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Current Opinion in Environmental Sustainability

Promoting land tenure security for sustainable peace — lessons on the politics of transformation

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Literature on transformations to sustainability increasingly recognizes transformation as inherently political, but the field still struggles to study these politics. Our research project 'Securing Tenure, Sustainable Peace?' on efforts to localize land registration in conflict-affected settings, both illustrates and contributes to understanding the politics of transformation. Building on insights from political ecology/economy, legal and political anthropology, and the anthropology of conflict, we analyse the politics involved in (1) the overarching policy discourses that legitimize these interventions; (2) the competition around these programmes; and (3) the outcomes, or the risks and contradictory effects of these programmes. We present insights that we consider relevant to develop better conceptualizations of the politics of transformations in sustainability studies more broadly. In particular, we draw attention to the tendency of *de-politicization*, which involves the hiding in technical formats of what are in essence political choices; as well as the need to give attention to *institutional competition* and to *risks involved and unexpected outcomes* of transformation.

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Current Opinion in Environmental Sustainability 2021, **49**:57–65

This review comes from a themed issue on **Transformations to sustainability: critical social science perspectives**

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Received: 28 August 2020; Accepted: 27 February 2021

https://doi.org/10.1016/j.cosust.2021.02.012

Introduction

A focus on 'transformation' is increasingly mainstreamed in environmental studies and policy debates on sustainability. It highlights the need for systemic societal change to arrive at sustainable responses to pressing and increasingly interconnected global, socio-ecological challenges, such as climate change and widening social inequality [1]. Yet, much of the sustainability literature and debate still assumes that institutional development and change processes are controllable and manageable [2–4], and fails to direct attention to power differences, social differentiation and contested values among actors [5•,6]. Social scientists reflecting on sustainable development have underlined how transformation is always and deeply *political*. It involves the promotion of certain perspectives of what constitutes a desirable future over others, and how best to arrive there [7]. It always creates winners and losers, as the material interests, opinions and perspectives of some stakeholders are taken into account, while others are disregarded [8,9].

Literature on transformations in the field of sustainability increasingly picks up on the need to (re-)infuse the study of transformation with attention for politics, but up to now remains unspecific on what such a perspective should look like. We concur with the editors of this special issue that inputs from (critical) social science are needed to develop that agenda (see introduction of this special issue; [7]). In this contribution, we add to that effort by drawing out a number of insights from our research project 'Securing Tenure, Sustainable Peace?' that we believe hold relevance to the broader 'transformations to sustainability' scholarship. This project focusses precisely on understanding the politics involved in policies that seek to promote transformation; in our case, policies to improve land tenure security in settings affected by protracted violent conflict.

In Burundi and the Democratic Republic of Congo (DRC) — the cases we examine in our project — tenure insecurity and land disputes are understood by the donor community and (inter)national development organizations as a major threat to lasting peace and stability. Pro-poor land tenure registration programmes are put in place to counter this threat. Low cost forms of land

registration are seen as a corner stone to bring secure land access to smallholders and promote peacebuilding and development. In the project, we are interested to understand the politics involved at different levels: a) in the overarching policy discourses that legitimize these interventions; b) in the contestations that happen around these programme; and c) in outcomes, or the risks and contradictory effects of these programmes.

Interventions around land tenure security share with the broader 'transformation to sustainability' field that they are about engineering transformation towards specific goals of sustainable societal change, in this case peace, development, and stability. The process of defining, designing, legitimating, and implementing these policies are permeated with power and contestation in ways only partially acknowledged. However, in policy making and interventions on the ground we observe a tendency of *de-politicization*, where what are in fact political choices are made invisible by rendering them technical, that is, by presenting them as technical solutions rather than political choices (as has been argued for the politics of development intervention by Refs. [10,11]). In our project, we draw on political ecology/economy, legal and political anthropology, and the anthropology of conflict, in order to develop a critical perspective on the politics of intervention. With our insights, we aim to inspire better conceptualizations of the politics of transformation and of the practices of de-politicization in the broader field of sustainability research.

Securing tenure, sustainable peace?; research approach and ambitions

In our project 'Securing Tenure, Sustainable Peace?', we study the development of pro-poor land tenure registration in Burundi and DRC, located in one of the protracted conflict hotspots in Africa, the Great Lakes Region. These programmes address what in policy circles is understood as a key dimension of conflict dynamics: the prevalence of tenure insecurity and land disputes, which — if unattended — threaten stability in the short term [12•] and undermine economic recovery [13] and the prospects for sustainable land use and livelihoods in the long term (e.g. Refs. [14–18]).

