

# Negotiation and mediation techniques for natural resource management

CASE STUDIES AND LESSONS LEARNED





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Prepared in the framework of the  
**Livelihood Support Programme (LSP)**  
An interdepartmental programme for improving  
support for enhancing livelihoods of the rural poor



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# Foreword and Acknowledgements

This publication is part of a series of training materials on natural resources conflict management developed by FAO's Livelihood Support Programme. It supports the discussions presented in *Negotiation and mediation techniques for natural resource management* (2005) – a conceptual guide – by sharing recent, real-life experiences of Africans who have used the processes and principles of consensual negotiation and mediation to address natural resource conflicts. The series also includes a trainer's guide containing learning activities designed to support training in natural resources conflict management.

This publication presents the results of the African Training-of-Trainers Programme for natural resources conflict management, which was conducted from April 2005 to August 2006.

Among the many institutions and individuals who were involved in implementation of the training programme the following are to be mentioned: InWEnt – Capacity Building International, Germany, which collaborated with FAO's Livelihood Support Programme to implement the programme; Demetrio Polo-Cheva and Anja Glatzel from the Department for Environment, Energy and Water in Berlin, and Friederike Subklew from the South Africa office are especially recognized for their continued support to the programme.

Special thanks to Katherine Means, the trainer and mentor of the training, and Dirk Floeter, who followed the programme from FAO, Rome for a short but critical period.

A particular word of appreciation to the authors of the original case studies for presenting readers with the contexts, problems and experiences of mediators and other stakeholders in real-life conflicts.

It is hoped that this publication will contribute to a better understanding of conflict, as well as strengthening people's belief and confidence in the many ways conflict can be positively influenced to support sustainable livelihoods.

# The Livelihood Support Programme

**The FAO Livelihood Support Programme (LSP)** 2001–2007, supported in part by the United Kingdom's Department for International Development (DFID), is helping to improve the impact of FAO interventions at the country level through the effective application of sustainable livelihood (SL) approaches.

LSP evolved from the conviction that FAO could have a greater impact on reducing poverty and food insecurity if its wealth of talent and experience was integrated into a more flexible and demand-responsive team approach. LSP aims to increase knowledge of and capacity to apply SL principles and approaches. LSP works through teams of FAO staff members, who are attracted to specific themes being worked on in a sustainable livelihoods context. These cross-departmental and cross-disciplinary teams, known as sub-programmes, act to integrate sustainable livelihoods principles in FAO's work at Headquarters and in the field. These approaches build on experiences within FAO and other development agencies.

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# Acronyms

BATNA	best alternative to a negotiated settlement
CBNRM	community-based natural resource management
CDC	Colonial Development Corporation
CFMA	Community Forestry Management Agreement
CRDFP	Central River Division Forestry Project
DFID	Department for International Development
FAO	Food and Agriculture Organization of the United Nations
GTZ	German Agency for Technical Cooperation
IRDNC	Integrated Rural Development and Nature Conservation
LSP	Livelihood Support Programme
MET	Ministry of Environment and Tourism (Namibia)
NACO	National Consultancy for Forestry Extension and Training Services
NGO	non-governmental organization
SNV	Statement of the Neighbouring Villages
USAID	United States Agency for International Development
VDC	village development committee



# Building local capacity to manage and resolve natural resource conflicts in Africa

Many parts of Africa are experiencing increased conflicts over natural resources (see Blench, 1996; Collier and Hoeffler, 2002; Addison, LeBillon and Murshed, 2003; Peters, 2004; Gauset, Whyte and Birch-Thomsen, 2005; and related items in the reference list at the end of this chapter). These tensions involve all social levels, from families, neighbourhoods, communities, ethnic or religious groups, private enterprises, voluntary associations and nation-States, to global entities such as donor agencies and conservation groups. The reasons behind the rise in conflict vary. In many cases, the origins of conflict are rooted deep in Africa's historical political economy, especially colonialism, which not only reorganized rights and access to natural resources, but also shifted in complex ways the relationships across and within social groups. Recent processes and events are intensifying competition over the continent's vast and diverse resources. Such trends include economic liberalization, decentralization and privatization, which are increasing the opportunities for community involvement in natural resource management.

Community-based natural resource management (CBNRM) has been successful in that it has become an integral part of government policy and programmes in many countries. By 2002, for example, more than 30 African nations had launched participatory forestry initiatives, and similar reforms were under way regarding wildlife and other resources (FAO, 2002). These changes in resource access and use patterns, however, can affect stakeholders in diverse and unexpected ways. Although such initiatives offer new possibilities for resource management or benefit sharing, not all people necessarily gain from these. Experience shows that community members or resource users may sometimes find themselves in a more vulnerable or precarious situation owing to changes brought about by the implementation of CBNRM. It is therefore not surprising that these processes sometimes generate new tensions, or serve to revive or refuel long-standing or latent conflicts (see FAO, 1997; Buckles, 1999; Ribot, 1999; 2002; Castro and Nielsen, 2001; 2003; Peluso and Watts, 2001; Warner, 2001; Peters, 2004).

The emergence of non-violent conflict is not necessarily negative in CBNRM. The appearance of public disagreements and disputes may reflect that society is becoming more open and participatory, with people giving voice to their perceived priorities, interests and needs. Indeed, conflict can serve as the catalyst for progressive societal change. People may bring to attention to the wider society their exclusion, marginality or insecurity regarding resources or livelihoods. How people handle disagreements, conflicts and disputes is what truly matters. Managing and resolving conflict in a participatory, consensual and peaceful manner can strengthen civil society; land and resource conflicts that are ignored or unjustly handled always have the potential to become intractable and violent, resulting in environmental degradation, diminished livelihoods and human rights abuses. Such disputes also run the danger of generating more and deeper distrust and divisions, undermining the foundation of society and its ability to cope with social tensions. The livelihoods of poor households are especially vulnerable to disruption, but everyone is at risk when conflict escalates. Because natural resources are so close to livelihoods, identities and security in Africa, conflicts over their control, management and use demand special attention.

As in other parts of the world, people in Africa have formal and informal conflict management institutions and procedures for addressing natural resource conflicts.<sup>1</sup> These entities can be based in different bodies of law or legal traditions – a situation called “legal pluralism”. Legal orders may derive from the nation-State, customary law rooted in social groups (ethnic, tribal, caste or community) or religion. The various legal orders are not closed systems, but overlap, and they can be complementary or competitive, in harmony or contradictory. People involved in disputes take courses of action based on their preferences, knowledge about the options available to them, perceived likelihood of success, and relationship with their opponent(s). Not all people have equal access to all options; gender, class, age and other factors may restrict which avenues are open to certain individuals or groups. The lack of substantial public roles for women in the conflict management institutions of many African societies merits special notice, but the situation is changing (see for example, Elmi, Ibrahim and Jenner, 2000; Hamilton and Dama, 2003). In addition, legal orders differ in their capacities to handle conflicts, including ones involving multiple stakeholders from diverse social backgrounds.<sup>2</sup> For example, national court systems are often inaccessible to people because of cost, location, social distance and an inability to consider local knowledge. Even customary conflict management practices may exclude some people on the basis of gender, caste, class or other factors. Training in consensual negotiations and mediation (an approach that derives from alternative dispute resolution, but is also similar to indigenous practices) offers a potentially significant means to overcome obstacles to participatory conflict management that are inherent in legislative, administrative, judicial and customary approaches. This approach can help strengthen the capacity of Africa's different legal orders.

1. There is a long-standing and extensive literature on Africa's customary and contemporary legal orders, conflict management practices, land tenure systems and related topics. See for example, Biebuyck, 1963; Kuper and Kuper 1965; Bozeman, 1976; Moore, 1986; Deng and Zartman, 1991; Shepherd, 1992; Shipton, 1994; Bruce, 1998; Osaghae, 1999; Zartman, 2000; Toulin and Quan, 2000; Berry, 2002; Peters, 2004; Environmental Law Institute, 2004; Moore, 2005.

2. Engel and Korf (2005) review the strengths and weaknesses of customary law, national legal systems and alternative conflict management; see also Anderson, 2003.

It should be noted that consensual negotiation, like all forms of conflict management, has limitations. For example, it may not be appropriate in dealing with violent conflicts involving high levels of insecurity among stakeholder groups. Such critical situations require specialized approaches to addressing conflict. It may also be difficult to use consensual negotiation in cases where enormous differentials of power separate stakeholders, making the negotiating field and process highly uneven. Nonetheless, in appropriate settings, it can serve to enhance people's capacity to address natural resource conflicts in a peaceful and participatory manner that facilitates the creation of mutually acceptable outcomes. Consensual negotiations also provide the basis for enhancing or developing collaborative working relationships among diverse stakeholders in natural resource management.

## PURPOSE AND INSTITUTIONAL CONTEXT

This publication seeks to support sustainable livelihoods in Africa and elsewhere by sharing the recent, real-life experience of Africans who have used the processes and principles of consensual negotiation to address natural resource conflicts. The case studies were carried out as part of a programme for building African capacity to manage and resolve natural resource conflicts. The programme was initiated by the Food and Agriculture Organization of the United Nations (FAO) through its Livelihood Support Programme (LSP) and implemented in partnership with InWent, Capacity Building International, Germany. The programme is based on training materials and a specific approach to training developed by LSP.<sup>3</sup> The publication will also provide reflections and lessons learned about the training approach, and accomplishments and limitations of the programme, for those interested in carrying out similar tasks.

FAO has long supported the peaceful, participatory and equitable management and resolution of natural resource conflicts. The Department for International Development (DFID) has sought to boost the effectiveness of global development institutions and interventions through the application of sustainable livelihood approaches. LSP is an interdepartmental programme within FAO dedicated to improving the lives of the world's poor by strengthening their capacities to support themselves. Among its activities are the development of natural resource conflict management training materials, the holding of training sessions and the provision of related technical support.

Members of the conflict management teams featured in the two case studies participated in LSP's African Training-of-Trainers Programme, which was designed as an applied and guided learning process lasting 15 months. Practitioners learned how to engage in consensual negotiations/mediation through hands-on experience of trying to manage or resolve an ongoing

3. *Negotiation and mediation techniques for natural resource management* (2005) is a conceptual guide providing practitioners with step-by-step guidance on how to establish a process on consensual negotiations. To support the discussions presented in the conceptual guide there is also a *Trainer's guide* (2007), which contains learning activities designed to support training in natural resources conflict management.

dispute involving natural resources. They were asked to document and reflect on what happened in implementing the principles and methods of consensual negotiation and collaboration building. The case studies not only illustrate the nature of conflicts involving community natural resource management, but also shed light on the practical steps and actions entailed in fostering, achieving and implementing a negotiated agreement. Although several training participants attempted to prepare detailed case studies, only two groups completed the process of both resolving a conflict and writing about it. This outcome demonstrates the challenges of trying to address conflicts. They are not simply problems that can be “fixed” by applying a social technology. Conflict management requires high degrees of commitment on the part of the mediators and the communities – and even then the outcomes are not certain. For both mediation teams, writing about the conflict management processes for the purpose of global exchange of experience proved to be a significant task, even with technical support.

In many ways the two case studies presented here can be considered success stories, but they also reveal the complexities and challenges faced by practitioners engaged in natural resource conflict. Effective conflict management based on consensual negotiation requires not only commitment, skills and logistical support, but also policy and administrative environments that enable all stakeholders to interact in an open, respectful and equitable manner. Perhaps one of the most stunning aspects of these case studies is how much each team accomplished with relatively modest financial and other resources. This outcome suggests that a great deal could be achieved in addressing many of Africa’s pressing natural resource conflicts with similarly modest but effectively deployed investment of resources in training and logistical support for consensual negotiations.

## CONFLICT MANAGEMENT IN SUPPORT OF SUSTAINABLE LIVELIHOODS

### Sustainable livelihoods

The sustainable livelihoods approach focuses on one of the most fundamental aspects of life: people’s ability to support themselves now and into the future. It does so by viewing livelihoods within both a micro- and a macro-context, spanning both physical and social environments at the local, national and global levels. A livelihood is the set of capabilities, assets and activities that furnish the means for people to meet their basic needs and support their well-being. Livelihoods are not simply localized phenomena but are connected by environmental, economic, political and cultural processes to wider regional, national and global arenas. As such the sustainable livelihood approach provides a useful framework to examine the links among conflict management on the ground, the effects of policy processes on livelihoods and the need to support the development of multiple livelihoods opportunities. Conflict at the local level can only be managed effectively when there is understanding of the macro-environment that creates the conditions for conflict and the processes necessary to deal with this.



## Natural resources conflict management

Natural resource management usually involves the active participation of a large number of people who often possess a range of different interests, needs and priorities. Decentralization has added to the complexity of stakeholder relations, by bringing together such divergent groups as State resource managers, local resource users and non-governmental organizations (NGOs) of varying sorts. Even where traditions, customs, rules, laws or policies govern competing access to and use of natural resources, conflicts and disputes inevitably arise. The necessity of addressing conflict is now acknowledged as an essential aspect of sustainable livelihoods and participatory development. Conflict management that follows the principles of sustainable livelihoods seeks to facilitate consensual negotiation as a means for stakeholders to deal with – and hopefully resolve – their perceived incompatibility of interests. It provides a peaceful and balanced setting for people to reach mutually acceptable agreements. Ideally, conflict management should:

- enhance people's knowledge of approaches, skills, tools and techniques, particularly for conflict analysis, consensual negotiations and mediation, to identify and overcome constraints in the development process;
- strengthen relationships and build trust within and among groups;
- increase the capacity of communities, organizations and institutions to solve problems;
- contribute to strengthening the institutional arrangements that regulate access to and use of natural resources;
- foster increased flows of income and benefits through improved access to and management of natural resources.

In general, people's ability to pursue sustainable livelihoods is strengthened by increasing or enhancing their human and social capital. This also involves fortifying the capacity of institutions and civil society to resolve conflicts of interest by consensual means.

## The process map for consensual conflict management

LSP has developed a conceptual guide on informal conflict management procedures to meet the needs of practitioners working on participatory natural resource management and rural livelihoods (see Engel and Korf, 2005). The focus is on processes and techniques for consensual negotiations and mediation to resolve natural resource conflicts, which occur every day in all regions of the world. The objective is to deal with conflicts and disputes that are at a low level of intensity, and so are not characterized by high degrees of violence or insecurity. Overall, the orientation is towards crisis prevention, with the aim of dealing with conflicts and disputes before they escalate into high-intensity, violent situations. Preventing escalation is much easier and more cost-effective than intervening only when severe damage has already been done.

Engel and Korf (2005) furnish the main framework for resolving natural resources conflicts. This seeks to supplement traditional or local decision-making procedures by bringing the conflicting parties together to solve problems jointly through negotiated settlement. The framework includes

procedures for collaborative decision-making that can take place with or without mediation. The hallmark of these procedures is their flexibility, which allows for optimal adjustment to the specific needs of parties in the conflict management process. It should be noted that the role of mediator – an impartial third party who serves in a facilitative role – can be crucial in helping to overcome mistrust, procedural questions, stalemates or other circumstances that can halt negotiations. The mediator's role often involves providing procedural, substantive and psychological support.

Guided by the goal of fostering collaboration, and mindful of the ethical imperative to “do no harm”, Engel and Korf (2005) present a ten-step conflict management process map. This process map is not intended as a uniform, rigid sequence to be applied in the same way in all settings and situations. On the contrary, it is offered as an inherently flexible and adaptable framework. Those engaged in conflict management procedures can tailor its approach, techniques and exercises to suit their own particular needs or previous experience. Nonetheless, a virtue of the framework is its following of a progressive sequence from entry to exiting the conflict management process. It also provides extensive practical information about mediation and negotiation processes. The ten steps can be summarized as follows:

- Step 1: Preparing entry:** Mediators clarify roles, prepare contacts, examine background information and develop strategies for contacting the various stakeholders.
- Step 2: Entering the conflict scene:** The first contact is usually through separate meetings with each of the concerned parties; mediators then clarify their own roles and secure a commitment to start mediation.
- Step 3: Conflict analysis:** This involves clarifying assumptions about the stakeholders' positions in order to ascertain whether consensual and interest-based negotiations are possible and whether the process should continue with the mediators' involvement.
- Step 4: Broadening stakeholder engagement:** Participatory stakeholder analysis is facilitated, with the involved parties assuming greater control and responsibility.
- Step 5: Assessing options:** Mediators help stakeholders to formulate and assess options for managing or resolving the conflict.
- Step 6: Preparing negotiations:** People and logistics are made ready for the conducting of negotiations.
- Step 7: Facilitating negotiations:** Mediation, facilitation and reconciliation methods are used as the contesting parties engage in face-to-face discussions to identify possible options for agreement; ideally, this involves a shift in the framing of the conflict from positions to interests and needs.
- Step 8: Designing agreement:** Mediators help the parties to define, evaluate and decide on the specific points of agreement.
- Step 9: Monitoring the agreement:** Mediators assume a support role in clarifying implementation and monitoring of the agreement.

