

ASR Forum: Land Disputes and Displacement in Postconflict Africa

Introduction: Questioning Boundaries and Belonging

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Disputes over land and territory that are proliferating in the African continent are increasingly related to armed conflicts and displacement. Religious conflicts, violent insurgencies, and civil wars have important spatial dimensions revolving around territories, boundaries, and questions of belonging. Violent conflict is increasingly recurrent, causing population displacement on both micro- and macro-scales and disrupting local livelihoods and property institutions. The central focus of this *ASR* Forum is on the dynamics and consequences of conflict, displacement, and land disputes in Africa that occur on various levels of formality and sociality. In settings of forced mobility and resettlement, land property claims often become central in the continuing struggles over community membership and access to resources. Novel modes of belonging and changing patterns of association give rise to new resource and property claims, and new forms of evidence

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for property ownership and boundaries (Sikor & Lund 2009; Rodima-Taylor & Baehre 2014; Gertel et al. 2014). The centrality of land in defining kin relations, political authority, and economic livelihoods in the growingly frequent situations of displacement in Africa requires further exploration. This Forum brings together ethnographic and historical perspectives on these topics from East, West, and southern Africa.¹

Scale, Belonging, and Disputes around Boundaries

Historically, land claims and boundary-making in Africa have been central to the processes of constructing political authority (Boone 2003; Lund 2008). Claiming land and drawing boundaries are powerful drivers of displacement and dispossession for some—as well as placement and possession for others (Van Wolputte 2013; Hammar 2014). While some scholarly attention has been given to increasingly large-scale “land grabbing” for biofuel and export food cultivation (Ansoms & Hillhorst 2014; Evers et al. 2013; Gertel et al. 2014), less effort has been devoted to analyzing land conflicts and displacements on smaller scales that have drastically increased in number and intensity, influencing the lives of millions of people (Boone 2014; Whyte et al 2014). The chaotic and violent conditions of displacement often produce a plethora of new social and political spaces and economic modes of engagement and creativity (Lubkemann 2007; Hammar 2014), frequently characterized by a mixing of the public and private, and novel hybrids of military, commercial, and administrative spheres (Utas 2012).

Recent decollectivization reforms and increasing land concentration in parts of Africa have resulted in novel patterns of exclusion and disputes over territory and jurisdiction. Changes in both customary land institutions and national land tenure legislation have often been amplified by the instabilities created by recent neoliberal reforms. Economic liberalization and political decentralization efforts have frequently highlighted the role of local forms of organization and authority in contestations over belonging and resource access (Lund & Boone 2013; Peters 2013; Comaroff & Comaroff 2012; Shipton 2009; Geschiere 2009). In most African communities, traditional and modern land tenure systems exist side by side, as do formal and informal legal systems to adjudicate and mediate disputes. In situations of legal pluralism, parties in a dispute may do “forum-shopping” (von Benda-Beckmann 2009) for a best outcome from their perspective. Due to the plural authority structures, contested cases may remain unresolved between the systems. In some instances, traditional forms of land tenure have been promoted as more “pro-poor” and egalitarian than modern tenure systems based on individual land titles and a cadastral logic. Yet even though official land titling processes contribute to exclusion processes, traditional systems and arguments often remain a means to establish authority for the elites or wealthy, leading to the neglect of the most vulnerable (Berry 2001). The co-existing landholding systems with different degrees of formality mix older and newer kinds of entitlements and collectivities, and

can make specific population groups increasingly vulnerable to manipulation by diverse actors and institutions.

