

Modelling Land Tenure Conflict Transformation - a preliminary analysis

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Abstract: This paper provides a preliminary overview of the opportunities for modelling land tenure conflict as a tool for transformation. It outlines an analytical methodology for modelling land tenure conflict, grounded in conflict scenarios in Fiji. The conflict is analysed using a *dual concern model* and a *stake & power –v- relationships* model simulated over an eighteen-month time horizon, using both traditional graphic representation and analytical hierarchy tools. Stressing the adoption of analytical tools rather than over-reliance on historical rules to identify windows of opportunity for conflict transformation, initial analysis indicates that the aspirations of the parties are not as diverse as they may have believed.

Keywords: *Land tenure, conflict, transformation, modelling, ALTA, NLTA.*

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Introduction

The background to the Fiji Land Tenure Conflict situation is summarised by Madraiwiwi, who states: “*We [Fiji] are a divided society, but the ethnic differences so often remarked upon by observers and lay people alike are but one aspect of the problem. To the ethnic divisions extant since 1879 with the arrival of indentured labourers from India and the racial policies followed by the British Colonial administration, we now have intraethnic differences most recently apparent in the Fijian community. The rural / urban divide, provincial loyalties, eastern and western ties, professional and non-professional as well as chiefly and commoner interests have all played their part. These tensions are caused by the impact of change and modernity. One therefore has to look beyond ethnicity to understand that promoting national unity will require separate but complimentary approaches*” (Madraiwiwi 2001).

The Native Lands Trust Board (NLTB) administers indigenous land that is not required for occupation by members of the *mataqali*; indeed, the NLTB has authority to lease the land without the consent of the clan. Prasad (Prasad 1998) argues that the NLTB has a monopoly and a monopsony as far as the supply of land to non-Fijians is concerned. This is not strictly true in respect of the monopoly given the extent of non-formal *vakavanua* arrangements between willing landowners and tenants, outside the auspices of NLTB. Moreover, Prasad is spurious in arguing that there is a monopsony, given that there is more than one potential buyer, or potential tenant, for most of the land on offer. Some of the excess land historically has been used for growing sugar cane and other crops, commonly by descendants of indentured Indians (Indo-Fijians), and more recently coastal land has been used for tourism schemes. The native landholders retain ownership and the agricultural land is administered under the provisions of the Agricultural Landlord and Tenant Act (ALTA 1976). Agricultural land was held on a 30-year lease under the provisions of ALTA with rental set at 6% of unimproved capital value—a figure that is impossible to quantify in today’s largely improved market. There are some 13,140 ALTA leases

expiring from 1997-2028 with the most (3,549) expiring 1999-2000 (Fiji 1999). Under the 1999 coalition government headed by Mahendra Chaudhry, the first Indo-Fijian Prime Minister, some indigenous owners sought to regain and retain their land, concerned that politics was dictating a thirty-year lease term.

Compensation for lease expiry (a controversial and unprecedented action) at \$28,000 per agricultural lease was proffered to tenants who did not want to be resettled (as the government had seen resettlement of these tenants as its responsibility). This windfall compensation offered by the government was controversial since it represented, in most cases, significantly more in dollar terms than the accumulated total received by the landholders over the last 30 or 50 years of the lease (Boydell 2000a).

The current situation in Fiji in respect of access to land for cane by, in many circumstances, the descendants of indentured labour is a case in point. The benefit of cane production to Fiji’s Gross Domestic Product is not in question, albeit falsely subsidised for the time being by the European Union. The misunderstanding relates to ‘perceptions’ of land tenure and a lack of appreciation (probably at some level by all parties) of English based landlord and tenant law at its confluence with customary land law. The socio-economic advantages of continuing the subsistence level lifestyles afforded by cane, often enhanced by modest cash cropping of a small part of the limited holding and sometimes supplemented by extended family occupancy, are significant. Indeed, in many developing countries the empirical evidence suggests that economies of scale in farm production are insignificant (except in some plantation crops), and the small family farm is often the most efficient unit of production (FAO 2000). The issue in Fiji became one of politically misguided land reform which attempted to override the land rights of the customary owners by attempting to legislate for the continuance of a regulated landlord and tenant relationship, whereby the landlord felt aggrieved due to (again perceived) inadequate remuneration for granting a

lease. The situation is compounded by tradition, whereby the customary owners with greatest affinity to the land, i.e. the indigenous villagers often living adjacent or near the cane farms, receive the smallest remuneration from the lease structure under the chiefly hierarchical structure of payments. Thus, it can be financially preferable to villagers to plant a small area with cash crops rather than recommit the land to a lease renewal (Boydell 2000a).

This scenario implies that the dichotomy between tradition and contemporary regulatory intervention, as opposed to customary tenure, may inadvertently be the more significant deterrents to socio-economically beneficial agricultural productivity. This conjures further discord regarding national good *vis-à-vis* political motivation and power, which is often still in the hands of the traditional chiefs in many Pacific island nations. It is important that Pacific nations are mindful of the risks inherent in legislating politically, without due deference to tradition and custom. The challenge is one of culturally appropriate change management.

Other land conflict 'flashpoints' have included Monasavu (see below), the Emperor Gold Mines, Nadi Airport site, mahogany plantations, Turtle Island Resort and several well publicised closures of schools and a mosque. The case of Emperor Gold Mines relates to claims by former landowners to what is currently freehold land. This has resulted in production dropping with associated socio-economic impacts on the local community and state revenue. The arrogation of freehold land by traditional owners, such as the takeover of Turtle Island Resort and the troubles over the Nadi Airport site, highlights long-term animosity over prior land dealings. Other examples of conflict include the current dispute over ownership of mahogany forests that were planted by the government on leased land that the owners now want back with the benefit of the standing trees (Anere et al. 2001).