**Step 10: Preparing to exit:** Mediators hand over responsibility for the conflict management process to local stakeholders or a trusted local mediator, providing capacity building support, if needed within the community for conflict management.

Engel and Korf strongly stress that their ten steps should not be treated as a rigid blueprint: “The actual process is not linear, but moves forwards and backwards as situations and capacities change. This requires flexible handling of the steps according to how the process develops” (Engel and Korf, 2005: 6). The need for flexibility and creativity is evident in the case studies.

## THE CASE STUDIES: THE GAMBIA AND NAMIBIA

This publication features two cases studies:

- “Who owns Kayai Island? Community forestry conflict management in Central River division, the Gambia”, by A. Dampha, K. Camara, A. Jarjusey, M. Badjan and K. Jammeh. This describes the experience of the Gambia's Forestry Department and the National Consultancy for Forestry Extension and Training Service in resolving a long-standing dispute between two rural communities over landownership and resource use. This old conflict had been given new impetus by decentralization in the form of community forestry.
- “Who will benefit from tourism and wildlife management? Conflict management in Salambala Conservancy, Namibia”, by C. Murphy with D. Nheta and E. Mwilima. This describes the efforts of the NGO Integrated Rural Development and Nature Conservation and the Ministry of Environment to address a dispute arising within the context of the country's conservancy programme, which seeks to promote decentralization and local development through wildlife and tourism co-management. Traditional authorities sought to prevent a village from receiving its benefit share from the conservancy. The conflict turned out to be deeply rooted in the region's history, and illustrates a power struggle between traditional and recently created institutions and authorities.

Despite their diverse locations (West and Southern Africa) and sectors (forestry and wildlife, respectively), both of the cases share many aspects. Both conflicts reflect the legacy of colonialism, when State policies excluded rural communities from natural resource management. The case studies also deal with some of the social complexities, including different identities and conflicts of interest, which arose in the colonial era. Both case studies occur within the context of new and innovative government initiatives – decentralization programmes promoting natural resource co-management as a means of sharing benefits. In terms of conflict management approaches, both teams were dealing with disputes that turned out to be more complex than they initially appeared. Conflict analysis revealed the complexity and long-standing tensions of the disputes. Differences between the case studies include the reporting of conflict management processes, the level of detail the authors provide and the analysis of lessons learned.

## USING CASE STUDIES<sup>4</sup>

### Case studies as learning tools

These case studies aim to build skills in the processes and principles of consensual negotiation by presenting readers with the contexts, problems and experiences of mediators and other stakeholders in diverse situations. The case method offers a learning tool that stimulates the reader to:

- **discover**, by examining key issues in natural resource conflicts as manifested in the cases, identifying primary and secondary stakeholders, exploring the historical background, analysing contemporary causes, reviewing the roles of local and wider institutions and markets in the conflicts, and assessing past and present attempts at conflict management and resolution;
- **probe**, to explore stakeholder agendas, analyse social and power relations among the interested parties, evaluate the benefits and costs of conflict management and resolution options for stakeholders, examine social variables that influence the implementation of conflict management and resolution processes, and consider the outcomes from different stakeholders' viewpoints;
- **practise**, through building readers' knowledge from the clear and concise presentation of real-life examples that serve to sharpen analytical and technical skills, such as negotiation and mediation, through discussion, role playing and other forms of learning;
- **contrast and compare**, by providing different situations for reflection on key issues regarding how and why people engage in conflict management and resolution processes, what happens when they do so and whether what they learn from the cases can be adapted to readers' situations.

### Organization of the case studies

Each case study focuses on the following five areas:

- **Key issues and context:** Where does the case study take place? What is its environmental and social setting? What resources are involved? What is the official policy regarding the resource? Who are the stakeholders and other interested parties?
- **Conflict history:** What is the history of the conflict? How did it manifest itself? How has the conflict been viewed or interpreted?
- **Conflict management and resolution processes:** How have people tried to address the conflict? How did the teams enter the conflict? How did they carry out conflict analysis and broaden stakeholder engagement? What strategies and tools were used? How did they prepare for the negotiations? What logistical arrangements were necessary to carry out the conflict management process?

4. This section is adapted from Castro and Nielsen, 2003.

- **Conflict management and resolution outcomes:** What was accomplished by the efforts to manage or resolve the conflict? Was an agreement reached? If so, what did it involve? How was it to be enforced? How did the various stakeholders and other interested parties feel about the outcome? Did the conflict appear to be fully resolved?
- **Lessons learned:** What specific lessons are to be learned from this case? What are the lessons regarding policy, legal frameworks and institutional structures? What does the case reveal about power relations?

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# Who will benefit from tourism and wildlife management? Conflict management in Salambala Conservancy, Namibia

By C. Murphy, with D. Nheta-Manungo and E. Mwilima

Edited by A.P. Castro

## SUMMARY

Sikanjabuka is a small rural community in Caprivi region in northeastern Namibia. Along with 17 other Caprivi villages, it is a member of Salambala Conservancy, an innovative, participatory institution that allows communities to pool their land to co-manage wildlife and other natural resources and to secure concessionary rights for tourism enterprises. A conservancy aims to foster sustainable resource management and promote local socio-economic development through decentralization, thus reversing colonial and apartheid-era policies that marginalized rural people. Namibia's national conservancy programme, carried out in collaboration with NGOs and international donors, has had much success. One of its hallmarks has been the attention it pays to institutional capacity building. Before it is officially registered, each conservancy must meet legal requirements, including electing a management committee, establishing a constitution, and formulating natural resource management plans and a strategy for the equitable distribution of benefits.

Salambala was the second conservancy set up in Namibia (in 1998), and is cited internationally as a success story. It has not been without conflict, however. Bukalo Khuta, the traditional authority in this area, ordered Salambala Conservancy to stop benefit payments to the village of Sikanjabuka. Although the khuta has no right to interfere in the conservancy's affairs, traditional authorities are

very powerful and have been involved with Salambala since its foundation. The conservancy initially ignored this request, but eventually complied in 2005. In response, the leaders of Sikanjabuka sent a letter of complaint to the Caprivi Regional Governor and the Minister of Environment and Tourism, which is responsible for the conservancy programme.

This case study is based on the efforts of staff from Integrated Rural Development and Nature Conservation (IRDNC), an NGO with a long history of involvement in conservancies, and from the Ministry of Environment and Tourism (MET), the government department responsible for overseeing the programme. It emphasizes the importance of conflict analysis in the process map for consensual negotiations. The dispute reflects deep ethnic and political differences between the Masubia and Mafwe tribes. It is not simply rooted in primordial tribal differences, however, and should also be seen within the context of the region's historical political economy, particularly the "divide-and-conquer" strategy of the colonial and apartheid regimes. Conflict analysis revealed that the principle issue in this case relates to a conflict between the roles and responsibilities of the new conservancies and those of the tribal authorities, which have overlapping – and sometimes competing – interests in the devolution of power regarding natural resources to the local level. The case study acknowledges that it is not always possible to resolve the entire conflict, particularly when it involves structural tensions. Nonetheless, the breakdown of the main dispute into smaller, more manageable pieces provides entry points that may serve to reduce latent and deeply rooted social tensions over time, and the process map for consensual negotiation may be applicable for managing or resolving such structural tensions.



Source: Tsukhoe Maureen Garões

## KEY ISSUES AND CONTEXT

### Overview

Namibia is a large, generally arid and lightly populated country along the Atlantic coast of southern Africa. Its 824 268 km<sup>2</sup> of surface area includes the Namib desert, where annual rainfall averages only 25 mm. Rainfall totals are higher in the northeast, where Caprivi region is located, and average more than 600 mm/year. As is common in arid and semi-arid areas, rains are erratic, both spatially and temporally, making Namibia prone to drought. With 2 million inhabitants in 2005, the country has one of the lowest average population densities in the world – three people per square kilometre. Most people reside in the wetter north.



Two-thirds of all Namibians are rural dwellers, relying directly on local natural resources for their livelihoods, including from agriculture, mining, fishing and – increasingly – tourism. In 2005, the per capita gross national income was nearly US\$3 000, but most rural people received considerably less, reflecting long-standing patterns of wealth distribution established in the colonial era. Surveys conducted in 1993, only a few years after independence from South Africa, revealed that more than one-third of Namibia's population lived on less than US\$1 a head per day, the international benchmark for extreme income poverty, and more than half on less than US\$2 a day. Low life expectancies at birth – 47 years for males and 48 years for females in 2004 – reflect not only the country's widespread poverty but also its high incidence of HIV/AIDS, which affects nearly 20 percent of the population between 15 and 49 years of age (World Bank, 2006).

## Decentralization of wildlife management and tourism

This case study focuses on a conflict occurring within the context of Namibia's efforts to decentralize wildlife management and tourism development. Wildlife constitutes one of the most important resources in Namibia, which still has substantial numbers of large mammals, such as elephants, and many other kinds of animals. The country's scenic landscapes and considerable marine resources also attract tourists. In colonial times, both wildlife management and tourism were largely State-controlled, centring on national parks and other official conservation areas, which covered 14 percent of Namibia's total area. The government considered all wildlife to be State property. It eventually bestowed freehold land, covering 43 percent of the nation, to white inhabitants for the conditional ownership of certain species. White inhabitants also engaged in private tourism development, including commercial lodges, hunting enterprises and related businesses. Reflecting the prevailing ideology of apartheid, the "homelands" or communal areas (41 percent) reserved for black Africans – who comprised the vast majority of Namibia's population – received no rights to local wildlife and no support for tourism development (Jones and Mosimane, 2000). Ownership of even communal lands was vested in the State.

Since independence in 1990, Namibia's tourism sector has boomed; propelled by a growing number of international arrivals, tourism is now one of the most important sectors of the national economy. In conjunction with policy and legislative reforms to decentralize wildlife management, tourism is increasingly viewed as a means of fostering biodiversity conservation and sustainable local socio-economic development. In 1996, the Government of Namibia passed the Nature Conservation Amendment Act, which grants rural communities legal rights over the management and utilization of their natural resources, and gives the residents of communal areas the same rights over wildlife and tourism as freehold farmers. Conservancies have been established as the institutional mechanisms for local participation in the co-management of wildlife management and tourism development.

The CBNRM Programme provides an official platform for encouraging the formation of conservancies. Villages in communal areas can join together with the State, NGOs and private



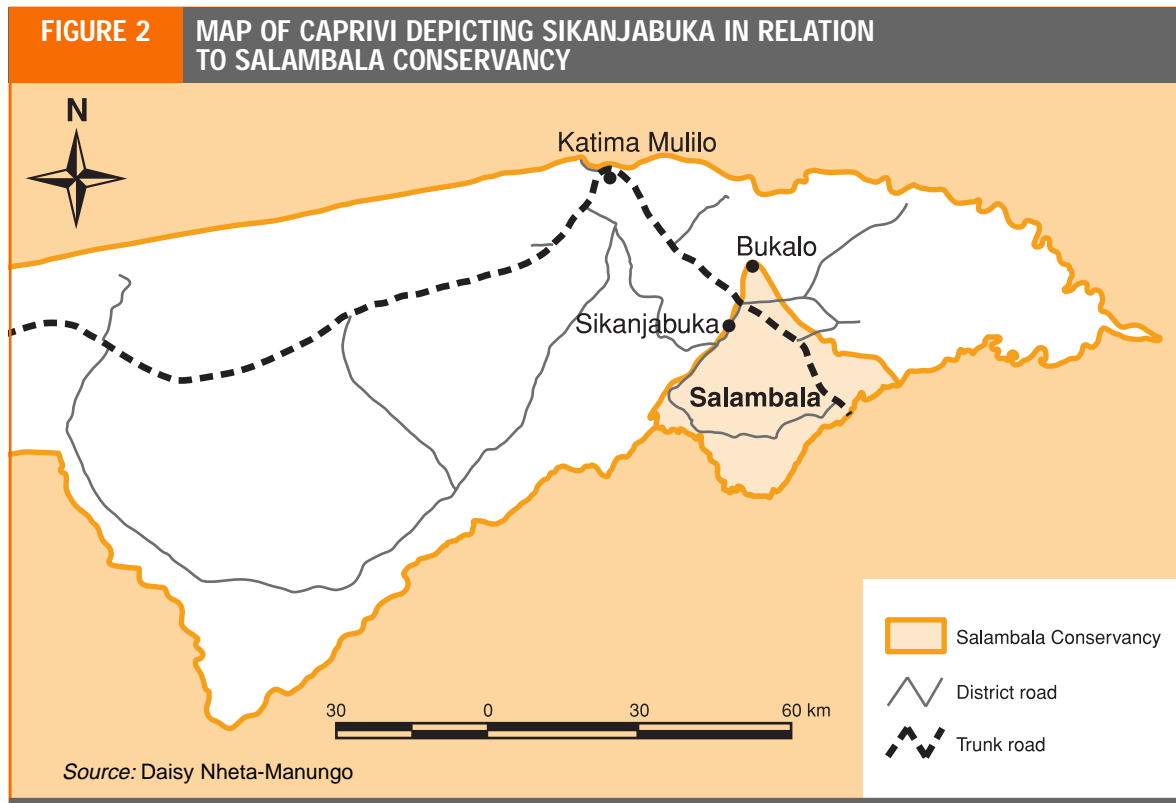
enterprises to benefit from trophy hunting, tourist campsites, handicraft sales and other endeavours related to wildlife conservation and tourism. As a legal entity, a conservancy has a set membership, demarcated boundaries, a constitution, operational rules, an elected management committee and a set of procedures for distributing its income equally among its members. Its rights to game are limited, however, and members must follow State-mandated regulations for natural resource use. MET provides official oversight of conservancies. Traditional tribal authorities also work closely with and, to some extent, monitor the new institutions. Even with such restrictions and supervision, the conservancies offer an innovative participatory setting for Namibia's rural population to pursue new livelihood activities. To date, the national conservancy programme has been largely successful in pursuing its diverse goals (Long, 2004a), although it is not without critics (such as Sullivan, 2000).

As in other parts of the world, the process of decentralizing natural resource management to communities and local resource users has not been without conflict and disputes. Decentralization not only creates a new arena for disputes to emerge, but it can also rekindle and intensify existing tensions and conflicts in society. This case study deals with a conflict that occurred in one of Namibia's conservancies.

## The local setting: Sikanjabuka village and Salambala Conservancy in Caprivi region

Caprivi region is a panhandle-shaped extension of territory in northeastern Namibia that is surrounded by Angola, Zambia, Botswana and Zimbabwe. Its boundaries follow no obvious geographical or social logic and originated in response to European colonial interests in the late nineteenth century by giving the German colony of Southwest Africa access to the Zambezi river. Caprivi is one of the best watered parts of Namibia, and population densities are higher here than in the rest of the country. Sikanjabuka village, which is the case study's focal point, is a small agricultural community situated on the border between territories long associated with Mafwe and Masubia tribes (or ethnic groups), which have a long history of political conflict, mainly over the control of land. There are several hundred people in Sikanjabuka, most of whom are of Mafwe ethnicity, although there is intermarriage with Masubia people.