The articles in this Forum explore territoriality, belonging, and boundary-making in plural sites of public authority in African communities that have become particularly pronounced in conflict-affected environments. The articles investigate the ways in which issues of land conflict impact structures and practices of authority at different levels of social interaction. They explore the relevance of autochthony and belonging in negotiating diverse and incompatible land claims, and examine the interaction of customary patterns of land use and access with state-introduced land titling initiatives that are motivated by attempts to establish the “rule of law.” Ethnographic and historical studies from various countries of the African continent, including Uganda, Zimbabwe, Liberia, Ghana, Côte d’Ivoire, and South Africa analyze the consequences of various forms of forced mobility such as mass displacement, resettlement, and land restitution, and explore their impact on local land use, social hierarchy, political authority, kinship, and personhood. A common theme running through most of the articles concerns the issue of scale. Conflicts often simultaneously involve intimate levels of dispute between generations, neighbors, or kin, as well as broader interethnic or national levels. The articles describe situations in which recently (or formerly) displaced people are trying to (re)construct—or contest—a sense of “normality” in changed surroundings, covering at least three categories of the displaced: refugees “abroad” (e.g., Ivorians in Liberia), returnees coming back to their home area after forced evacuation (in northern Uganda), and state-directed programs of resettlement and restitution (Zimbabwe).

The articles of this Forum present a particular focus on the disputes, arguments, and evidence revolving around land boundaries and land use. Autochthony is a classic and widely employed argument that can frequently create tensions in situations of prolonged displacement. The question of where to draw the line between “original inhabitants” and “late-comers” always looms in the background. Arguments of kinship and marriage, sequence, and hierarchy are often seen as fundamental, but are also increasingly contested and debated. Preservation of nature, wildlife, and biodiversity are arguments for resettlement frequently employed by governments and international organizations. “Development,” economic growth, urban order, or the need for energy (e.g., dam construction) are other commonly used arguments to rationalize mass displacement.

Arguments that are recognized by one legal system are not necessarily convertible to other systems (e.g., women’s rights to inherit land according to national law may not be recognized in the customary system; see Adoko & Levine 2008). In disputes and court cases, when rights are being questioned or contested, arguments and claims need evidence to be sustained. What kind of evidence counts? And in what kind of system? Written documents such as land titles and cadastral maps may weigh more than oral testimony and narratives in the formal legal system. Yet physical evidence such as

graves, trees, houses, or fences may be hard to ignore in any system. Conflicts over land are concerned not only with *where* a boundary is located and *who* possesses the land on either side, but also *what* the boundary is made of and *how* it symbolizes possession, which the very principle of belonging entails.

Postconflict situations are often characterized by tensions between forces trying to establish neotraditional orders in land matters and others who see new situations as a potential for change. In “Generations and Access to Land in Postconflict Northern Uganda: ‘Youth Have No Voice in Land Matters’” (17–36), Susan Whyte and Esther Acio explore an instance of intergenerational tensions in Uganda’s Acholiland Uganda where young men conventionally gained use rights to land through their fathers, and young women gained access through their husbands. This pattern of generational governance became complicated in the two decades of civil war and forced displacement in camps in northern Uganda. After the war, many young women who did not have husbands used the land of their patrilineal kin, while young men who had grown up with their mothers often used that of their matrilineal relatives. Some elders disapproved of these new patterns and suspected youth of wanting to sell the land. Young people, in turn, blamed elders for keeping information to themselves as an aspect of gerontocracy that limited young people’s access to land. Within these tensions among Acholi tradition, statutory law, and generational positions, young men and women employed quiet tactics to access land by renting or buying land. Whyte and Acio discuss these issues in the context of classical anthropological concerns with gerontocracy, patriliney, and generational conflicts over land in a contemporary postconflict situation.

“Cement, Graves, and Pillars in Land Disputes in Northern Uganda,” by Lotte Meinert, Rane Willerslev, and Sophie Hooge Seebach (37–57), similarly concerns a postconflict generational conflict between different categories of kin, describing a case in which a young man attempted to destroy the graves of ancestors. Exploring the roles of materialities of graves and concrete pillars in disputes over land, this article draws comparisons across northern Uganda in Acholi and Ikland. After the civil war in the Acholi region, reburials were common and graves were increasingly cemented to become concrete evidence of ancestor presence on land. The cementing of graves turned them into durable proofs of ownership and became an important strategy employed in land disputes. This historical situation is compared to that of Ikland, where graves have traditionally not marked land claims and boundaries have been highly fluid, but the placing of the dead in valleys has indicated belonging to the larger landscape and territory. Yet due to interethnic conflicts as well as disputes over national nature reserves and biodiversity projects, graves and “cemented evidence” play increasingly significant roles in Ikland as well. Here national nature authorities have brought cement pillars into the landscape to demarcate forest reserves, which has caused local resistance due to the proclaimed permanence of the border with the material of cement. The article explores how cemented graves and cement pillars are used in societies affected by