Our project aims to contribute to ways of securing tenure that do justice to people's concerns over resource access, resource capture and local conflict. In order to assure tenure security in the long run, it is key for programmes to engage with (varying) local understandings of what threatens access to land, as well as of what would be considered as fair outcomes in the case of competing claims. Manufacturing peace is a complex process, which needs to engage with bottom-up concerns of security, justice, and longer term developments [19–23].

The project adopts an interactive, collaborative methodology [24] in which representatives of local civil society, international development organizations, government, and academics jointly reflect on the actual practices of localizing land registration and the challenges posed by conflict-affected settings. This enables first-hand insights into new approaches of land registration, and allows for close analysis of how interveners 'navigate' the conditions of conflict [25,26]. We shed light on how they monitor their programmes and adapt to ongoing insecurity and political changes along the way, but also how they identify unintended impacts and reconsider the underlying assumptions of their programmes. In turn, to policy makers and development practitioners, such an approach provides an open space for critical reflection on policies and interventions around land tenure.

To counter tenure insecurity and land disputes, policy makers and development practitioners typically favour land registration and formalisation [27]. However, over the past decade, the literature has analysed the limitations of state-led, centrally-organized land titling programmes (that have been amply documented across the globe, see e.g. Refs. [28–31,32•,33•]). In response, a large range of interventions have come to experiment with *localizing* and simplifying land registration procedures. A variety of easy-to-grasp, low-cost, and accessible land registration approaches have been developed (see e.g. Ref. [34]), bringing land-registration facilities to the local level, and involving participatory practices. These often entail collaboration or shared responsibilities between the state and customary institutions; resulting in land right records recognised by the state, but easily accessible and modifiable at the local level. These approaches have also been introduced in conflict-affected settings as part of policies to defuse future instability [35–37].

Though increasingly popular, questions remain to what extent localized land registration may indeed contribute to economic and social sustainability, (gender) inclusivity, and protection of customary and smallholder land rights [38–40]. While localized land registration is already challenging in stable settings, the potential complications may be even more critical in conflict-affected settings. Massive displacement and irregular land acquisitions by military and political elites add layers of complexity to land tenure security dynamics [41,42]. During and after violent conflict, land tenure tends to become highly politicized [43]. Land tenure reforms may easily generate new conflicts (e.g. when claims of migrants are legitimised at the expense of earlier settlers). They may add to the marginalisation of vulnerable groups (e.g. when women's rights are not recognised), and enable elite manipulation (e.g. when commons are privatised). For instance, in already tense settings, land registration may further raise the stakes in the local arena, with the risk of

reigniting dormant land disputes or creating new conflicts (e.g. Ref. [44]).

Our research project explores how approaches to localized land registration actually work out in such highly politicised contexts. We foreground the role of agency, focussing on 'claim-making practices': the different tactics, repertoires and sense-making that actors develop to defend their stakes [45•]. We look beyond the realm of 'official politics' – political action by people in positions of formal authority within the state or other organizations – ; in order to include the 'everyday politics' of people 'embracing, complying with, adjusting and contesting' authority and its decisions [46:232]. We understand land tenure reforms as inherently 'political' in three ways and explore: (a) the politics involved in policy discourses on land tenure reform; (b) how tenure reforms are subject to power relations and interests of particular stakeholders; and (c) the politics involved in the outcomes and effects of these programmes. Key to our project is to understand how interventions by development organizations interact with these politics.

Land tenure reform and the politics of transformation

Our understanding of the politics involved in land tenure reform processes resonates with critical scholarship in the field of transformations to sustainability [5•,6,7,47] which emphasizes the profoundly political nature of transformations. Transformation inevitably involves contestation about the goals and pathways of change, as well as resistance against actual changes in institutions and policies, and shifts in power. In their assessment of the politics of so-called Green Transformations, Scoones *et al.* [7] notably highlight the need to explore how the envisioning, selection and legitimation of certain pathways is embedded in the political economy and prevailing power relations; the politics involved in the institutional set-up of governance (e.g. its level of inclusiveness and accountability); and the politics of knowledge production around sustainability [7]. We suggest that a *de-politicization* at the level of policy discourse – in which localized land registration is posited as a technical measure which preempts the need to address *political* choices about who should own what according to what rules — in fact *intensifies* the politics around these interventions in the localities where they 'land'.