Sikanjabuka falls within the jurisdiction of Chinchimane Khuta (the traditional authority). The khuta is a very powerful institution politically, economically, socially and culturally. It controls access to land and other resources, and it settles disputes. The bulk of the members of a khuta are senior heads, known locally as induna, who represent their village areas and have inherited their roles. Supreme power is vested in the chief, who the national government recognizes as the legitimate, hereditary leader of the khuta. The khuta is ethnically based, and Chinchimane Khuta represents the Mafwe people. Bukalo Khuta, which covers the area west of Sikanjabuka, is the traditional authority for the Masubia people. Khuta membership is customarily open to men only. Women may attend meetings, but their ability to participate is limited (Flintan, 2001).



Caprivi is one of the least economically developed regions in Namibia, with more widespread poverty than in the rest of the country (Long, 2004e: 58). People rely on natural resources for their livelihoods, including through rainfed cultivation, herding, fishing and foraging for wild plants and game (Murphy and Mulonga, 2002; Murphy and Roe, 2004). During severe drought, as in 2002, local residents receive food aid. The conservancy programme offers an important opportunity for the people of Caprivi to improve their livelihoods through tourism-related development based on wildlife management.

One of the hallmarks of the conservancy movement is the attention it gives to institutional capacity building. Setting up a conservancy requires considerable time and effort to meet the legal requirements, including those directed at fostering democratic processes and practices, such as electing committee, establishing constitutions and formulating plans for managing resources and distributing benefits. As Long (2004d: 47) notes:

*Building democratic institutions of this nature was something that was entirely new for communal area residents. Prior to Independence, the communal areas of Namibia were subjected to discriminatory policies and legislation that disenfranchised people from political processes; they had no legal rights to vote or to form interest groups or coalitions. ... The colonial and apartheid system left a legacy of dependence and the ideas of self-help and empowerment were new concepts.*

Capacity building is seen as a means for promoting social equity and thus strengthening democratic processes. With international donor support, the CBNRM Programme established numeric targets for women's involvement in the management of conservancies, and no-one is supposed to be excluded from conservancy membership on the basis of gender or ethnicity (Flintan, 2001: 12).

TABLE 1

ATTRIBUTES OF SALAMBALA CONSERVANCY, 2005

Date registered	June 1998
Biome	Woodland
Size	93 000 ha (the largest conservancy in Caprivi)
Registered members	3 500
Total population	8 020 people in 1 597 households in 18 villages
Committee members	41
Executive committee	9 (including 1 non-voting member from Bukalo Khuta)
Staff	2 community resource monitors, 8 community rangers and 3 campsite staff
Conservancy infrastructure	1 conservancy office (in the Bukalo Khuta building) with a phone, 1 vehicle and 1 tourist campsite
Revenue for 2005	N\$500 000 (N\$6 = about US\$1)
Budget for 2005	N\$300 000
<i>Source:</i> Information collected by the IRDNC and MET team; Long, 2004b.	

Table 1 summarizes the key attributes of Salambala Conservancy, which covers more than 93 000 ha spread over 18 communities. Its activities include wildlife monitoring and management by a small conservancy staff. The types and numbers of animals seen in the area have increased significantly since Salambala Conservancy was established. Most of the conservancy's collective revenue comes from a trophy hunting concession involving a professional hunter. The conservancy also has a tourist campsite located within a core wildlife area, which has proved controversial, as it involved the relocation of 17 families and the establishment of grazing restrictions. Revenue from the camp has suffered for

extended periods when tourism dropped off severely because of security concerns in Caprivi region, such as following violence aimed at Caprivi's secession from Namibia in the late 1990s, and instability arising from troubles in Angola. Grants from the national conservancy programme and international donors have helped to cover shortfalls in revenue. The increase in wildlife has had local costs in terms of crop damage, livestock predation and even attacks on people (Murphy and Roe, 2004). Effective prevention of such events and compensation for losses have yet to be devised.

As well as through a limited number of conservancy jobs, people – particularly women – have also benefited from handicraft sales, and conservancy members have a small hunting quota (Murphy and Roe, 2004). Cash benefits are distributed collectively to the communities every year or two, when Salambala Conservancy distributes revenue to each of its 18 villages. Benefits are distributed in equal amounts to each community, as specified in the conservancy constitution, and have totalled about N\$2 500 (US\$400) per payment. The conservancy members in each village decide how to use the money, either distributing cash to individuals or investing in development-oriented activities. Sikanjabuka village members have invested their funds in a bank account to accumulate for use in a development project.

Salambala's affairs are governed by the conservancy committee and its smaller executive committee. Since 2002, the conservancy has been operating without external funding, which is a major accomplishment (Long, 2004c). Staff have sought to widen the scope of their duties by, for example, furnishing information on HIV/AIDS and mitigation, and overall Salambala is considered to have been successful in pursuing the diverse goals of biodiversity conservation, sustainable natural resource management, promotion of local socio-economic development, and institutional capacity building. The United States Agency for International Development (USAID), an external donor to the national conservancy programme, has identified Salambala Conservancy as a success story ([www.usaid.gov](http://www.usaid.gov)).

## CONFLICT HISTORY

Sikanjabuka village is located along the boundary separating the Mafwe and Masubia peoples, who have a long history of conflict, mainly over land. The dispute between the village and Bukalo Khuta did not emerge until implementation of the conservancy programme in the late 1990s, however. Table 2 summarizes key dates and events in the conflict. Sikanjabuka has been part of Chinchimane Khuta, which is associated with the Mafwe people, for decades – villagers report that their inclusion in Chinchimane was confirmed by a colonial survey conducted in about 1945. The community is not clearly separated from its neighbours, however, and some residents have farmland in adjacent communities falling within Bukalo Khuta's jurisdiction. As already noted, there is also intermarriage among the different ethnic groups.

The Bukalo traditional authorities strongly supported Salambala Conservancy as a means of improving the livelihoods of the Masubia people (Long and Jones, 2004). They were instrumental in its formation in the mid-1990s, working with IRDNC, MET and other agencies promoting conservancies. A total of 17 of the 18 villages that joined Salambala Conservancy were situated



within Bukalo Khuta's boundaries. Traditional authorities from Bukalo helped secure Salambala's official registration in June 1998, as the second conservancy in the country at that time. Strong personal backing from Chief Moraliswani and his son Prince George Mutwa, who served in a key administrative role, reinforced the conservancy's identification with Masubia interests, and both national and international supporters of the conservancy movement were happy to highlight this feature of Salambala. For example, Prince George received the Namibia Nature Foundation Conservationist of the Year Award in 2002, a fact that USAID emphasized on its Web site. Some analysts assumed that Salambala and its surroundings were ethnically homogeneous: "The Masubia is the only ethnic group residing in Salambala" (Long, 2004c: 17). The view that rural Namibia is composed of "stable, separate and coherent groups" has been one of the most enduring official narratives since colonial times, and has often been relied on – and reinforced by – development interventions (Sullivan, 2000: 146).

Even if traditional tribal officials wished to limit conservancy membership to their own groups, however, they could not do so under government guidelines which, as mentioned earlier, do not allow membership to be denied on the basis of ethnicity or gender. Sikanjabuka was the only one of the 18 villages not to come from Bukalo Khuta, and it also lacked a predominantly Masubia population, its people being largely Mafwe in ethnicity. Although the people of Sikanjabuka could join the conservancy, they ended up in an ambiguous position, especially given Bukalo Khuta's role in Salambala management.

The trouble started with the first benefit sharing payment from Salambala Conservancy, in 2000. According to the conservancy's constitution, equal disbursements were to be made, based on earnings from trophy hunting fees. Payouts are made to villages rather than individuals because the

conservancy's revenues are modest and it has a large number of beneficiaries, so cash payouts to individuals would be very small (Murphy and Roe, 2004: 128). The initial village-level payments were about N\$2 500 (approximately US\$400), which each community could decide how to use for its own purposes. The Bukalo traditional authorities urged the Salambala staff to halt the payment to Sikanjabuka unless the village shifted allegiance to Bukalo Khuta. The conservancy's management ignored this request and issued funds to Sikanjabuka; the controversy was not repeated for the second round of benefit sharing in 2001. Prince George, who had been closely associated with the conservancy since its founding, died in 2002, and it is not clear whether this had any impact on how the conflict unfolded.

TABLE 2

## SIKANJABUKA CONFLICT TIME LINE

Year	Event
1945	<ul style="list-style-type: none"> <li>Sikanjabuka area reportedly surveyed by colonial authorities; community is made part of Chinchimane Khuta of the Mafwe tribe</li> </ul>
1998	<ul style="list-style-type: none"> <li>Salambala Conservancy officially registered; all its communities except Sikanjabuka fall within the jurisdiction of Bukalo Khuta of the Masubia tribe</li> </ul>
2000	<ul style="list-style-type: none"> <li>During the conservancy's first benefit distribution, Bukalo Khuta tries to halt payment to Sikanjabuka unless the village switches to Bukalo Khuta's jurisdiction</li> <li>The request is ignored, and Sikanjabuka receives its payment</li> </ul>
2001	<ul style="list-style-type: none"> <li>Second benefit distribution by Salambala Conservancy</li> <li>Bukalo Khuta does not object to Sikanjabuka receiving payment</li> </ul>
2003	<ul style="list-style-type: none"> <li>Conflict flares when Bukalo Khuta allocates land traditionally belonging to Sikanjabuka to two other villages within its jurisdiction</li> <li>Sikanjabuka protests to Chinchimane Khuta, which meets Bukalo Khuta to resolve the issue</li> <li>The land is returned to Sikanjabuka village control</li> </ul>
2005	<ul style="list-style-type: none"> <li>Third benefit distribution by Salambala Conservancy</li> <li>Bukalo Khuta orders the conservancy to halt the payment to Sikanjabuka</li> <li>Bukalo Khuta also requests Sikanjabuka to show its conservancy form and relocate to Bukalo Khuta's jurisdiction</li> <li>Sikanjabuka representatives send a letter of complaint to the Caprivi Regional Governor and the Minister of Environment and Tourism</li> </ul>

Conflict between Sikanjabuka village and Bukalo Khuta flared up again in 2003 – this time over land. The khuta allocated land belonging to Sikanjabuka, but falling within its own jurisdiction, to other

communities. The people of Sikanjabuka appealed to Chinchimane Khuta, which met Bukalo Khuta to resolve the issue. The event was unusual in that the two khuta generally avoid direct confrontation to avoid refuelling old disputes and causing conflict to escalate. The traditional authorities agreed that the land would be restored to Sikanjabuka's control.

In 2005, representatives of Bukalo Khuta once again instructed Salambala Conservancy not to pay Sikanjabuka its allocated dividend, even though the khuta had no right to influence the conservancy's benefit distribution. This action was politically motivated by the Bukalo traditional authorities who aimed to exert their power over Sikanjabuka and force the village to become formally incorporated into Bukalo Khuta's jurisdiction. This was not an economic move to divert Sikanjabuka's funds to other purposes, and the Salambala Conservancy treasurer retained the money allocated to Sikanjabuka in the conservancy safe. Sikanjabuka village would receive the payout if it switched allegiance to Bukalo Khuta, but the villagers refused and appealed to the Regional Governor, Caprivi's elected authority, and the Minister of Environment and Tourism, who is responsible for the conservancy programme. The conflict management process was set in motion.

## CONFLICT MANAGEMENT AND RESOLUTION PROCESS

### Initial effort to address the conflict

Bukalo Khuta's insistence in 2005 that conservancy members from Sikanjabuka were not to receive any payout unless they switched allegiance to the Masubia tribal authority generated much anger. The Sikanjabuka members felt that the order was unwarranted and violated their rights under the Salambala Conservancy's constitution. They also had no desire to leave Chinchimane Khuta. As in the past, however, the villagers chose not to present their grievance directly to Bukalo Khuta, which they felt lacked knowledge about the proper management and functioning of the conservancy. Responsibility for governance rested with the conservancy committee, not the traditional authorities. The people of Sikanjabuka also believed that confronting Bukalo Khuta directly might intensify the conflict. People in Caprivi are not used to dealing with tribal authorities outside their own areas.

Instead, the local induna (senior chief) wrote a letter, signed by ten others – probably members of the village development committee (VDC), a government initiative aimed at decentralizing development to the village level. The letter was sent to national and regional officials and noted that Sikanjabuka members had been told that their benefits would “only be paid to us on condition that we change our tribal affiliation from Chief Mamili to the Masubia tribal authority. This we are not prepared to do, as the area and the community has never before been under the Chief of the Masubia.” The letter also said: “Should it have been known that the establishment of the Salambala Conservancy was intended to expand the area of jurisdiction of the Masubia tribal authority [we] as a community belonging to Chief Mamili would not have accepted its establishment around our communal area.” The conservancy no longer seemed to be an entity to benefit the people of Sikanjabuka, but a means for Bukalo Khuta to extend its own powers.



## Entry into the conflict situation

The Minister of Environment and Tourism instructed the Regional Governor to resolve the conflict. The governor convened a meeting at Katima Mulilo, the capital of Caprivi, and invited representatives from Sikanjabuka village and Salambala Conservancy to attend. Significantly, the governor excluded representatives from either khuta, probably because under Namibian official policy it is not acceptable for regional governors to get involved in tribal issues. In addition, the protocol for dealing with chiefs and traditional authorities is very time-consuming. Through regional government legislation, the governor has authority over Sikanjabuka village, but not over the khuta. Representatives from MET and IRDNC were also invited to the meeting as interested parties in the conservancy programme and – on the request of the Regional Governor – to serve a mediation role. The governor recognized that IRDNC's long history of involvement in the conservancy movement dated back to its earliest days, and that some IRDNC members had experience in managing natural resource conflicts.

At the meeting, the governor requested Salambala to pay Sikanjabuka the benefit payment that it was entitled to under the conservancy's constitution. This decision resolved the village's immediate grievance, but did not address the underlying conflict, which required mediation and reconciliation among the disputing parties. The meeting provided the entry point for IRDNC and MET representatives to begin the conflict management process, and it was agreed that the two organizations would collaborate as mediators. The main negotiator from IRDNC had substantial experience in the area, and a keen appreciation of the role of cultural issues. Cooperation with MET was aided by the fact that its lead representative was an ex-employee of IRDNC and had been mentored by the main negotiator. In addition, both parties were helped by their cultural neutrality. The leading MET official was not from Caprivi, and the main IRDNC negotiator was originally from Zimbabwe. Overall, the MET and IRDNC representatives maintained a strong working relationship during the conflict management process. The mediation team received logistical support in the form of transport, additional staff, supplies and funds for other expenses.

The starting point was to identify the primary stakeholders before beginning to analyse the dispute. The stakeholders were identified as the Sikanjabuka village representative, the Salambala Conservancy executive committee, Bukalo Khuta and Chinchimane Khuta (although this last would not play a direct role in the conflict management process). The mediators also acknowledged that the Caprivi regional government, MET and IRDNC constituted secondary stakeholders with a firm interest in bringing a peaceful resolution to the conflict.

## Conflict analysis

The IRDNC and MET mediators organized a visit to Sikanjabuka village to uncover the root cause of the conflict. They based their approach on the ten-step process map of consensual conflict management (Engel and Korf, 2005). Using a time line, the onion tool and other procedures for conflict analysis, the team obtained important information from the induna and other villagers, and examined written sources to obtain a deeper understanding of the situation. Through this approach they found that the conflict was not rooted in primordial ethnic differences between the Mafwe and the Masubia

alone. Instead, tensions between the groups needed to be seen within the context of the region's historical political economy. As Fosse (1997: 438) writes, "The ethnic labels of Mafwe and Masubia have through history had different coverage and relevance, affected by Lozi rule during the nineteenth century, as well as German and South African apartheid ethnic classification." Ethnic tensions were manipulated by colonial policies, which aimed to create or reinforce social differences among Africans as part of a divide-and-conquer strategy; the awkwardly shaped Caprivi region even owes its existence as an administrative entity to such intentions. Geographically, Caprivi clearly forms part of southern Zambia or northern Botswana, but in 1890, German Southwest Africa claimed this area of Masubia and Mafwe settlements and named it after the German leader of the day. This colonial boundary cut off some Mafwe and Masubia communities from their Lozi rulers (in present-day Zambia), and set the scene for local struggles over political legitimacy. Fosse recounts: "Conflicts have erupted over issues such as rivalling settlement histories, the legitimacy of each other's chieftainships and tribal borders." These conflicts were exacerbated by military action during the South African occupation of Caprivi in the 1970s and 1980s. The different groups' different roles in the apartheid administration and liberation struggle added to the tensions. Caprivi region is known in Namibia as one of the "most problematic in terms of ethnic strife and lack of political stability" (Fosse, 1997: 437), and experienced a succession attempt in August 1999, spearheaded by individuals from the Mafwe tribe. This rebellion was rapidly quelled by the Namibian military, but it underlined the intense competition in Caprivi for economic and political resources such as land and ethnic allegiance. Tribal differences are not entirely hard-and-fast, however, and widespread intermarriage across ethnic boundaries has probably served to make social conflict less pronounced.

