level tenure rights mapping and registration work, national land and forest tenure reform processes and their implementation, and support to conflict resolution mechanisms is warmly welcomed.

We in the CHT also greatly value the intention of the Pledge to help secure the legal recognition of land and resource rights and strengthen our institutions, organizations and networks to further support our efforts and actions to protect our land, forests and resources.

Hence, our support should not create new conflict or exacerbate the existing conflict into violence.

Lessons Learned - Local Capacity for Peace (LCP) (South Asia Network).

Lesson 1. There was conflict prior to development interventions /programmes.

Lesson 2. When we enter in the conflict situation with development projects or programmes, they become part of the context and interact either in a positive or negative way.

Lesson 3. Even well intentioned interventions - due to unwise mandates or inappropriate approaches, resource and messages may have a negative impact on the context.

Lesson 4. It is often not the entirety, the whole intervention which has negative impacts on the context but one or more elements of the programme.

Lesson 5 - Experience has shown that there are always options to be pursued.

5. Recommendations for consideration.

Support should not create new conflict or exacerbate the existing conflict into violence.

- **For development activists and leaders**

Enhancing the analytical capacity and understanding of the conflict context – conflict sensitivity - to identify effective strategy - conflict transformation tools - to respond to the challenges of dealing with resource conflicts.

- **For governments, donors**

➢ Continue to provide necessary and flexible funding support to the development actors for mainstreaming and developing necessary knowledge and skills about the conflict sensitivity and conflict transformation approaches for bringing effective changes in the context.
➢ Identify appropriate Partners and support assessed and agreed CSCT processes advocated by them rather than short term projects for optimum effectiveness.
➢ Analysis of the impact of different development interventions on conflict is necessary.
➢ Allocate funds for conducting Systemic Conflict Analysis. (Conflict is obviously complex and the nature and balance is constantly changing. The dynamics require regular systematic conflict analysis in order to make any appropriate adjustments to the programme.
➢ Reflecting on the Peace Process (RPP) is an important tool.
➢ Support the demands of IP organisations for direct access to funding.
➢ Include all key parties/actors/stakeholders of the on-going conflict/violence in the strategic design for CSCT/peacebuilding approaches.

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