Another concern in the literature on transformations to sustainability relates to the complex interconnectedness and potential trade-offs between ambitions of economic, ecological and social sustainability [48]. Critical scholarship highlights the political choices involved in harmonizing these different ambitions. Assumed ecological imperatives may not easily match with principles of democracy [49]; while imposing 'green limits' may compete with social justice, and requests for 'distribution-first' [48,50,51]. In a similar way, land tenure reforms in conflict-affected settings involve tensions between ending violence around land, and promoting justice in land governance. Indeed, while post-conflict policies seek to realize a Triple Nexus — combining humanitarian aid, development and peace building —, difficult trade-offs exist between short and long term goals, between stability and social justice.

Politics and de-politicization in discourses legitimizing land tenure registration: confusing technically optimal solutions with fair outcomes

In policy circles, land tenure registration programmes are seen to address a key dimension of many conflict-affected settings: the prevalence of land disputes [35,52]. The prevailing idea is that if these land disputes are unattended, they threaten stability in the short term and sustainable development in the long term (see e.g. Ref. [13]). Whereas we understand the concerns about land tenure insecurity, and the important and potentially urgent challenges it poses to development in conflict-affected settings, we are critical of the way in which the connection between peace, security and development is *de*-politicised in development interventions. In line with other authors calling for a re-politicization of the debate on post-conflict development (e.g. Refs. [53,54]), we develop a critical analysis of the politics of land tenure security interventions as part of peacebuilding.

Critical development studies have paid attention to the discursive power of certain models for development that reframe the political and ideological dimensions of development interventions into a 'technical' matter (for an overview see Ref. [55]). Like scholars in the domain of sustainability (notably [56]), we build on this literature in order to point to the ways in which diverse forms of knowledge about the environment and sustainability are rooted within particular worldviews. Over the past decade, debate on peacebuilding has shown a tendency to de-politicise the process and challenges of land tenure reform. However, policy makers' strategically chosen discourses – talking about *weak* local institutions, *unproductive* use of land, and the need for *modernization* – do have political implications, and may effectively legitimize enclosure of land [57–59]. Furthermore, interventions in the field (re)produce and transform frames of reference around property, tenure security, and belonging in the land arena; but they also reconfigure notions of citizenship (e.g. Ref. [60]), 'community' (e.g. Ref. [61]), 'custom', and perceptions on what constitute legitimate state practices.

In conflict-affected settings in particular, de-politicization of interventions is supported by what Autesserre [54] has called 'dangerous tales' – simplified representations of highly complex realities which tend to resonate with interveners' expertise and funder's agendas, and enable them to act upon conflict. There is for example an

increasing attention for and confidence in the technical development of registration tools in land tenure security programmes. An optimisation (in terms of speed and cost-efficiency) of plot-boundary registration with the help of drones and digitalisation is seen as a panacea to problems with delimitation of plots. Our research, however, suggests that the challenge does not turn around the techniques of delimitation, but around the understanding and acknowledgement of the rights associated to each plot; requiring political rather than technical judgement [10,11]. Furthermore, a focus on technical solutions may lead to the false illusion that no hard choices have to be made. When land registration and the development of technology to make land recording and registration easier, faster and cheaper is presented as an answer to problems of poverty and food insecurity, then questions around land distribution, the role of enclosure, and struggles around agrarian or environmental justice are avoided (see Refs. [62•,63•]).

The above argument illustrates the key lesson for understanding the politics of transformation: *to be aware of the discursive power of technical optimisation, as this may reduce policy makers' engagement with fair outcomes and render invisible the political choices these require.*

The politics of implementing land tenure registration: power relations and institutional competition

Pro-poor land tenure registration programmes involve political competition at the level of both design and implementation. We suggest that such competition is not an accidental by-product but on the contrary is inherent to the kind of engineered change pursued in the name of sustainability. Scholarship in political ecology and legal/political anthropology offers concepts and analytical insights to engage with these politics in design and implementation of land tenure registration, which are directly relevant to understanding the politics surrounding sustainability programmes.

Critical scholarship in the field of transformations to sustainability already makes a case for employing a political ecology/economy lense on transformation. Political ecology in essence underscores the importance of power relations and (re)production of inequality in resource access and distribution (see e.g. Refs. [64–66]), as well as the roles of political ideology and decisions in resources management [67–69]. Such perspectives help identify the structurally conflictive nature of land access [70], and the diverse forms of resistance that develop against what actors on the ground perceive as 'illegitimate' land claims (e.g. in the context of large-scale commercial land acquisitions, see Refs. [71,72]).