Conflict analysis revealed that the dispute reflected not only ethnic-related tensions but also strains in the relationship between newly created conservancies and local tribal authorities. Indeed, the principle issue in this case relates to the conflict between the roles and responsibilities of the two different institutions, which possess overlapping and sometimes competing interests in decision-making regarding devolution of the use and management of natural resources to the local level (Jones and Mosimane, 2000). In the national policy framework there is ambiguity about the relationship between traditional authorities and conservancies. As Long and Jones (2004: 144) point out: "Neither the CBNRM policy nor the legislation, however, address the issue of the relationship between conservancies and traditional authorities. It is left to communities themselves to decide on how these relationships should be structured." This situation creates much uncertainty for the conservancy, which has constitutional obligations to its membership but has to deal closely with the khuta given the latter's substantial social, cultural, political and economic influence in local affairs, particularly its control over land allocation (Long and Jones, 2004).

In Caprivi, the traditional authorities and the conservancies have been very closely connected. Long and Jones (2004: 144) note: "Throughout Caprivi, the conservancies have been formed with the express support of the traditional authorities." Bukalo Khuta appointed conservancy members to initiate the conservancy process, with the late brother of the Masubia Chief serving as the first Chair of Salambala Conservancy. Traditional authorities helped demarcate the conservancy's core area boundaries, and a khuta representative – the senior induna – is included on the conservancy's

executive committee in an *ex officio* role without formal voting rights. The community rangers who are a part of the conservancy take people accused of illegal hunting to the khuta for judgment. The traditional authorities also arbitrate disputes arising within the conservancy. Quite clearly, the khuta and the conservancy are inseparable, with the khuta supporting the new institution as a means of improving the livelihoods of its ethnically defined constituents:

*The devolution of authority from the khuta to the conservancy committee in Salambala is very clear. Institutionally the conservancy derives its authority from the Masubia traditional leadership, which, to a large extent, has driven the formation of the conservancy. The khuta formed the conservancy in order to retain wildlife, manage natural resources for future generations of Masubia people, and increase the ability of the Masubia to undertake community development initiatives with funds generated by the operation of the conservancy (Long and Jones, 2004: 144).*

Salambala Conservancy rented its office space from Bukalo Khuta. Despite these close connections, however, the conservancy is a distinct entity from the khuta, with a legal responsibility to its members, including Mafwe people from Sikanjabuka. The conservancy's formal duties, interests and obligations are not identical to those of the khuta.

At the meeting in Sikanjabuka, the induna and village representatives explained that they wanted justice – payment of the conservancy benefit to which they were entitled, without the need to switch tribal allegiance. People in Sikanjabuka were also adamant that Bukalo Khuta should stop interfering in the conservancy's affairs. Its representatives asked the IRDNC and MET team to train the Bukalo traditional authorities in halting ethnic conflict.

## Broadening stakeholder engagement

The IRDNC and MET team visited Bukalo Khuta to discuss the conflict; it should be noted that some saw Sikanjabuka village's membership of Salambala Conservancy as an opportunist action. According to this view, the people of Sikanjabuka wanted to benefit from the conservancy programme and joined Salambala – the only available option at the time – until the time was ripe to join a Mafwe-based conservancy. Even if this was its motive for participating, however, the village was entitled to receive its full share of Salambala Conservancy's benefit payments. Sikanjabuka could not be denied the funds simply because its inhabitants were Mafwe. The Bukalo tribal authorities claimed that they had been unaware of Salambala Conservancy's obligation to treat all its members equally, but the Regional Governor's order to pay the village had made clear the conservancy's constitutional obligations.

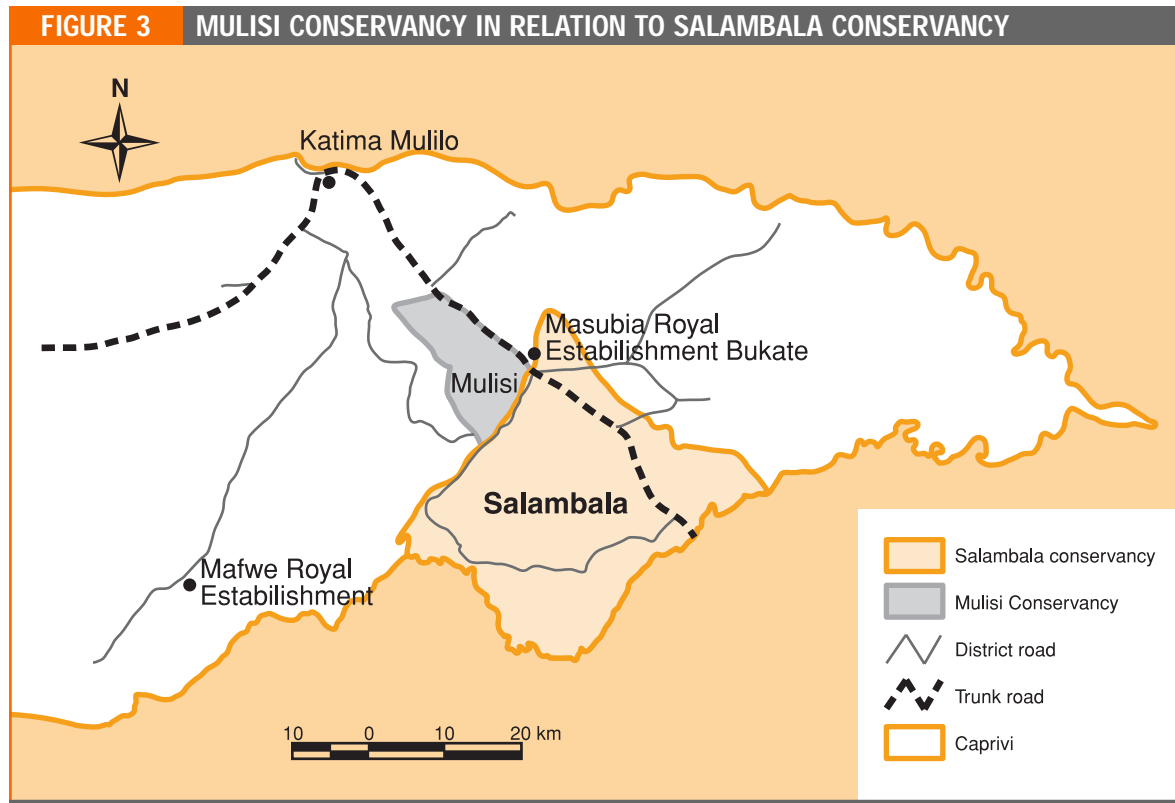
The IRDNC and MET team also met representatives from Salambala Conservancy to ascertain their reasons for halting payments to Sikanjabuka. The conservancy leaders acknowledged that it was wrong not to distribute funds to all villages, but they believed that they could not refuse Bukalo Khuta's request. The conservancy's operations require the khuta's good will, and the physical proximity of the conservancy's offices to the khuta offices (in the same building) added to the political

pressure to conform to the latter's will. The team members emphasized the conservancy's constitutional obligation to all its members.

Overall, the reactions of the three stakeholder groups to the mediation team's visit were positive. The IRDNC and MET staff were seen as neutral parties who could provide information and listen to the position of each stakeholder. It now appeared possible to move ahead in the conflict management process by bringing together the key stakeholders.

### Negotiations

The representatives from Sikanjabuka village and Salambala Conservancy requested the IRDNC and MET mediation team to organize a joint meeting with Bukalo Khuta. At the meeting, the Bukalo Khuta representatives agreed that Sikanjabuka should receive its benefit payments from Salambala as stated in the conservancy's constitution. In addition, the idea was tabled that Sikanjabuka might have the option of joining the newly established Mulisi Conservancy, which includes areas under Mafwe traditional authorities. All parties welcomed and accepted this proposal, and the meeting went extremely well, fostering positive relationships among all the parties in the conflict. The session ended with all parties shaking hands on their agreements.



## CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

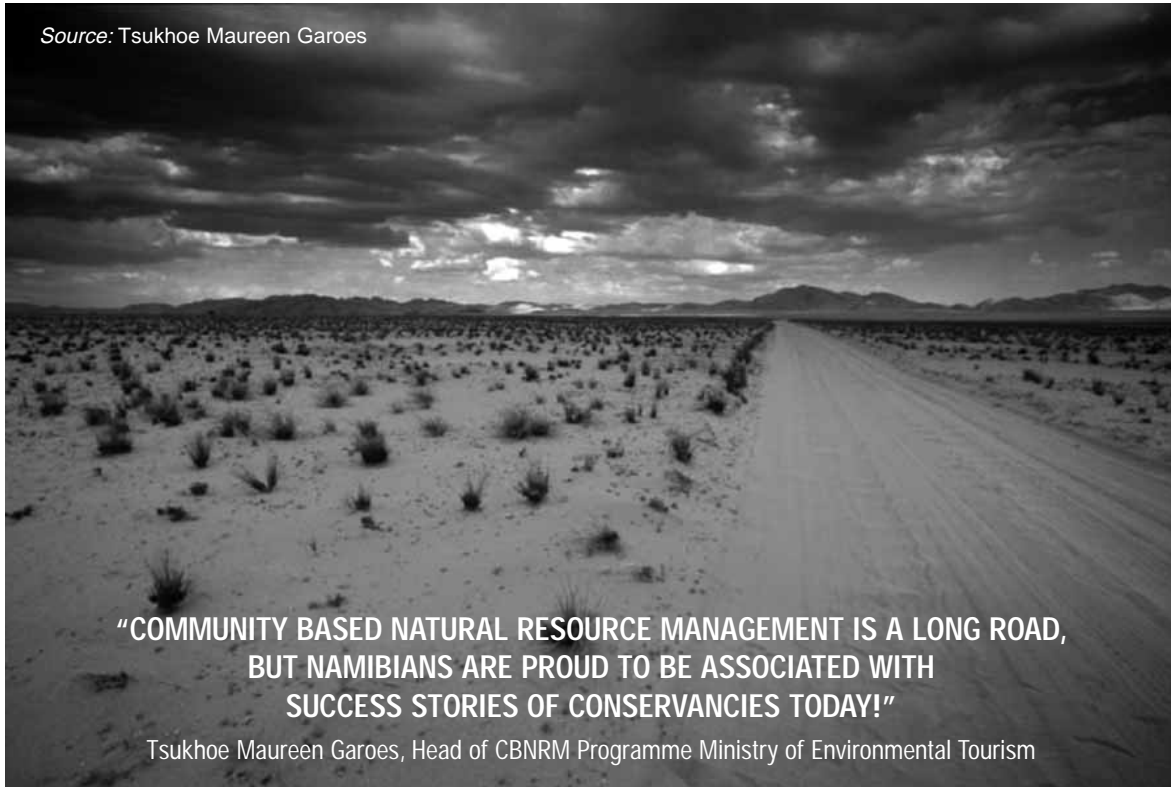
Bukalo Khuta's agreement to allow payment of the Salambala Conservancy benefit share to Sikanjabuka village ended the immediate dispute. The decision of all parties to permit Sikanjabuka to shift to the newly established Mulisi Conservancy, which is composed of Mafwe communities, addressed the tensions arising from Salambala's original multi-ethnic composition. The conflict revealed the difficulty of having a conservancy with diverse tribal allegiances. The establishment of Mulisi Conservancy presented a long-term solution to the Sikanjabuka conflict, and it is worthy of note that both its Chair and its Vice-Chair are members of Sikanjabuka village. Mulisi Conservancy was established very rapidly – between January and July 2006 – with no conflict over its boundaries. The new conservancy means that more communities will participate in the CBNRM Programme, receiving benefits from the use and management of natural resources. Mulisi Conservancy's membership is expected to earn income from fees from trophy hunting, tourism and other activities.

The transfer of Sikanjabuka village to Mulisi Conservancy will reduce the time that Salambala's executive committee and membership has to devote to conflict management. In addition, Salambala Conservancy is currently constructing a new office in Ngoma village, about 50 km from its old headquarters in Bukalo. This move away from Bukalo Khuta (out of the office rented from the khuta) will help increase the conservancy's managerial independence from the traditional authorities, but the conservancy still has to work closely with the tribal authorities on land and related issues. The complementary and conflicting roles and responsibilities will have to be sorted out in the context of the national policy framework for conservancies.

## LESSONS LEARNED

The dispute over the payment of conservancy benefits to Sikanjabuka village reflected structural conflicts of a socio-economic, political and institutional nature that were rooted in the historical political economy of Namibia's colonial experience. The divide-and-conquer strategy used by the colonists to impose and maintain their control has a deep legacy, and continues to influence the definition of interests by different political groups, as well as the relations among social actors and institutions. In devolving power to the local level, the policy of decentralization unintentionally rekindled long-simmering tensions. This case study shows that the process of promoting participatory natural resource management needs to be accompanied by capacity building for dealing with the disputes – new and old – that are likely to arise when groups perceive a conflict of interest in the use or control of such resources. The timely and non-violent resolution of the Sikanjabuka payment dispute through mediation and consensual negotiation emphasizes the usefulness of such techniques. If addressing underlying structural conflicts seems too challenging, it is important to remember that the peaceful handling of seemingly small disputes can reduce latent and deeply rooted social tensions. The introduction or promotion of consensual negotiation also adds to society's overall capacity to address its problems and conflicts in a peaceful manner. Just as a large tree originates from a little seed, the process map of consensual negotiation that resolves small disputes can be applied to wider social settings and issues, if people are willing to give it a chance.

Source: Tsukhoe Maureen Garoes



**“COMMUNITY BASED NATURAL RESOURCE MANAGEMENT IS A LONG ROAD,  
BUT NAMIBIANS ARE PROUD TO BE ASSOCIATED WITH  
SUCCESS STORIES OF CONSERVANCIES TODAY!”**

Tsukhoe Maureen Garoes, Head of CBNRM Programme Ministry of Environmental Tourism

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# Who owns Kayai Island? Community forestry conflict management in Central River division, the Gambia

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Edited by A.P. Castro

## SUMMARY

Kayai and Saruja villages are located on opposite sides of the River Gambia. Between them is Kayai Island, whose 784 ha consists mainly of forest reserve containing economically valuable species and a large wildlife population. The people of Kayai village regard the island as falling within their traditional lands. In the 1950s, the colonial government, without consulting Kayai village, gave farm plots on the island to people in Saruja as compensation for land annexed by an agricultural project. Since then, several disputes have arisen between the two villages over ownership of the island. Attempts to resolve the conflict, including through court adjudication, proved unsuccessful. The latest clash was provoked by the government's recent participatory forestry initiative, which empowers communities to manage forest lands. This decentralization of public forestry administration seeks to foster sustainable natural resource management, addressing shortcomings in the State forestry that has been in operation since colonial times. A proposal by Kayai village to set up a community forest on the island met with resistance from Saruja villagers, who refused to sign the agreement approving it. The people of Saruja feared losing their rice fields, gardens and orchards and their access to forest products. As in the past, public and forestry officials' efforts to resolve the conflict were not successful. In the meantime, illegal land use increased on Kayai Island, threatening its forestry and wildlife resources.