conflict and displacement for land claims, and how articulations of belonging and authority to govern are created, with the specific materiality of cement signaling modernity, permanence, and inflexibility.

New Perspectives on Land in Displacement Economies

The discussions in this Forum reveal how political authority and norms of belonging are constituted and reproduced in conflict-ridden settings through the establishing and exercising of rights to resources and community governance. Lund (2016:1199) has argued that the “moments of rupture” that follow an era of conflict or authoritarian rule enable us to see with particular clarity the ways that rights are constitutive of authority and instrumental in redefining belonging and citizenship. As the global displacement crisis has forced increasing numbers of people to seek protection and economic livelihoods across international borders, the emerging notion of refugee or displacement economies has received growing scholarly attention. There are increasing calls for a systematic study of the new economic and social spaces and relations produced by displacement, recognizing the relational and multidimensional qualities of protracted resettlement and dislocation (Hammar 2014). The broader approach to the economic lives of refugees entails looking “holistically at what shapes the production, consumption, finance, and exchange activities of refugees” (Betts et al. 2017:8). Displaced people, Betts et al. explain, are often peculiarly positioned between three sets of institutions—between the authority of state and international organizations, between formal and informal sectors, and between national and transnational economies as they form parts of transboundary networks. Several articles in this Forum therefore explore the role of land in the new economies, the social ties that are produced by displacement, and the impact of the new forms of property and exchange on people’s agency and coping strategies.

Displacement and refugee economies can generate opportunities for development and economic growth both in the displaced and hosting communities. In his analysis of the thriving Somali refugee economy in Kenya, Carrier (2017) portrays migrants as risk-taking entrepreneurs who have established a creative informal economy in Nairobi’s Eastleigh district with the help of remittances from the global Somali diaspora. Situations of conflict-related resettlement are often characterized by an emergence of special types of informal networks that merge formal and informal, public and private, political and economic spaces (Utas 2012; Simone 2004). These fluid formations can meld whole regions or cross-border areas into an interconnected economy, presenting alternative sources of economic livelihood and political governance. Characterized by a lack of central authority for dispute resolution and horizontal patterns of communication and exchange (Utas 2012), these conflict networks often mobilize grassroots institutions, initiatives, and leadership that can constitute useful resources in peace-building processes and shape local governance and authority (Vlassenroot & Perrot 2012; Roitman 2004).

Access to new economic and political resources that the conflict economies facilitate can in some cases also exacerbate competition for power by the informal regimes and regional “big men,” creating new grounds for violence and opportunities for illicit trade in the ungoverned spaces, as demonstrated by the case of the Tuareg Rebellion in northern Mali (Bøås 2012). Certain conditions of “forced dislocation and sustained confinement” such as the internally displaced people’s camps in northern Uganda, established during the Lord’s Resistance Army uprising (1986–2006), may result in “prison economies” with very limited livelihood activities and little room for social agency and creativity (Bøås & Bjorkhaug 2014).

