



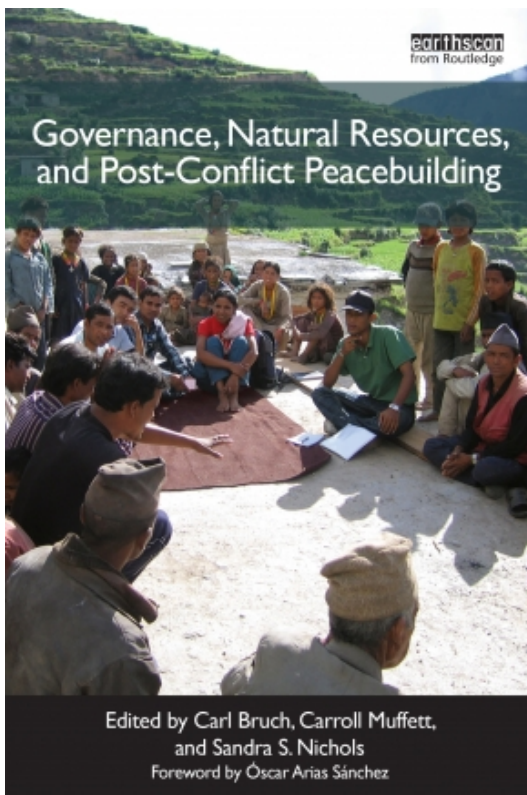
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Part 4: Local Institutions and Marginalized Populations

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PART 4

Local institutions and marginalized populations

Introduction

Governance of natural resources involves a multiplicity of actors, rules, capacities, and interests. Different ethnic groups, communities, and genders use, affect, and are affected by natural resources in different ways. Governance occurs at multiple levels, from the local to the international, and involves overlapping and sometimes contradicting sets of rules and authorities.

Following conflict, the social, legal, and cultural context for natural resource governance can be even more multifaceted. Demographic changes resulting from population displacement and from the mobilization (and demobilization) of combatants can bring different groups into contact and change traditional roles with respect to natural resources. Population movements or loss of political stability can cause governance structures at one level to break down, while others grow stronger. Peacebuilding operations can introduce new perspectives and norms, which can intensify an already complex governance situation.

Effective peacebuilding requires recognition and understanding of the particular social, cultural, and legal dynamics of each post-conflict situation. Peacebuilders must consider and try to engage the various distinct populations within a post-conflict society, with a particular emphasis on those who are often socially or politically marginalized, such as women, youth, and indigenous groups. The chapters in this part, which examine approaches to engaging local institutions and marginalized groups, address legal pluralism, local communities, gender, and indigenous groups.

Many post-conflict countries and regions have multiple, overlapping legal systems governing management of and access to natural resources. Customary and religious laws and institutions may compete with statutory law; at the same time, local norms may overlap with national or international law. Overlapping legal systems can create legal uncertainty, which may be heightened by the disruptive impact of conflict on existing legal structures, as well as by the introduction of new norms by international peacekeepers and humanitarian organizations.

In “Property Rights and Legal Pluralism in Post-Conflict Environments: Problem or Opportunity for Natural Resource Management?” Ruth Meinzen-Dick and Rajendra Pradhan discuss the ways in which multiple legal systems can affect the reestablishment of effective natural resource governance after conflict. They emphasize the importance of building strong property rights systems, which can alleviate uncertainty about access to the natural resources that are essential to livelihoods. Meinzen-Dick and Pradhan note that in designing such systems, policy makers should recognize the existence of multiple sources of law and authority, while also protecting the rights of marginalized populations.

While much post-conflict peacebuilding focuses on the national level, community-level activities can sometimes create an entry point for improving

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natural resource governance and creating demand and capacity for good governance at all levels. In “The Role of Conservation in Promoting Stability and Security in At-Risk Communities,” Peter Zahler, David Wilkie, Michael Painter, and J. Carter Ingram examine the experiences of the Wildlife Conservation Society (WCS) in Bolivia, the Democratic Republic of the Congo, and Afghanistan, which demonstrate the potential of nongovernmental conservation organizations to strengthen governance from the bottom up. In each of these countries, the WCS provided technical assistance and support to reinforce land tenure and property rights claims and build strong community structures for natural resource governance. In addition to improving natural resource management practices at the local level, these initiatives helped communities gain the will and expertise to engage with higher levels of government.

Benefit sharing is another important mechanism for strengthening the rights and capacity of local communities. In “Social Benefits in the Liberian Forestry Sector: An Experiment in Post-Conflict Institution Building for Resilience,” John Waugh and James Murombedzi examine benefit-sharing arrangements instituted through Liberia’s 2006 National Forestry Reform Law. In an effort to resolve concerns about the use of timber to finance conflict and to provide a sustainable foundation for post-conflict forest management, the law explicitly recognized community interests in forestry benefits, through provisions that required sharing of natural resource revenues and the use of social agreements between timber extraction firms and local communities. Although benefit sharing can support both equitable development and the inclusion of local communities in natural resource decision making, Waugh and Murombedzi argue that effective benefit sharing requires local-level management and decision-making capacity, support and monitoring from higher levels of government, conflict management mechanisms, transparency, and explicit recognition of community rights with respect to natural resources.

Too often, peacebuilding activities at all levels have ignored or marginalized women. As a result of historical, gender-related patterns, women and men often have different rights, responsibilities, and requirements with respect to natural resources. In many instances, gender-based differentiation violates international norms, and the post-conflict period represents an opportunity for a society to consider more egalitarian approaches to natural resource management.

Even when they seek to address historic inequities, peacebuilding processes and activities disproportionately involve male actors and often fail to consider women’s interests and perspectives. In “Integrating Gender into Post-Conflict Natural Resource Management,” Njeri Karuru and Louise H. Yeung make the case for considering the gender implications of all post-conflict policy decisions. They outline the natural resource-related problems women face in post-conflict situations, including vulnerability to sexual assault while collecting water or fuelwood, exclusion from programs to rehabilitate excombatants, and customary restrictions on access to land and inheritance rights. Karuru and Yeung conclude that improving the participation of women and girls and mainstreaming gender

considerations in post-conflict peacebuilding is necessary not only to protect women's rights and welfare, but also to ensure the effectiveness of peacebuilding.

Although often ignored in peacebuilding activities, indigenous peoples can bring a valuable perspective to post-conflict peacebuilding. In "Indigenous Peoples, Natural Resources, and Peacebuilding in Colombia," Juan Mayr Maldonado and Luis Olmedo Martínez analyze indigenous strategies for coping with post-conflict challenges. Among the conflict-related problems confronted by indigenous communities are (1) the spread of illicit crops into their territories and (2) government support for agricultural development, oil exploration, and mining activity on indigenous land. Indigenous groups have responded by forming networks and agreements with other indigenous groups, private entities, and international organizations to raise awareness of their circumstances, put pressure on the government, and resolve conflicts with competing interests. Though problems continue, the experiences highlighted in this chapter demonstrate the potential value of incorporating indigenous strategies and perspectives into the development of peacebuilding policies.

Conflict can shatter societies, uproot populations, and degrade legal systems and institutions, yielding devastating effects on livelihoods and security. However, rebuilding after conflict can also provide an opportunity to create more equitable and inclusive legal and social structures than those that existed when conflict broke out. Rebuilding is particularly vital in the case of institutions governing those natural resources that are essential for livelihoods. To ensure that all populations are effectively and equitably served, the rebuilt structures must recognize a multiplicity of needs, norms, and perspectives—and local communities and marginalized populations must be engaged in the development and rebuilding of the structures.