The National Consultancy for Forestry Extension and Training Services (NACO) was contracted to document and, if possible, resolve the conflict. This case study follows the process map used by the NACO mediation team in facilitating consensual and interest-based negotiations among the dispute's stakeholders, particularly the villagers of Kayai and Saruja. The NACO team was aware of the need for careful preparation in entering the conflict setting, including building rapport and trust among the various parties. Engaging in shuttle consultation between the villages, the team used participatory conflict analysis tools to ascertain each party's positions, interests and needs, and its willingness to engage in negotiations. With the information and insights gained, the NACO team arranged for a general mediation meeting at the Office of the Divisional Commissioner, and invited a variety of stakeholders. Consensual negotiations provided a platform for each side to explain its interests and needs, and an agreement was reached between the two villages. Having secured a negotiated settlement to the conflict, the mediation team planned their exit by helping the villages to put in place procedures for implementing the agreement. The peace was consolidated at a reconciliation meeting. The case study demonstrates the importance of devoting sufficient resources to conflict management processes, including ensuring overall institutional capacity and dealing with specific and seemingly intractable disputes, such as that affecting Kayai Island.

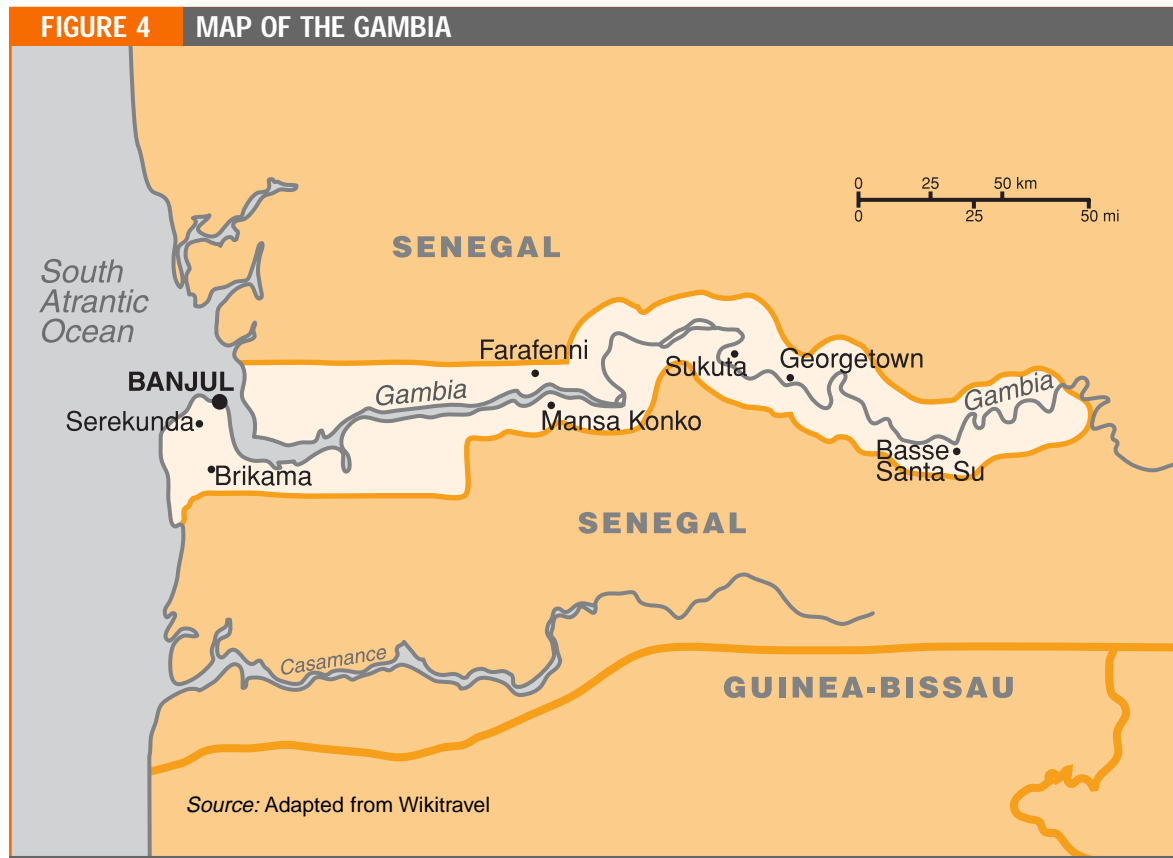


Source: Anke Camphausen

## KEY ISSUES AND CONTEXT

### Overview

The Gambia, which straddles the river for which it is named, is one of the smallest countries in Africa, totalling 11 300 km<sup>2</sup> of surface area. In 2005, forests and other woodland covered more than 40 percent of this land (FAO, 2006). Although the forest area has stayed largely stable in recent years, forest quality has declined in many places (Sonko and Camara, 2000). Natural resources are under considerable demographic and economic pressure, and it is estimated that the population in 2005 exceeded 1.5 million, with about 150 people per square kilometre. Nearly three-quarters of the population live in rural areas, relying on agriculture for their chief means of livelihood. Forest resources also contribute substantially to livelihoods, providing timber, fuel, fibre, food, medicines, forage and other useful products and environmental services. The per capita gross domestic product is about US\$300. Surveys showed that in 1998, 61 percent of rural residents and 48 percent of urban dwellers lived below the poverty line (World Bank, 2006).



## Decentralization of public forest administration

This case study deals with the management of conflicts related to the decentralization of forest management. During the colonial era, extensive areas of the Gambia were declared forest parks and wildlife reserves. State resource management largely excluded communities and ignored customary tenure and use rights to the parks and reserves. The alienated rural population had little incentive to maintain State forests, resulting in extensive clearing through bushfires, tree cutting and overharvesting of forest products. Following independence in 1965, the Gambia retained its centralized forestry administration, reaffirming this as policy in 1976 and legislation in 1977. The failure of State forest control, however, became evident as deforestation widened and accelerated, underscoring the need for a new approach in which communities participate as resource managers.

Decentralization is a crucial strategy in the policy, legal and institutional reforms undertaken by the Forestry Department since the early 1990s. A consultative process resulted in a new ten-year national forestry policy in 1995, which put special emphasis on participatory management. The policy aims to maintain at least 30 percent of the country's total land under forest, with 75 percent of this forested area available for environmentally sustainable development activities, mostly in community forests. To provide legal backing, legislation enacted in 1998 set up a process for creating community forests. A village or group of villages may request the government to designate land, including State forest reserve, as community forest. The legislation mandates the constitution of a local management committee responsible for overseeing the community forest, and specifies mechanisms for resolving conflicts related to forestry decentralization among communities. More than 250 villages now engage in community forestry, managing a total of 27 000 ha.

The Forestry Department reorganized its overall structure and functions to enhance its institutional capacity to carry out community forestry. A Participatory Forest Management Unit was set up at the directorate, liaising with divisional forestry offices on all issues pertaining to community forestry. Most forest management decisions, however, have devolved to the provincial level, allowing divisional forestry officers to design and implement programmes more independently and fostering flexibility to work with a range of stakeholders. The Forestry Department now acts in partnership with local authorities, community-based entities, NGOs and other interested parties in participatory forest management.

## Implementing community forestry

Community forestry is implemented in three phases that reflect not only bureaucratic procedure but also a concern for promoting collaborative learning among all stakeholders. The start-up phase involves district-level workshops and other activities aimed at informing the public about participatory forestry management. A community interested in joining the programme is requested to send a letter expressing its interest to the nearest forestry office. On receipt of the letter, forestry extension staff initiate formal contact with the village. A committee representing all groups in the village, including women and youth, is formed for the management of the proposed community forest and, with the aid of forestry staff, identifies and demarcates the proposed forest. Heads of families that own land

bordering a proposed community forest take part in the preliminary boundary demarcation to avoid the inclusion of farmland in the reserve. Sketch maps are prepared. Neighbouring villages are contacted to confirm that they have no objection to the proposed forest area being managed by a particular village or villages. If there are no objections regarding landownership, adjacent villages sign a Statement of the Neighbouring Villages (SNV), confirming their acceptance of the reserve. The district head is also asked to verify landownership by putting his seal and signature on the sketch maps.

The Forestry Department and the concerned communities sign a Preliminary Community Forestry Management Agreement, which establishes a three-year trial phase for collaborative resource management. The community's performance is evaluated before the end of the preliminary phase by a multidisciplinary team comprising forestry staff, local authorities, village representatives and staff of other line departments operating in the area. If the evaluation results are positive, the area is designated in the government gazette as a community forest, and a Community Forestry Management Agreement (CFMA) is concluded with the community. At this stage, the community has unrestricted rights over the forest, and will continue to own the forest as long as it observes the provisions of the CFMA. The community develops five-year forest management plans, highlighting forest improvement and utilization activities permissible for the coming five years.

Decentralization sought to remedy the limitations and tensions inherent in exclusive State control of forest resources. Although the programme has promoted a new collaborative spirit in forest management, it has not eliminated forest conflicts. As demographic and economic pressures

intensify competition for forest resources, conflicts of interest involving access and user rights have become more frequent. Conflicts can also reflect underlying socio-economic tensions across and within groups. The process of broadening participation in public decision-making about land use can increase conflict, as individuals, groups and communities pursue their different objectives. The community forestry programme has created another arena for conflict, where long-simmering tensions or new disputes can erupt (Sonko, Beck and Camara, 2003). There were 93 registered community forestry conflicts in February 2006, 67 of which were unresolved. Some of these conflicts had existed for decades, albeit latently, but had been rekindled and intensified by the introduction of community forestry, as shown in this case study. The case study also shows that the community forestry programme offers an institutional framework for handling such conflicts in a peaceful and participatory manner.



Source: Sophie Grouwels

## The local setting: Kayai and Saruja villages and Kayai Island

Kayai and Saruja villages are located on opposite sides of the River Gambia. The communities are in the same administrative division, but different chiefdoms. Kayai Island lies in the river, just 1 km from Saruja and 3 km from Kayai.

An estimated 85 percent of the island's 784 ha is covered with forest containing a high concentration of high-value species such as *Borassus aethiopum*, *Calamus* spp. and *Bambusa* spp. The first gives a durable dark-coloured timber, preferred for roofing and bridge construction, while *Calamus* and *Bambusa* are used for making mats and chairs. There is also a large wildlife population, including hippos and bush pigs. The forested area is classified as a State reserve under Forestry Department rules and regulations. Villagers' rice fields, orchards and other farm plots are also on the island, which is regarded as a valuable asset for its horticultural and forestry resources. People in both Kayai and Saruja villages are concerned about the lack of local economic opportunities, especially with the farming sector in decline owing to low prices. Young people in both communities are migrating to urban areas in search of work. For villagers, Kayai Island has vast potential for development – including through tourism and recreation – which could revitalize their communities and encourage their young people to stay.

Table 3 summarizes key socio-economic information about the communities, showing that they are very similar in terms of ethnic composition, religion and livelihood patterns. Both villages have a substantial number of elite families residing in urban areas, who visit periodically, especially for naming ceremonies, funerals and Muslim feast days, such as the end of Ramadan. These families have a strong influence on local opinions, because they supply food, cash and other support to people back home.

TABLE 3

SOCIO-ECONOMIC DATA ON KAYAI AND SARUJA

	Kayai	Saruja
Total population	630	1 950
Main ethnic group	Mandingo (98%)	Mandingo (90%)
Other ethnic groups	Fulas (2%)	Fulas (3%) Jolas (7%)
Religious affiliation	Muslim	Muslim
Main food crops	Rice, millet, maize	Rice, millet, maize
Cash crops	Groundnuts	Groundnuts and cotton
Livestock	Cattle, sheep and goats	Cattle, sheep and goats

Source: Village files, extension workers and interviews.





Source: Anke Camphausen

The two villages have different levels of livelihood dependence on the island. Most households in Kayai have alternative sources of farmland outside the island, and only limited grazing occurs. Kayai's current economic use of the island is limited, but in the past, villagers relied on the island to provide sanctuary during times of conflict and warfare. In contrast, Saruja relies greatly on the island for farming. Saruja experienced high population growth in recent years with the arrival of civil servants and other workers at nearby Sapu Agricultural Station. Completely curtailing Saruja's access to the island would have serious consequences for many of its residents, who lack other places to farm, collect forest products such as fuelwood, or herd their livestock.

The two communities are not disconnected social entities; strong bonds of intermarriage, kinship, religion and trade link them. As well as shared participation in family and religious affairs, people from the two communities maintain contact through trade. People from Kayai regularly cross the river to Saruja on their way to a weekly market located near the village. These social connections have helped the two communities avoid violence when disagreements have arisen in the past.

## Stakeholders in the conflict

The two villages have disputed control over the island since the early 1960s, but the Forestry Department did not become involved until 1996, when Kayai villagers proposed establishing a community forest on the island. According to the community forestry management guideline, as a neighbouring village, Saruja needed to sign a statement recognizing Kayai's ownership of the island. The proposed community forest encompassed the entire island, including land claimed by Saruja, and Saruja's village head refused to sign the agreement because he feared it would relinquish his community's right of access to the island. As the conflict unfolded, it became apparent that a number of people – representatives from administrative entities within the locality and nearby communities –

had a range of interests or stakes in the outcome of the conflict. For example, adjacent communities such as Brikamaba and Kerewan Fulla had ties through marriage or descent to both Kayai and Saruja. These neighbouring communities perceived that they had a stake in the island's wealth, including maintaining access to rice fields or forest products. Table 4 summarizes these groups and their concerns, which are discussed later in the case study.

**TABLE 4**  
**STAKEHOLDERS AND THEIR INTERESTS**

<b>Stakeholders</b>	<b>Interests</b>
Kayai villagers	<ul style="list-style-type: none"> <li>• Conservation and management of the island</li> <li>• Maintaining the identity of Kayai Island and its historical relationship</li> </ul>
Saruja villagers	<ul style="list-style-type: none"> <li>• Maintaining rice fields and access to forest products</li> <li>• Management and conservation of the island</li> <li>• Maintaining the orchards established on the island</li> </ul>
Forestry Department	<ul style="list-style-type: none"> <li>• Conservation and sustainable management of the forest</li> <li>• Promotion of community participation in forest management</li> </ul>
Agriculture Department	<ul style="list-style-type: none"> <li>• Rice projects operating in the area</li> <li>• Promotion of rice and horticultural production for local income generation</li> </ul>
Brikamaba villagers	<ul style="list-style-type: none"> <li>• Maintaining user rights for rice production and collection of forest products</li> </ul>
Kerewan Fulla and Kerewant Mandingka villagers	<ul style="list-style-type: none"> <li>• Maintaining user rights for rice production and collection of forest products</li> </ul>
Chief of Fulladu (Saruja's jurisdiction)	<ul style="list-style-type: none"> <li>• Continued right of access to the island for the people of Saruja</li> </ul>
Chief of Niani (Kayai's jurisdiction)	<ul style="list-style-type: none"> <li>• Conservation and management of the island exclusively by Kayai</li> <li>• Improved sources of income for Kayai</li> </ul>
Divisional Commissioner	<ul style="list-style-type: none"> <li>• Land set aside for community forestry without conflicting claims</li> <li>• Cordial relationships between the two districts</li> </ul>
Area councils (North and South Central River divisions)	<ul style="list-style-type: none"> <li>• Conservation and sustainable management of the island</li> </ul>
Island settlers (originally from Kayai)	<ul style="list-style-type: none"> <li>• Holding ground for cattle on the island</li> </ul>

*Source:* Collected by the NACO mediation team.

## CONFLICT HISTORY

The mediation team's gathering of information on the conflict's background revealed that the dispute over the proposed community forest had been preceded by earlier conflicts between the people of Kayai and Saruja over ownership and use of the island. These earlier disputes, as well as the ones generated by or related to the Kayai community forestry proposal, had defied all efforts aimed at resolution, including a decision by the high court in Banjul. The conflict's history is summarized in Table 5, which presents a time line of key dates and events.

As with the current community forestry conflict, the earliest Kayai Island dispute arose from a government land-use intervention seeking to promote rural development through a Colonial Development Corporation (CDC) irrigated rice project in the 1950s. CDC took over the traditional rice fields of Saruja and neighbouring villages on the south bank. To compensate for the loss of land, CDC allocated farm plots on the island to Saruja, without consulting the people of Kayai, who claimed customary ownership of the island. Since then, land pressures in Saruja have intensified, including through the expansion of Sapu Agricultural Station, increasing the community's economic dependence on the island.