The article in this Forum by Ingunn Bjorkhaug, Morten Bøås, and Tewodros Kebede, “Displacement, Belonging, and Land Rights in Grand Gedeh, Liberia: Almost at Home Abroad?” (59–79) discusses the precarious balance involved in integrating conflict refugees arriving in Grand Ghedeh, Liberia, into the economic and political lives of local communities. The authors argue that the arrival of large numbers of refugees in the host community has an inherent and unpredictable potential to generate instability and social unrest. The narratives of autochthony and belonging that are evoked in conflict situations can also give rise to more disagreement and violence. The article examines the mechanisms for the integration of outsiders in local communities through land relations, highlighting the use of customary norms and institutions within present-day social and political priorities. Following the civil strife in western Côte d’Ivoire in 2011, large groups of refugees of Gueré origin migrated to the neighboring Liberia. Land relations between the newcomers and local residents became mediated through the customary Liberian institution of “stranger–father” that traditionally regulated the allocation of land resources to newcomers. Although constituting a mechanism of inclusion of the outsiders, this institution also subjected them to a preexisting social and political hierarchy, preventing the newcomers from participating in substantive decisions regarding land and labor. The Gueré migrants shared ties of ethnic affiliation with their Krahn hosts, and they had been part of longstanding cross-border economic networks. Despite these affinities, the Gueré remained at the margins of the political and economic life of the local communities even a few years after their arrival. The article explores the social anxieties and narratives of belonging and autochthony that accompany the integration of the displaced. Here the customary mechanisms of inclusion can become tools for systematic exclusion on broader levels, and the article describes the mediation of these power dynamics through land relations.

The examination of constitutive relationships among land property, authority, and citizenship continues in Amanda Hammar’s article, “Urban Displacement and Resettlement in Zimbabwe: The Paradoxes of Propertied Citizenship” (81–104). The article illuminates the dynamics of chaos and instability that frequently characterize the environments of displacement, and the attempts of the actors to forge “security and settledness” through the materiality of property. It describes the mass resettlement of the

impoverished squatters in peri-urban outskirts of Bulawayo, Zimbabwe's second largest city, examining the accompanying narratives of the properly "propertied" citizenship and related modes of belonging. The emerging peri-urban property regime has increased the economic value of the previously unoccupied land plots and transformed the ungoverned space into a defined administrative area. Through examining the lived experiences of the displaced as well as the intentions, actions, and narratives of contested authorities of different levels involved in the resettlement processes, Hammar's article highlights the role of power and authority in fashioning and legitimizing new forms of property—and thereby also norms of proper citizenship. It also suggests the ambiguous consequences of attempts at restoring social order through manipulating and defining housing property in such chaotic contexts of dislocation, which can disempower the marginal and ultimately deprive them of their property and personhood.

Placing the ethnographic studies of the Forum in a longitudinal perspective, Sara Berry's article, "Struggles over Land and Authority in Africa" (105–25), provides a historical view of land access and control in Africa. It explores how land conflicts are grounded in protensive national histories of economic and political transformation and restructuring in different regions of the continent. After providing an overview of changes in the conditions under which people make, exercise, and defend claims on land, the article discusses the way land issues influence structures and practices of authority, and vice versa, at both local and macro-levels of social interaction. The impact of local struggles over land and authority on broader national levels is examined in the context of three countries—Ghana, Côte d'Ivoire, and South Africa. All these countries are characterized by histories of plural legal traditions and multilevel structures of governance. Customary authorities such as chiefs have reemerged as influential actors on local and national levels, but the effectiveness of their activities in regulating and mediating intensifying land conflicts differs vastly from one country to another. The differences in local political practices as well as legal and institutional regimes that structure traditional authority produce different outcomes of migrant integration to local communities through land tenure institutions. Drawing on historical and ethnographic evidence from the three African countries, Berry's article suggests that in the current conditions of ubiquitous land competition, peaceful resolution of conflicts may be determined less by broader normative and institutional dynamics and depend more on the willingness and capability of local adjudicators to listen to all sides of the conflict and find mutually satisfactory solutions in the conditions of constant change.

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Note

1. This ASR Forum is an outcome of our co-organized triple panel at the African Studies Association annual meeting (Indianapolis, November 2014), with Sara Berry and Jane Guyer as discussants. Discussions on these topics continued at the four-day workshop on "Land and Conflict" organized by the Governing Transition in Northern Uganda project (www.trustland.me) at the Institute of Peace and Strategic Studies, Gulu University (Uganda, January 2015).