More particularly, political ecology/economy may help understand the conflictive nature of land reform processes. Boone [73•] for instance, argues that formalization of tenure always involves a transformation and redistribution of rights; unavoidably leading to tensions between winners and losers of such reforms. Reforms also tend to provide opportunities for some. While the recognition of customary tenure or local land rights may protect against land-grabbing from the outside, alternatively it may facilitate local elites to settle land matters in their favour [74,33•], increasing insecurity for vulnerable groups, like women, minorities, and migrants [75,76]. While land registration may enhance the power of landholders, it may weaken the position of agricultural labourers [77]. A core issue that we wish to highlight is the political manipulation of and strategizing around land-reform. Muchunguzi [78] for instance illustrates how interests of elite pastoralists shaped the national agenda for pastoralist development in Uganda at the disadvantage of small herdsmen. Yet, the political strategizing of legislators, surveyors, legal consultants, and even of development organizations and academics may also significantly reshape the design of land reform programmes and policies (see e.g. Ref. [79]).

But the politics of land tenure reform also involve intense *institutional* competition. Legal and political anthropology provide valuable contributions to understand contestation around the 'rules of the game' in land access, transfer and use, and about who is in charge of land governance [14,80–84]. Such 'institutional competition' is all the more prominent in conflict-affected settings, where the legitimacy of both customary and state institutions has eroded or is contested, while new arrangements and notions of property emerge [74,83,85,86,87•,88•]. The notion of institutional competition helps to analyse how land reform processes in such settings are appropriated, re-negotiated, or resisted with the aim of enhancing authority and legitimacy of land governing institutions, and may feed into processes of local state formation [83,84,89–91,92•].

Earlier development studies literature has highlighted how intervention policies are reworked, renegotiated, transformed and resisted in practice, and the different ideologies, political interests but also personal agendas that play a role in this [93,94]. This resonates in transformation scholars' emphasis on the (re)negotiation processes inherent to unfolding change (cf. [95•]). Yet, the above literature on institutional competition shows that the politics of implementing land reform are not only about material agendas of getting access to land, but also involve contestation about institutional authority and legitimacy. Furthermore, this literature brings out how certain actors are more skilled and better positioned in navigating the institutional landscape and instrumentalizing reform processes to their favour. Their advantage may be embedded within the scope of their own skills or power position [76], but may also emerge out of opportunities that arise through structural changes in the context in which they operate [96]. Migration can

for instance reshuffle the support base of different state and non-state authorities [87•]. These might be themes to explore in transformation studies more widely.

The key lesson for understanding the politics of transformation here is *not to underestimate the elite capture and institutional competition accompanying the design and implementation of transformations*. Such competition is inherent to the kind of engineered change pursued in the name of sustainability. Identifying, analysing and engaging with the competition around intervention is key to understanding transformations.

The politics of outcomes: the risks and contradictory effects of land tenure registration programmes

Land tenure registration policy is underpinned by the belief that clarity about who owns what, (and to a lesser extent: what owners are allowed to do with land), will unleash a chain of virtuous processes: resolving disputes and preventing new disputes in the future; fostering food security; fostering smallholder investments that enhance the productivity of land use; fostering land markets. All of these are perceived as not only key to reducing every day suffering but also as key ingredients of an upward curve in development. Moreover, policies are typically driven by the ambition to create more legitimate, accessible and accountable practices in land governance. The commitment to such positive change may however lead to downplaying the risks involved for different groups in the population, and potential contradictory effects.

Authors have found, for example, that localized land registration fuel commodification and monetization of land access, which may disadvantage poor people's land access [97,98] customary land users [38]; or women in particular ([99]; Tchatchoua f.c., [33•]). Implicitly (and sometimes explicitly) localizing land registration may call into question the legitimacy of the customary domain in land matters thereby removing a mechanism of protection (e.g. Refs. [100–102]). There is considerable debate also as to whether registration indeed reduces [103,104] or — instead — increases the frequency and depth of land disputes [44,105–108]. Interveners are often enticed by the notion of creating 'order', and localizing land registration promises to make land-claims 'legible' and visible. Yet, at the same time, this may effectively increase state control over local settings [109], and local people might want to resist registration precisely for that reason. Likewise, a lack of trust in tenure arrangements may not only result from the failing of land governing institutions to function, but may also result from bad experiences with those put in charge of land governance. As a consequence, formalization of tenure might effectively result in less tenure security, if the state or its representatives are perceived as a major threat to local land claims ([100], Munezero f.c.).