Incidents in which Kayai cattle herders were fined for damaging crops provoked anger that drew attention to Saruja's contested claims to the island. The introduction of the Community Forestry Programme in 1996 offered the people of Kayai an opportunity not only to participate in an innovative project, but also to re-establish their ownership of the island. At the time, they nearly achieved this outcome because the Forestry Department's preliminary agreement included the entire island within the community forestry reserve. This would have deprived Saruja of access to its rice fields, gardens and orchards. It is not clear why such a community forestry agreement was formulated: Kayai community members may not have informed extension staff about the contested claims to the island, probably hoping that the community forest would pre-empt and silence Saruja's land claims and force Saruja people off the island. Forestry extension staff may have thought that ignoring the conflict would make it go away, leaving Kayai to assume full control of the island. These strategies did not work, however, as the people of Saruja refused to sign the SNV approving the community forest. A member of one of Saruja's most prominent families, along with members of other urban-based elite families, was especially instrumental in rallying support against the SNV.

Saruja villagers tried to forge alliances with other communities that bordered the island and had residents farming or harvesting forest products on it. These communities generally favoured maintaining the existing situation, but did not display any open antagonism to Kayai, and all signed the SNV. However, some members of these neighbouring communities attempted to put moral and social pressure on Kayai to take into account the range of resource users managing the island. As discussed in the next section, attempts to negotiate and adjudicate an end to the conflict proved futile. Meanwhile, market and other pressures propelled illicit forest product removal and illegal clearing.



TABLE 5	
KAYAI ISLAND CONFLICT TIME LINE	
Year	Event
1950s	<ul style="list-style-type: none"> <li>Without consulting Kayai village, CDC allocates the island to Saruja as compensation for land taken by a rice irrigation project</li> </ul>
1963	<ul style="list-style-type: none"> <li>Cattle belonging to Kayai villagers damage Saruja gardens on the island</li> <li>Kayai cattle owners fined by a tribunal in the district belonging to Saruja's chief</li> <li>Angered Kayai villagers seek to evict Saruja villagers from the island, claiming overexploitation of forest resources</li> </ul>
1987	<ul style="list-style-type: none"> <li>District court fines a Kayai herder for cattle damage to Saruja gardens on the island</li> <li>This court case makes Kayai villagers feel that Saruja people are ungrateful for their island plots; Kayai villagers file lawsuit in magistrate court to have Saruja villagers evicted</li> <li>Both villages retain lawyers, and the case may reach the high court in Banjul</li> <li>No record remains of the decision; Kayai villagers say they won, but Saruja villagers dispute this; any decision made is apparently not enforced</li> </ul>
1996	<ul style="list-style-type: none"> <li>In response to new participatory forestry initiatives, Kayai villagers send a letter of intent proposing to establish a community forest on the island</li> <li>Contrary to official guidelines, forestry staff include all of Kayai Island in the proposed boundaries of the community forestry reserve, without consulting the people of Saruja who have rice fields and orchards on it</li> <li>Saruja villagers refuse to sign the SNV recognizing Kayai's exclusive claim to the community forestry area</li> </ul>
1997 to 2002	<ul style="list-style-type: none"> <li>High demand for forest products in the nearby town of Birkamaba increases illegal cutting of rhum palms and other forest products on the island; offenders come from several villages, and some local NGOs acquire illegally cut rhum palms for their projects</li> <li>Herders reportedly lob trees on the islands to feed their livestock</li> <li>Kayai community forestry committee reports illicit clearing and lobbing by Saruja residents to the Forestry Department</li> <li>Kayai community forestry committee blocks a Saruja contractor's transport of illicitly acquired rhum palms (1997)</li> <li>Confiscation of a large quantity of illegally produced rhum palm in Saruja, offenders fined (2002)</li> </ul>
<p>Source: Information collected by the mediation team.</p>	

## CONFLICT MANAGEMENT AND RESOLUTION PROCESS

### Initial efforts and institutional frameworks

There were no records of serious village-level mediation efforts aimed at resolving the Kayai Island conflict. Elder councils, who mediate disputes between villages, did not appear to be engaged in the controversy. These councils usually operate when the parties to a conflict are located in the same administrative district, but Saruja and Kayai belong to different districts and answer to different chiefs, making it difficult for elder councils to facilitate negotiations. Although social and religious ties connect the two communities, administrative boundaries and different political leadership structures can be formidable institutional barriers.

Parties engaged in the conflict appealed to the court system and public officials to adjudicate. As with other aspects of the conflict's history, however, the outcome of these processes is shrouded in mystery, and people from the two communities give different accounts of what happened in the 1987 court case. If a decision was made, it was not enforced, and it is not clear that any judgment was made. The Office of the Divisional Commissioner had authority to adjudicate the dispute, and a mediation meeting was apparently held under its auspices in 1996. According to a letter dated 29 March 1996, the Commissioner called on the people of Saruja to relinquish their claim to Kayai Island. Although this letter appears to have been written and signed by the Commissioner, however, it was not stamped, which calls its authenticity into question. Even if the letter were genuine, the decision did not end the controversy.

The Forestry Act of 1997 empowers district chiefs to arbitrate community forestry disputes if all the parties are located in the same district. Divisional commissioners are responsible for such arbitration when all the communities are in the same division but different districts. The Secretary of State for Local Government arbitrates disputes when the contesting communities cut across divisional boundaries. Decisions are forwarded to the Director of Forestry, and a community has three months to appeal a decision, before it becomes final. Forestry Department staff can mediate community disputes that hinder the formulation of community forest agreements, but the conflicting claims to Kayai Island were not acknowledged when the community forest was initially proposed and demarcated.

### Recent conflict management efforts by forestry and administrative officials

Forestry Department personnel attempted to mediate the dispute. The Office of the Divisional Forestry Officer in Janjanbureh organized two separate meetings with Kayai and Saruja to resolve the impasse, but to no avail. The Kayai village meeting was well-attended, with representatives from key influential families. In contrast, no key members of local prominent families attended the Saruja meeting, and forestry extension staff did not obtain any clear concessions or commitment from the Saruja leaders regarding signing of the SNV. The department's mediation efforts were further frustrated when people from Saruja accused it of siding with Kayai. The community forestry process halted because extension staff found it difficult to bring the conflicting parties together.

Exercising his mandate under the Forestry Act to resolve community forestry disputes, the Divisional Commissioner summoned the village heads and leading elders of Saruja and Kayai to his administrative headquarters. The meeting proved unsuccessful as the parties could not reach a compromise. The Commissioner proposed joint forest management by Saruja and Kayai, but the latter rejected this. The people of Kayai insisted that the island was theirs, but the Saruja villagers attending the meeting refused a call for them to leave the island. An influential member of Saruja, who owns large farms on the island, had not attended the meeting because he opposed any compromise, and Saruja's representatives were reluctant to negotiate a settlement in his absence.

## Planning NACO's entry

The management of Central River Division Forestry Project (CRDFP) first considered external intervention to resolve the Kayai Island dispute in June 2005, shortly after Gambian participants at the FAO Training-of-Trainers Workshop on Community-Based Natural Resource Conflict Management had returned home. The Kayai Island conflict was one of several disputes afflicting community forests and State forest parks in Central River division at the time. CRDFP prepared a brief history of all the division's forestry-related conflicts to identify potential cases for outside intervention, and after consideration by a team of reviewers, the Kayai Island case was selected because of its size and the richness of its forest resources. Forestry Department and CRDFP staff felt that it was necessary to reduce illegal forest use on the island by resolving the conflict between the two villages.

In November 2005, NACO received a contract to document the Kayai Island dispute and assist its resolution if possible. The German Agency for Technical Cooperation (GTZ) provided financial support for the intervention, which also aimed to test the applicability of FAO's natural resource conflict management concepts and tools (Engel and Korf, 2005). To support this mediation effort, FAO – through its Sustainable Livelihood Programme – provided technical guidance and financial resources to the team working on the case study. The project engaged three people (a researcher and two assistants) from NACO for two months at a cost of US\$1 745. A field data collector was also employed to assist the team. CRDFP provided the team with a vehicle and driver, and absorbed the cost of meals for village representatives and chiefs during meetings. The project also furnished extra daily subsistence allowances to the mediation team.

In consultation with the Forestry Department, NACO constituted a conflict resolution team with two lead researchers – one from each organization – a research assistant and two data collectors. Four forestry officers supported the team. Given the Forestry Department's past role in the dispute, including Saruja's accusations against it, the team felt it was necessary to appear as neutral as possible. The NACO lead researcher therefore led the mediation team, with forestry personnel remaining active behind the scenes, providing logistical support and secondary data.

## NACO enters the conflict setting

Table 6 summarizes the conflict management process followed by NACO. Before entering the field and deciding which conflict management techniques to use, the team conducted literature reviews and formal and informal meetings with the Forest Department and local authorities, to gain familiarity with the situation. In entering the field, the team met the Office of the Commissioner, forestry officials, and representatives from other government institutions and local authorities to explain its mission and the scope of its responsibility. Throughout the conflict management process, the team found it useful to mobilize all government institutions with a stake in the case to advise on technical issues. Officials were welcoming and supportive towards the team.

TABLE 6

TIME LINE OF NACO'S INVOLVEMENT IN THE KAYAI ISLAND CONFLICT

Dates	Events
November 2005	<ul style="list-style-type: none"> <li>NACO contracted to document the dispute and assist its resolution, if possible</li> <li>NACO team members review literature and hold meetings with the Forestry Department and officials to gain familiarity with the situation</li> </ul>
15–17 November 2005	<ul style="list-style-type: none"> <li>Mediation team enters the field, introducing itself to the divisional administration, local authorities and forestry staff</li> </ul>
November–December 2005	<ul style="list-style-type: none"> <li>Mediation team visits Kayai Island and engages in shuttle consultations separately with Kayai and Saruja villagers, carrying out participatory conflict analysis</li> </ul>
30 December 2005	<ul style="list-style-type: none"> <li>Mediation team organizes negotiation meeting for Kayai and Saruja at the Office of the Divisional Commissioner, attended by district chiefs, forestry officials and the police</li> <li>Agreement reached; Saruja acknowledges Kayai's rights and agrees to sign the SNV; Kayai's chief recognizes Saruja's farm assets and limited forest user rights on the island</li> </ul>
27 January 2006	<ul style="list-style-type: none"> <li>Mediation team holds an exit strategy meeting in Kayai, attended by elders of Saruja, the Divisional Commissioner and forestry staff</li> </ul>

The team then engaged in a fact finding trip to acquire information on resource use on Kayai Island. Using a CRDFP boat, the team travelled along the shore of the island observing numerous indications of illegal forest exploitation on the side facing Saruja. In contrast, only limited forest destruction was visible on Kayai's side.

Establishing direct contact with the conflict parties was the next task, and data collectors were sent to the villages to arrange introductory meetings. The village heads were the contact people for entry

into the settlements, and informed their community members about the arrival date and time of the mediators. The team went first to Kayai, explaining its purpose to the village head and local elders who had assembled on the appointed day. They expressed their appreciation for the team's presence and welcomed its members to the village. A similar trip was made to Saruja, with identical outcomes.

## Broadening stakeholder engagement and conflict analysis

When primary contact with community leaders had been established, the team moved ahead to engage the wider community. Preliminary meetings were held in Kayai and Saruja at the village batabas (public meeting place), attended by a cross-section of village inhabitants. Team members described their roles and responsibilities in the conflict management process. At the beginning, tensions and emotions were high, and many community members in each village were eager to participate. As the process continued, the villagers agreed to send representatives to participate in activities, thereby reducing the number of participants to keep facilitation manageable. The meetings shifted to the task of conflict analysis, with team members seeking deeper insights into the context of the conflict and the concerns of disputants. Conflict analysis helps to identify and prioritize the range of issues that need to be addressed. It also clarifies the various motivations and incentives of stakeholders in the dispute through understanding their positions, interests and needs.

Conflict analysis tools were used in the villages to deepen understanding about the dispute. Resource maps were developed, with each of the villages separately depicting the locations of its rice fields and orchards on the island. Maps were drawn by a team of eight community representatives in each village. The mediation team then independently conducted a transect walk through the island to verify the various land uses indicated on the maps. With the conflict onion tool, which uses a layer model to identify the positions, interests and needs of the disputants, the team investigated the village's commonalities and differences (Table 7). The team also carried out root-cause analysis and relationship mapping in each village to obtain the local perspective on the conflict. As well as fact finding, the objective of these participatory conflict analysis exercises was to gauge the intensity of the conflict and determine the readiness of the parties to become involved in interest-based negotiations. As part of issues analysis, the mediation team took each of the villages separately through the process map for consensual negotiations.

Participatory conflict analysis provided the mediation team with a better picture of the perceptions, motivations and concerns of the disputants, as well as the conflict's history. The team now discerned local differences and commonalities, providing a basis for mediation to move forward. Both villages expressed interest in conservation and development projects for their areas. Of equal importance to both villages was the maintenance of social relations, as the communities were linked through marriage, kinship and religion. The people of Kayai placed priority on maintaining their ownership claim to the island, whereas Saruja's villagers were adamant that the island was vital to their livelihoods. With this information and insight, it was apparent that the parties might be able to resolve their differences. The team's next stage involved bringing them together on neutral ground for interest-based negotiations.

TABLE 7

## THE CONFLICT ONION TOOL: FINDINGS FROM KAYAI AND SARUJA

	Kayai	Saruja
Position	<ul style="list-style-type: none"> <li>• Saruja must recognize Kayai's sole ownership of the island</li> <li>• Saruja must leave Kayai Island</li> <li>• We want to manage the island alone</li> </ul>	<ul style="list-style-type: none"> <li>• We have claims over Kayai Island</li> <li>• We will not move from the island</li> <li>• We will not recognize Kayai's claim of sole ownership of the island</li> </ul>
Interest	<ul style="list-style-type: none"> <li>• Restore ownership rights</li> <li>• Conserve the island</li> <li>• Develop ecotourism</li> </ul>	<ul style="list-style-type: none"> <li>• Grow rice</li> <li>• Safeguard our orchards</li> <li>• Generate income</li> </ul>
Needs	<ul style="list-style-type: none"> <li>• Improved livelihoods through sustainable use of forest resources</li> <li>• New income-generating activities, such as through ecotourism activities</li> <li>• A sanctuary from future wars and disturbances</li> </ul>	<ul style="list-style-type: none"> <li>• Food and income security from our orchards</li> <li>• More farmland; we depend entirely on the island for rice cultivation</li> <li>• Construction materials; alternative sources are scarce and expensive</li> </ul>
<p><i>Source:</i> Mediation team, December 2005.</p>		

## Preparing to negotiate

The people of Kayai and Saruja villages agreed to participate in negotiations to address the Kayai Island conflict. The Office of the Divisional Commissioner in Janjanbureh served as the neutral venue for negotiations. The mediation team invited all the district chiefs in the division, the divisional forestry officer, the chairs of local municipal councils and the police to attend. Before the meeting, the mediation team sent transport to collect participants who lived far away from Janjanbureh because commercial transport facilities are limited and road conditions poor in the area.

Kayai and Saruja villages were each represented by a delegation of ten men, led by the village chief. No women attended, because traditionally they do not engage in public negotiations dealing with land issues, although women do use and manage natural resources. Six district chiefs attended with court members. The Divisional Commissioner was represented by his deputy, who chaired the meeting. The division's Commissioner of Police, a representative of the Forestry Department from its Banjul headquarters and some divisional forestry staff also attended. Local municipal chairs were unable to attend because of prior commitments.

## The negotiation process

The Deputy Divisional Commissioner opened the meeting by appealing to the gathering to observe some basic ground rules for peaceful and orderly discussion. Everyone agreed to listen patiently to their opponents and not to make comments without prior approval from the chair. The chiefs were asked to speak first, as tradition requires, and generally emphasized that the meeting was not a tribunal seeking a judgment to say “this village is right and the other village is wrong”. Instead, the meeting was an attempt to maintain social and cultural relationships between the two communities. The chiefs also pointed out that they were not there to side with any party but were only interested in the truth; all participants were therefore to say what they knew about the case. Principles for the discussion emphasized the maintenance of good neighbourliness through compromise.

The leader of the mediation team presented the process map, highlighting the key steps and activities accomplished in each village with regard to the conflict. The village representatives confirmed that they had gone through the process map. The resource maps and other visualizations made as part of conflict analyses in the villages – including the sizes and locations of rice fields and orchards – were posted on the walls of the meeting room. These helped to refresh the memory of village representatives and provided a sort of virtual conflict scene for the chiefs and other participants. The use of flip charts and other visual aids has become common in the communities, as many development NGOs use them in their planning and training workshops.

The villagers presented their cases to substantiate their claims to the island. Kayai’s chief spoke first, reciting the names of people who had served as the village heads for a period spanning more than 400 years. His purpose was to emphasize that Kayai’s ancestors had settled in the area a long time ago, and he swore that people from Saruja used to come with cola nuts to seek permission from Kayai to farm on the island. This statement was not refuted by Saruja’s representatives. Kayai’s chief presented the 1996 letter from the Divisional Commissioner favouring his village’s claim to the island, and concluded by calling on Saruja’s representatives to endorse the SNV, thereby accepting Kayai’s ownership of the island.

Next, the village chief of Saruja addressed the gathering with a similar list of previous village chiefs, which was shorter than Kayai’s, however. The chief did not refute Kayai’s claims but insisted that it was the government that had allocated the island to his village, so only the government could ask Saruja villagers to leave the island by allocating them alternative places for farming. This statement irritated the chiefs in attendance, who felt that they were being belittled by the speaker because they were the government representatives in the area. If Saruja’s claims were found to be invalid, the chiefs had the mandate to order it to vacate the island.

## Reaching an agreement

Breakthrough in the negotiations came when a young man from the Saruja group was granted permission to speak. He started by indicating his sadness about the conflict between Saruja and Kayai, acknowledging that Kayai settled in the area well before the people of Saruja arrived and sought permission from Kayai to farm on the island. He appealed to his fellow villagers to recognize

Kayai's ownership and thus bring the dispute to an end. The man was later identified as the younger brother of Saruja's village head. His statements were made in a very polite manner that did not challenge the authority of his elder brother, but rather seemed to offer a breakthrough in how the Saruja representatives could frame the issues. All eyes then turned to Saruja's village chief for his formal statement accepting Kayai's claim. He responded: "Yes, we all know that Kayai owns the island. We are only insisting because we have no other place to farm and to collect forest products. We are afraid that Kayai is going to deny us access to the island. If we are not going to be denied access, then we will sign the SNV for Kayai."

At this point, the mediators took the floor to clarify that signing the SNV did not mean that Saruja would have no access to the island. Saruja was also assured that the proposed community forest would not cover the entire island, because gardens and rice fields would be excluded from the reserve. To ensure this, the community forestry boundaries would be resurveyed and redemarcated. To increase the confidence of Saruja's representatives, Kayai's village chief told the gathering that his village values its strong family ties with Saruja so would not deny Saruja villagers access to the island. The Kayai village chief reassured the gathering: "Saruja will continue to be allowed to farm on the island, outside the borders of the community forest."

The village chief of Saruja, comfortable with the assurance of his counterpart from Kayai, stated: "As from today, we the people of Saruja unconditionally recognize Kayai as the rightful owner of the island, and we have no claims whatsoever over the island. We will sign the SNV for Kayai". This was followed by applause from the gathering. Everybody congratulated Saruja's chief for his decision. The other chiefs present also congratulated Kayai's chief for his conciliatory gesture.

## CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

### The agreement

The mediation team prepared a handwritten declaration to be signed by the two village heads and the Deputy Divisional Commissioner. The agreement contained the following points:

- Saruja's representative would sign the SNV acknowledging Kayai's claim to the island and allowing the community forest to be established.
- Saruja would have the right to collect forest products from the island, but only for its own domestic use.
- Rice fields and orchards would be excluded from the proposed community forest.
- The Forestry Department would resurvey the island and prepare a new map, excluding Saruja's rice fields and orchards from the community forest.

Other members of the village delegations spoke about their delight in reaching peace with their neighbours, emphasizing their readiness to abide by the agreements. Several speakers thanked the Forestry Department for initiating the mediation process between the disputing villages.



Reflecting on the agreement, the mediation team felt that it was sufficiently comprehensive in addressing the respective concerns of the parties. The agreement was not only an end in itself, but also served as a tool for monitoring the viability of the accord, including the extent to which the agreed points were practically implemented. In this regard the agreement had some limitations, as its terms were not binding and no specific time frame was set for their accomplishment. Moreover, the agreement did not establish an explicit monitoring mechanism for follow-up on implementation. In general, success of the agreement was highly dependent on the Forestry Department's timely resurvey and redemarcation of the community forest to exclude rice fields and gardens. The Forestry Department's commitment to supporting the mediation team revealed its interest and motivation in resolving the conflict. The agreement also brought public attention to the case and its participants, with the *Daily Observer* publishing an article that appeared locally and on the Internet in January 2006.

### Exit strategy

The next step of the conflict management process involved the mediation team's preparations for exit, as the conflict was now resolved. The team sought to hand over its roles to the parties in the conflict to complete the conflict management process, and a reconciliatory meeting was held in Kayai where the people of Saruja were invited to seal the accord at the local level. The purpose of this meeting was to inform the inhabitants of both communities and surrounding villages about the peace process and the outcome of the mediation efforts. Presenting the agreement in public was seen as a way of bolstering the commitment to fulfilling its terms. The Deputy Divisional Commissioner and the chiefs who attended the negotiation in Janjanbureh all attended.



Source: Anke Camphausen

The people of Kayai welcomed their kin from Saruja with tumultuous dancing and drumming and the killing of a goat to honour the guests. At a meeting in the village square, the Deputy Divisional Commissioner thanked the people of Kayai for their hospitality, also expressing gratitude to the people of Saruja for accepting the invitation to come to Kayai for the exit meeting. He then read out all the agreements reached at Janjanbureh, and called on the villagers to maintain their commitments to implement the accord.

The village heads spoke, repeating the agreement and indicating the willingness of their respective villages to abide by it. The Divisional Forestry Officer confirmed the readiness of the Forestry Department to redemarcate the island and prepare new maps. Last to speak was the leader of the mediation team, who congratulated the villagers for the peace deal and thanked them for their patience during the mediation process. He appealed to them not to flout the agreements.

## LESSONS LEARNED

The amicable resolution of the Kayai Island dispute suggests that many conflicts currently delaying the implementation or management of community forestry can be resolved in a timely manner through interest-based negotiation, if adequate support is available. This does not reduce the challenge of community forestry-related conflicts, which are increasing. The Forestry Department and involved parties must take conflict resolution seriously. Prolonged and unresolved disputes can result in illegal and unsustainable forest utilization and management, and have the potential to become violent conflicts.

Because of the reiterative nature of conflict mediation, which often requires extensive periods of time, enough financial and human support should be available to see the mediation process through, from start to finish. Managing conflicts is time-consuming, and often requires the full engagement of mediators and stakeholders. Mediation cannot be fast-tracked, and must be seen as a process and not a one-off event. It requires commitment and diligence from mediators, who must commit themselves full-time to the process; it cannot be done easily or effectively on a part-time basis. Sufficient funds must be budgeted for conflict management processes, taking into account such contingences as unplanned but essential trips to engage stakeholders during negotiations. Conflict management requires rapport building and close collaboration with communities, often necessitating involvement in local networks of reciprocity. For example, villagers often request the mediation team to give small presents, such as cola nuts, or provide transport to clinics for sick children, and although the team may not be under any obligation to provide these, such actions help the development of collaborative relations with communities. It must be remembered that the villagers themselves are giving – providing their time, labour, expertise and hospitality to support conflict management.

It would have been difficult for the mediation team to achieve the results it got in the Kayai Island conflict with only the funds furnished by CRDFP. FAO's financial contribution, although small, was critical in seeing the mediation efforts through, and a major lesson learned from this case study is

that relatively small financial investments in conflict management processes can yield major returns in terms of promoting sustained resource management and fostering sustainable livelihoods. Moreover, the increasing scope and magnitude of natural resource conflict, makes possession of the institutional capacity to address such disputes an integral part of government and non-governmental efforts to promote sustainable livelihoods.

The case study highlights the importance of neutrality for the mediation team. For NACO this posed something of a challenge, because it has worked with the Forestry Department in other parts of the country for several years and worked closely with the department in this conflict. This collaboration was not disclosed to the parties in the Kayai Island conflict, but not because NACO meant to deceive the villagers or act in an otherwise unethical manner. Members of the mediation team intended to serve as completely neutral agents, and always did so during the conflict management processes. The team was also rigorous in protecting the confidentiality of information gathered from each of the disputing villages. Given Saruja's accusations against the Forestry Department, however, it would not have been possible for the department to serve as a peace broker in this conflict.

What may first appear to be the cause of a conflict may not necessarily be so. Ownership claims are often assumed to be the major source of contention, but detailed analysis of the issues often shows that the real cause of a conflict is related to access to resources. Deep in their minds, the people of Saruja never doubted or disputed Kayai's ownership of the island. Their underlining interest, however, was to gain and maintain access to island resources that are vital to their livelihoods. The Saruja villagers wanted assurance that they would not lose access to their rice fields, fuelwood supplies and other forest products if the island became Kayai's community forest reserve.

Traditional authorities in the Gambia still exercise considerable authority in conflict resolution processes at the local level. Chiefs command a great deal of respect from their subjects, and can assist in the orderly conducting of negotiations. They can provide much valuable secondary information, helping the mediation team to contextualize the conflict. Chiefs often possess considerable historical knowledge because most of them have served as court members before attaining their present positions. They can therefore give good accounts of how a conflict had been dealt with at the tribunal level over the years, including the verdicts of court sittings.

The need to adhere at all times to principles and guidelines for implementing community forestry were very vividly illustrated during mediation. The community forestry implementation cycle cannot be fast-tracked by jumping key steps, and the failure of Forestry Department staff to observe procedural matters contributed significantly to intensifying the conflict. Field staff processed the Preliminary CFMA application for Kayai, without having the SNV signed by Saruja, contrary to official guidelines. The preliminary demarcation of the community forest also violated procedures by including farmland and orchards within its boundaries, and forestry staff failed to obtain the full consent of landholders. It was therefore not surprising that the people of Saruja felt aggrieved by the Forestry Department when they learned that all of Kayai Island was to be included in the community forest. Short-cuts, however small they may seem, should not be used to make momentary gains. In addition, ignoring conflict often only worsens it.

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# Findings and lessons learned

This concluding chapter presents a brief summary of key findings and lessons learned from the case studies on the Gambia and Namibia. It also provides some reflections and lessons learned on the overall training and support process carried out by LSP through its African Training-of-Trainers Programme. Overall, the case studies demonstrate that a great deal can be achieved in addressing Africa's pressing natural resource conflicts through modest but effectively deployed investment of resources in training for and logistical support of consensual negotiations. At the same time, there are constraints and obstacles in training, logistical support, institutions, national policy frameworks and communities, which need to be taken into consideration. Nonetheless, enormous possibilities exist for addressing – in an informal and participatory way – many of Africa's natural resource conflicts, including those arising within the context of decentralization and in CBNRM programmes.

## THE CASE STUDIES

The case studies presented in this paper show that decentralization of natural resource management, including of forests (in the Gambia) and of wildlife (in Namibia), is in part a response to tensions and conflicts arising from the colonial legacy of State protectionist policies. This exclusion of communities from natural resources often fostered a history of hostility and suspicion between government lead agencies and rural people. In general, protectionist resource policies and practices generate tension and conflict, as people resent being denied access to natural resources that are important for their livelihoods and cultural practices. The rise of CBNRM has been a major response to this situation, providing people with incentives and opportunities to engage in and benefit from sustainable resource use.

Ironically, the case studies also show how decentralization and participatory natural resource management unintentionally contribute to conflicts among communities. In both cases, people pursued the opportunities offered by the new community-based institutions to pursue long-standing claims to contested resources. In the Gambia, the people of Kayai sought to re-establish their sole claim to Kayai Island; in Namibia, the traditional authorities of Bukalo Khuta sought to use their influence over Salambala Conservancy to gain political control over Sikanjabuka village. These sorts

of community motivations are common and widespread throughout the world.<sup>5</sup> Promoters of community-based resource management need to recognize that the people in communities may have a variety of motives for engaging in such activities. Because such programmes and interventions alter access to or use of natural resources, they provide opportunities for shifting power relations, so it is not surprising that strategically minded groups and individuals see such initiatives as opportunities for dealing with disputes over the control of, access to or use of natural resources. This does not mean that other motivations, such as conservation, increased productivity and sustainable livelihoods, are not important. On the contrary, people may see their securing of resources – through ending competing claims – as a vital means for achieving these other goals.

The prospective planners and managers of community-based resource management interventions cannot assume that they are entering into simple, quiet, conflict-free settings, no matter how bucolic the countryside and villages appear. Rural people do not constitute a homogeneous mass of humanity; terms such as “rural people”, “resource users”, “villagers”, “community members”, “households”, “the poor”, “farmers”, “herders” and so on often serve to conjure images of populations that share a community of interests. Reality is far more complex, however, and such social entities are never purely homogeneous. On the contrary, social, cultural and economic differentiation always exists, whether based on gender, age, ethnicity, territorial identity, religion, political affiliation or other factors. In addition, people – even at the intra-household level – differ in their access to assets, social support networks and so on. The level of social complexity increases in settings involving a number of populations, and the history of relations among groups also needs to be taken into account. In some places, relationships might be largely harmonious, while in others they may be dominated by antagonism, rivalry or suspicion. Whatever the case, planners, managers and support staff for community-based resource initiatives need to find out about the social setting that they are entering, as these social relations are likely to have a substantial impact on the fate of the initiative.

The case studies also demonstrate that conflicts do not have to be violent or generate widespread insecurity to have a negative impact on the performance of community-based resource initiatives. Both the Gambia and Namibia case studies were free of violent actions (hence use of the term “low-intensity” to describe them), but they slowed down and even sometimes halted the initiatives, depriving rural communities of the resources needed to support livelihoods. Worldwide, one of the main motivations for conflict management is that it makes sense economically. Conflicts reduce efficiency by contributing to or causing delays, poor performance, low motivation, etc. Conflict management skills are crucial for helping to maintain high levels of local participation over long periods, as is usually required in natural resource interventions.

In both case studies, the negative effects of latent conflict arose because the conflicts were ignored for a long time, or were handled very ineffectively. Valuable time passed, allowing positions to harden. This probably happened because people did not know how to respond to conflict effectively.

5. Chapter 1 contains many references to this phenomenon: see for example, Ribot, 1999; Castro and Nielsen, 2001.



As already mentioned, conflicts that are ignored for a long time usually extract a high cost, and this underlines the value of conflict management as a mandate or priority within an organization. Unless effective conflict management is given priority and sufficient resources, time-consuming conflict management processes will seldom be sustained. Collaborative natural resources management is a relatively new concept in many countries, and its aims, procedures and support activities (such as conflict management) have not yet been fully understood and integrated into the institutional culture and management systems of leading organizations. The case studies revealed that the agency and project staff responsible for implementing decentralized resource management were often insufficiently equipped to address or manage conflicts appropriately. This situation is not unusual, and it is only recently that the explicit value of conflict management skills has come to be appreciated in development and resource management administrations (see, for example, Pendzich, 1994; FAO, 1997; 1998; Buckles, 1999; Warner, 2001; Castro and Nielsen, 2003).

## CONFLICT MANAGEMENT

The two case studies demonstrated that alternative conflict management procedures have considerable potential in addressing natural resource conflicts. Alternative conflict management uses participatory negotiation, mediation and related procedures similar to those that already exist in most local conflict management systems. It also has the virtue of being flexible and offering generally low-cost access to conflict management processes. Alternative conflict management provides a means to widen and strengthen people's access, particularly among poor and marginalized populations, to natural conflict management institutions, whether based in national legal structures, customary law or other settings. The conflict mediation teams in the case studies worked closely to bring together government officials, traditional authorities, informal leaders and local resource users in a process of consensual negotiation.

The case studies, particularly in the Gambia, illustrate the complexities regarding neutrality of the mediation team. Government is often a party to (or stakeholder in) natural resource conflicts, and other stakeholders may not regard its agents as being strictly neutral. This can limit the possibility for government officers to act as third parties, peace brokers or other intermediaries. At the same time, the nature of relationships in these settings often makes it impossible to find a third party that is not connected to or has not had a prior relationship with any of the disputants. The idea of looking for acceptable mediators is therefore more realistic, referring to a third party who is perceived as impartial by all negotiating parties and therefore has the credibility and trust to perform a brokering role.