Writings from the anthropology of conflict may help to better understand these politics of risks and (unexpected) outcomes. This scholarship describes how civil war tends to be characterized by multiple 'loci' of contention at different levels, that may get interlinked through strategic agency [110–112]. Likewise, the ability of local actors to successfully make claims to land and contest claims of others may strongly depend on their capacity to link these land claims to wider geographies of power, and higher level economic and ethno-political contestations [45•,87•,96]. In this way, civil war may provide legitimacy for fighting out local rivalries and insecurities about land or settling scores with local elites [113–115]. The other way around, the land arena may also be(come) a convenient political space to fight out higher-level disputes. Political leaders may strategically use particular representations of land tenure relations and resource availability to mobilize people for (armed) resistance [116•,117]. But also reform processes may (unintentionally) reframe claims to land in such a way that they come to resonate higher level political contestations [111,118]. Local land registration may get highly politicized and become particularly problematic, if (perceived to be) favouring specific (ethnic) groups, or legitimize claims of certain communities, like migrants [119,120], minorities [121] or returnees whose claims of autochthony are contested [122].

The third lesson for understanding the politics of transformation is *not to downplay the level of risk involved and unexpected outcomes*. Unpredictability and contradictory effects are familiar notions in transformation literature; and also have major repercussions for whether and how programmes for local land registration contribute to sustainable peace. To analyse these effects and highly politicized outcomes of transformation, exploring how actors at different levels strategically 'navigate' [25,26] unpredictability may be helpful.

Conclusion: politics, de-politicisation and lessons for sustainability

Our work in land tenure security interventions illustrates the politics of transformation and adds to efforts to engage with these politics conceptually and analytically. We see a number of processes at play in the conceptualisation and implementation of land tenure policies in the context of peacebuilding which contain warnings for sustainability research and policy making. Like interventions in war-affected settings, politics for sustainability are underpinned by what we might call a 'moral imperative', the urge to do good, and do it now. Like the field of peacebuilding and development, the sustainability field is about engineering transformation to serve a greater good which is claimed to be beyond politics. This is where *de-politicisation* starts, as in Ferguson's 'anti-politics machine' (1994), and we propose this fosters a blind spot

for the politics involved in all stages of policy conceptualisation and implementation.

A core risk we see in the politics of transformation is to privilege global security over the security of the poor. For the field that concerns us here, land tenure security runs the risk of substituting promoting tenure security of the poor with 'securitising the poor' (see Ref. [123]). Policies geared to stability and post-conflict development often serve a dual purpose. On the one hand, they aim to improve the everyday security of populations affected by conflict, in terms of physical security, food security (or: 'freedom from fear' and 'freedom from want'). On the other hand, they are meant to defuse global security threats and make sure fragile states do not endanger the stability of 'the West'. In the latter conception, the poor pose a security risk, and development and protecting their land rights becomes an instrument to control that risk.

The same tension is present in much thinking about sustainability: when the poor become seen as a risk for global commons — as agents of environmental degradation or resource depletion, or when they become conceptualised as obstacles in reaching the greater good of climate change adaptation — they similarly become understood as a 'security threat', and sustainability policies part ways with concerns of environmental and social justice. This 'deeper' politics underpinning intervention measures needs to be recognised and traced, in both its 'rough' and its 'subtle' variants. 'Rough' in the sense of justifying dispossession (and violence) in the name of the greater good (as seen for example in 'crisis conservation', Buscher f.c.); or more 'subtle', when people are told they are only worthy citizens if they acquiesce to their own dispossession for the sake of peace [92•]. Most scholars in the field of transformations would not want to compromise social justice for the sake of environmental sustainability. Recognizing the politics involved helps to secure that aim.

Conflict of interest statement

Nothing declared.

Acknowledgements

The project 'Securing Tenure, Sustainable Peace?' is financially supported by the Belmont Forum and NORFACE Joint Research Programme on Transformations to Sustainability, which is co-funded by FNRS, ISSC, NWO, and the European Commission through Horizon 2020 under grant agreement No 730211. The argument in this paper is our own.

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