Although many government organizations and NGOs profess the importance of taking a proactive role in addressing conflict, for most participants the training programme was their first exposure to conflict management. The initial training-of-trainers resulted in a high number of replicated national trainings. These were organized by participants of the programme independently from FAO support, which indicates the massive interest and demand for conflict management training in the countries concerned.



Despite or because of this demand, another note of caution is necessary, however, as it is important to avoid the simple transfer of Western models of alternative conflict theory and practice to Africa; this would probably be counterproductive.<sup>6</sup> The use and implementation of alternative conflict management in Africa, as elsewhere, must be based on the adaptation of procedures and processes to local realities. This process of adaptation is still in its early stages, and practitioners in the two cases studies are among its pioneers. It is essential that alternative conflict management not be promoted or treated as a modern replacement for existing (and still often vital) traditional or customary institutions. The issue is not one of competing approaches, but rather of finding what works in a given situation. It is crucial to ensure that people have access to the means of addressing – in a peaceful, participatory and equitable manner – their conflicts and disputes.

Efforts to widen access to natural resource conflict management institutions in Africa must consider how customary dispute resolution procedures can be applied, encouraged or strengthened, and interfaced with the environmental sector. It must be remembered that customary conflict management practices are themselves adaptations and adaptive. As illustrated in the two case studies, there is considerable potential for social innovation by drawing on both customary and alternative approaches. Conflict management training can add to the approaches, strategies and skills that people already possess, giving them a greater range of options of how to act. At the same time, it is important to bear in mind the limitations in terms of access that occur in customary (and all other) conflict management procedures, especially regarding gender, wealth and age. For example, although women are major users of natural resources in the communities where the case studies occurred, they were not directly involved in the conflict management processes.

Although informal conflict solving procedures can succeed in many difficult situations, it should not be assumed that this approach is always either possible or desired by stakeholders. Village communities, especially poor people, often prefer to solve their disputes informally as they perceive this as being easier, quicker, cheaper and potentially less socially disruptive. In several kinds of cases, however, particularly where there are severe power imbalances, collaborative and voluntary processes might succeed, but this depends on the same socio-political factors that contribute to resolving cases successfully through the legal system. Ironically, powerful parties often need to be convinced that they too will gain from negotiations and that they cannot pursue their interests more effectively in other arenas. This often requires building up the power and capacity of weaker parties through social mobilization, including strong community-level facilitation, establishing links with legal and civil society organizations and employing external and/or public scrutiny by means of mass media.

The chances for informal conflict management procedures to succeed and achieve good outcomes for all the parties involved have to be carefully weighed against the costs: the aim of negotiations is to achieve a better outcome compared with what would have been possible through other procedures. Each party has to consider what its best alternative is if it cannot obtain a negotiated agreement. A third party also has to reflect on whether the achievable agreement is fair and stands

6. See Nader and Grande's (2002) critique of the transfer of alternative conflict management to Africa.

a good chance of being sustained. Third parties do not want to enter a process where poorer or less powerful people are taken advantage of, so the costs – time, money and other resources, as well as the resignation and passivity of weaker individuals and groups that result from failed attempts – have to be taken into account when selecting conflict management approaches.

Against this background it is clear that informal conflict solving procedures must not be seen as a panacea for every dispute. These procedures are always open-ended processes, and lead to success only if a series of conditions are met, including the following:

- *Stakeholders are identified and prepared to participate:* At the start, potential participants must be identified and prepared to take part in the conflict management process.
- *The process is a high priority for all participants:* Resolution of the dispute must be a high priority for all stakeholders. This is often not the case when there are major power imbalances.
- *Stakeholders depend on one another:* The higher the degree of mutual interdependence, the greater the likelihood that stakeholders will want to reach a settlement.
- *A negotiated settlement is likely to offer better outcomes than other possibilities for settling the conflict:* A key issue is identifying each party's best alternative to a negotiated settlement (BATNA).
- *The conflict is subject to a compromise solution:* The conflict or its components must be negotiable. If there is no room for compromise, mediation procedures will be ineffective. This is often the case in conflicts that are centred on clashes of values.
- *Participants have decision-making authority:* The participants in a conflict management procedure need to have the authority to represent the constituencies they claim to speak for.
- *Decision-making sovereignty is relinquished:* There must be a readiness, particularly on the part of officials, to agree to an open-ended process, thereby partially relinquishing their own decision-making authority.

These challenges are to be contrasted with the many advantages of alternative conflict management procedures, such as the following:

- *Voluntary and collaborative nature of the consensual negotiation process:* Participants who decide in favour of this procedure do so because they are convinced that agreements reached in this way offer distinct advantages, including the ability to incorporate local knowledge and concerns and the relative informality and flexibility of the process.
- *Faster and less expensive process:* Because consensual conflict management procedures are less formal than judicial proceedings, the participants may determine their nature, which prevents delays and thus speeds up the entire process. In addition, the cost of reaching decisions is less, as lawyers, court fees, uncertainties about the nature of judicial decisions and long delays are avoided.
- *Creative solutions:* Consensual conflict management offers participating parties the possibility of reaching tailor-made agreements that are more likely to serve their common interests than are those imposed by a third party. This greater flexibility also provides the opportunity to focus on the root causes of conflicts.

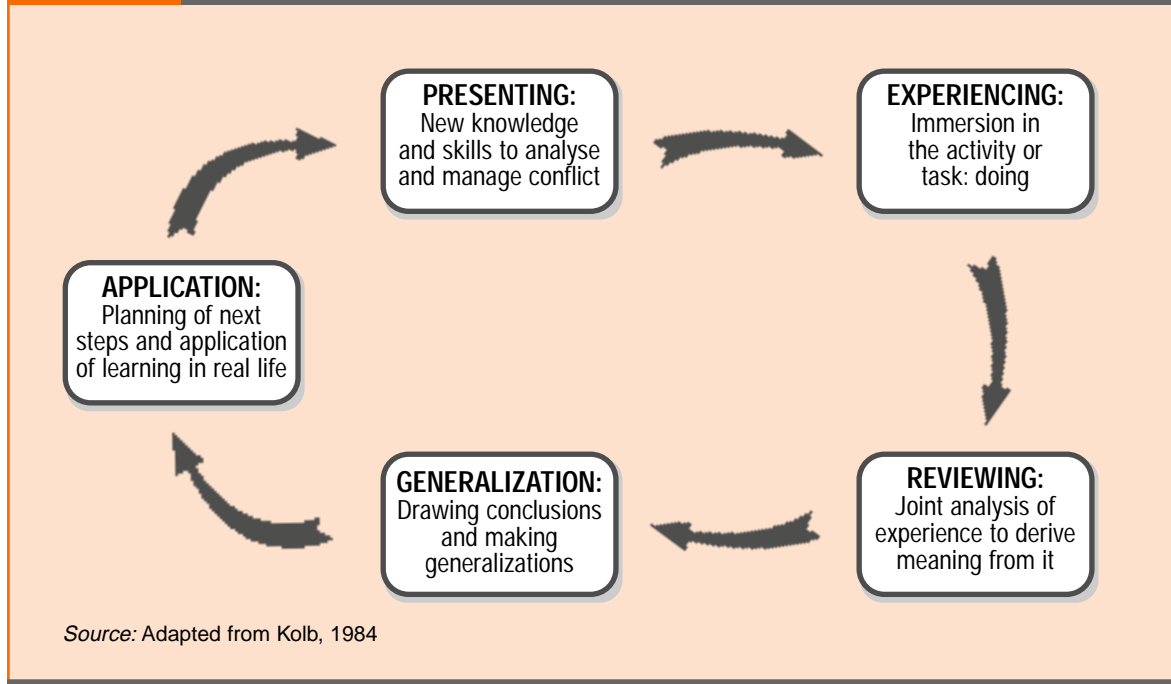
- *Creation of better relationships among the participants:* Consensual negotiation procedures foster improved relations among the disputants. The focus is not simply on obtaining interests, but on reaching a mutually acceptable solution. In contrast to other conflict management approaches, this tends to promote reconciliation among the parties.
- *Possible higher rate of compliance:* Participants who have voluntarily reached an agreement together are more likely to fulfil the terms of that agreement than are those who have settlements imposed on them. This also increases the possibility of avoiding costly litigation later on.
- *Reduced risk in planning:* For administration and project contractors, the timely use of collaborative management may reduce the risk of troubles later.

## THE TRAINING PROGRAMME: SOME REFLECTIONS

It is beyond the scope of this document to provide a comprehensive review of LSP's training programmes. Rather, the intention is to provide general observations and lessons learned about the programme's approach to training, accomplishments and limitations, for those interested in carrying out similar tasks.

It must be emphasized that LSP training programmes are characterized by some distinctive features. First, they are based on an *experiential learning approach* "whereby knowledge is created through the transformation of experience" (Hiyama and Keen, 2004). According to the widely known principle "I hear – I forget; I see – I remember; and I do – I understand", LSP training programmes combine learning by doing with reflection on learning for improved action.

The idea of an experiential learning process is based on Kolb's famous learning circle. As shown in Figure 5, the adopted experiential learning process has five main stages. These are structure around participants' ability to learn new knowledge and skills for analysing and managing conflicts; making concrete experiences in applying this knowledge and skills; reflecting upon this experience; and drawing conclusions for improved action. The experiential learning process often results in new answers to old questions, and enhances understanding of how to address conflicts. Three aspects can be seen as especially noteworthy about experiential learning: (1) the use of concrete, 'here-and-now' experience to test new information and methods; (2) use of feedback to change practices and theories and (3) the understanding of the learning cycle that can begin at any one of the five points - but should really be approached as a continuous spiral.

**FIGURE 5 THE EXPERIENTIAL LEARNING PROCESS**

A second distinctive feature of LSP training programmes is that they have converted the experiential learning approach into a *multiple, integrated phased programme* that combines classroom training with appropriate mentor-supported field practice.

Training programmes usually run for between six and twelve months. Classroom training is conducted at various stages of a programme; between classroom sessions, participants are expected to apply their new knowledge and skills to real-life conflict situations in their own work context.

During these periods of application, participants are coached/mentored by the trainer, who assists with specific conflict management or training methods and concepts; responds to questions and supports problem solving; and provides constructive feedback on participants' performance, encouraging reflection and self-assessment.

At the end of a programme, a lessons learned workshop provides participants with an opportunity to share and evaluate their experiences and learning from classroom training and conflict interventions.

Participation in the programmes is based on a cost-sharing arrangement with the projects and institutions whose staff are to be trained. Participants' organizations must commit themselves to supporting their staff during conflict interventions and case study write-up, and to covering any costs arising from conflict management processes in the field.

Multiple and integrated phased training programmes have proved to be appropriate and effective for skill building. The combination of classroom training and mentor-supported field practice has resulted in effective learning through practice and increased appreciation of the relevance of conflict management to participants' work in natural resource management.

The success of skill building training programmes for conflict management depends on a number of critical factors, however. These include the following lessons learned by LSP.

## Selection of participants

- Training is more effective when it is directed to a group of affiliated people, rather than to individuals. The training of individuals often results in the random application of skills. It is better to train a cadre of two or more people, who can then work together to support each other in the development of strategies for resolving conflicts.
- It is more effective to train a group of people working in a single organization – NGO or government agency – as this promotes the institutionalization of procedures.
- Training should target NGO and government staff together, so that they can coordinate their conflict management activities.
- Training a small group of people in a small geographic area effectively is better than training a larger group in a wider area where lack of resources, isolation or inability to enter a dispute will reduce the training's effectiveness.
- It is worth developing a participant selection process that identifies participants who are already helping parties in disputes and have facilitation and field-based experience in conflict management. Ideally, the training group should include participants who are already linked to disputants' social networks and have credibility with the parties or people in authority who can provide assistance.

## Ongoing support mechanism

- Skill building training needs to be well integrated in participants' organizations to ensure that participants obtain the required organizational support for their work.
- New intermediaries in a conflict need support, encouragement and strategy assistance. It is useful to provide periodic mentoring/coaching – via e-mail, telephone and most importantly via site visits – as an integral part of training.
- New trainees are required to travel to conflict sites, meet stakeholders and conduct conflict management work. It is therefore important that conflict interventions do not have to be abandoned because resources have started to run out. Mechanisms should be put in place to ensure that adequate resources are provided to allow conflict management processes to be sustained over extended periods.
- Suitable local training institutions should be involved in training and post-training mentoring from the outset, to build local capacity for the replication of training.

- The contextual understanding of natural resource conflicts is important. Documented conflict management processes and resolution outcomes can considerably enhance the material for future training courses. Mechanisms that support the documentation of conflict cases from training – such as coaching and editorial support – should therefore be considered.

## Training process

- Training is more effective when it is underpinned by participatory, learning-centred and adult education principles.
- For skill building purposes, it is worth considering a multiple and integrated phased programme that combines both classroom training and adequate and appropriate mentor-supported field practice.

The African programme was unusual in that it targeted trainers-cum-practitioners. Although it was difficult to find people with both the required sets of skills, efforts to identify trainers who are also working in the context of participatory resource management projects was worthwhile considering the potential outreach. The African training-of-trainers had an impressive multiplying effect. In about 15 months, the trained trainers had replicated the training 11 times in five African countries. The programme has initiated second- and third-generation training, directly benefiting more than 250 natural resource practitioners. This high number of trainees was reached despite major difficulties in identifying and securing funding for the replication of training. In some cases, funding was not forthcoming from participants' organizations because conflict management was viewed as a new field whose immediate benefits have yet to be demonstrated. For most of the participating organizations, the training provided a first exposure to conflict management approaches, techniques and skills.

When participants were asked to assess their overall satisfaction with the training, all rated it very highly in terms of meeting the stated training objectives, relevance to their jobs and meeting their expectations. Participants especially valued the opportunity to apply the knowledge and skills imparted in the training to a real-life conflict; in fact, they identified this as the most important component of the programme. At the same time, they felt it was the most difficult of all the training programme components to realize. These hands-on applications provided invaluable insights into the scope and limitations of conflict management approaches, skills and techniques. They also furnished participants with insights into their own abilities, capacities and interests as conflict mediators.

While hands-on application is of value to all trainees, this component of the training programme works best for those who are dealing with conflict as part of their regular work activities, because conflict management activities require a high level of commitment from mediators and communities. As noted in the two case studies, conflicts are often characterized by considerable social complexity, which calls for much effort to build rapport for stakeholder engagement, facilitate conflict analysis, mediate negotiations, prepare agreements, etc. Such work also tends to take place in emotionally

charged settings. Addressing conflicts can be extremely time-consuming, and emotionally draining. Shuttle negotiations, for example, can require substantial resources for meetings, transport, materials and other logistics.

Conflict management processes require mediators and communities to commit themselves fully to the process, and such commitment can occur only if conflict management is a priority for the trainee's organization. Many participants came to realize that engaging in conflict management on a part-time basis is very difficult, given the social dynamics of building collaborative relationships, analysing conflicts, etc.

## CONCLUSION

In conclusion, the case studies confirmed how much can be accomplished from relatively modest financial and other resources. Effective problem solving requires resources and skills, but it depends even more on the commitment of all parties, including decision-makers, to find solutions to problems in natural resources management before those problems grow and escalate. The outcomes suggest that a great deal could be achieved in addressing many of Africa's pressing natural resource conflicts with similarly modest but effective investment of resources in training for and logistical support of informal conflict management procedures.

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This publication increases understanding of natural resource conflicts and their effects on local livelihoods by sharing recent, real-life experiences of Africans who have used the processes and principles of consensual negotiation and mediation to address natural resource conflicts.

Readers are presented with the contexts, problems and experiences of mediators and other stakeholders from diverse locations (West and Southern Africa) and sectors (forestry and wildlife).

The publication is the result of a programme on building local capacity in natural resource conflict management. It provides reflections and lessons learned from this process, for those interested in carrying out similar tasks.

The findings suggest that much can be achieved to address pressing natural resource conflicts through the effective deployment of modest investments in training and continued support for informal conflict solving procedures.