There is a long history to the vexing issue of statutory compensation in respect of lands acquired for the Monasavu Hydro-Electricity scheme in Viti Levu. At the time of land resumption, land was only taken to

the high water line of the dam rather than taking and compensating for the whole water catchment area. Landowners had the right to use the timber on surrounding slopes to the detriment of the dam. Access roads to the dam were first closed off sporadically in August 1998, and ultimately the dam and hydro-station were forcibly held by the landowners post 2000 coup. The latter resulted in major power blackouts throughout the main island as customary landowners held the country to ransom in a destabilising act that facilitated payment of overdue compensation for the whole catchment.

The Turtle Island incident captured negative international attention, as overseas tourists were present, disturbed and inconvenienced by the arrogation. A financial and associated settlement has temporarily resolved the situation.

The long-term solution lies in increasing levels of education and in the activities of civil society (Madraiwiwi 2001). There has not been an integrated approach to the renewal of leases. Arguments abound, often dependent on the ethnic bias of the proponents, on the appropriateness or otherwise of two different landlord and tenant legislations. Confusion and uncertainty over political interference has encouraged many native landowners to resume their land, which is their right. However, much resumed land now lies unproductive, seemingly to be reclaimed by the forest over time. Accurate data is very hard to come by regarding land areas resumed and now idle and conjecture abounds. As Madraiwiwi highlights, there is no end in sight to the problem, with no considered and no well-grounded solutions proffered. Both landlords and tenants are portrayed as losers – meanwhile the sugar industry continues to deteriorate. Dysfunction stimulates change. In order to progress, all parties need to accept change if the society is to work together and evolve positively.

Taking a positive approach to land conflict resolution, in the post 2000 coup period a delegation of the interim and caretaker administration have visited New Zealand to observe the post enactment of the 1996 Waitangi Act, which formalised the Treaty

of Waitangi in relation to Maori land rights. There is an assumption that similar legislative formalisation of the Deed of Cession may resolve subsequent land claims, particularly over 'gifted' freehold land. There have been discussions of the appropriateness of following the approach in Vanuatu of returning all alienated land to the customary owners, on the basis that current 'freeholders' be granted long leases at modest ground rents to facilitate continued occupancy. There is a lack of clarity in dealing with subsequent compensation for tenant's improvements. If the UK approach to long leaseholds is adopted, there is potential for improvements to revert to the landowners on lease expiry, with the proviso that they are returned in good and tenable repair. It is clear that some form of leasehold enfranchisement legislation will be required to make the lease obligations and covenants transparent for the benefit of all parties.

There is a need to find workable compromises, with settlements that can be relied upon to endure (Anere et al. 2001).

Globally, there has been particular prominence in ethnic conflict post 1990 and since the end of the Cold War. In the 3 years following the collapse of the Berlin Wall (Nov 1989) the world suffered 82 violent conflicts that killed over 1,000 people each. Three were international wars; the other 79 were intrastate racial or ethnic conflicts (McDonald 1995).

McDonald (Burgess and Burgess 1997) attributes this to a number of factors: people's loss of identity, loss of language, religion and customs, poverty, starvation, overpopulation, lack of water, and other environmental issues. Associated is a loss of political organization that previously may have suppressed these conflicts in colonial eras.

Different challenges are associated with ethnic and racial conflicts according to Burgess and Burgess. Firstly there is a conflict between personal and group identities. A threat to a group can be taken as a threat to an individual member and vice-versa. Within this context, identity is a fundamental human need. Ethnocentricity causes a group to see themselves as good

and outsiders as bad or malevolent. Racial and ethnic conflict can be self-perpetuating due to the synergy of individual and group identity, to a degree whereby perpetuation of conflict is safer than being tarnished as a traitor to the cause for promoting peace. Identifying and addressing the basic human needs of security and identity is fundamental to managing racial and ethnic conflict, albeit that many such conflicts remain intractable.

Challenges of Cross-Cultural Negotiation and Mediation

A distinction has to be made between low-context and high-context cultures in conflict management (Burgess and Burgess 1997). There are major challenges to conflict management when a straightforward low-context (US, Canada, Western Europe) approach is applied to a culturally sensitive high-context society (traditional, collectivist, honour based cultures e.g. Japan, China, Latin America, and Pacific Islands). The western approach identifies conflict as a struggle between competing interest and something to be addressed in a businesslike way. Language is explicit and the conflict is tackled head-on, adopting competitive (positional) bargaining or integrative (problem-solving) negotiation. This brash approach contrasts harshly with the high-context identification of conflict as a problem of relationships as well as interests. In such circumstances a relationship-oriented process must encompass indirect and non-verbal communication to protect relationships and face. Accordingly, traditional societies often prefer locals to act as intermediaries, even though they may be party to the conflict and partial to one or other side, on the basis of community trust and respect. Such individuals are seen to have a longer-term interest in enduring solutions for the greater good of the society than impartial outsiders.

In this context Lederach criticises the mainstream dispute resolution view of culture, that conflict resolution skills and processes are transferable, that cultural sensitivity is just a technique, and that such an approach is aimed at empowering the mediator rather than raising the awareness of the parties (Lederach 1995). He suggests that social conflict evolves from peoples

understanding and interpretation of actions and events; 'conflict is connected to meaning, meaning to knowledge, and knowledge is rooted in culture'. Hence, solutions that may be workable in one context are not necessarily transportable to another situation where the parameters of knowledge, packaging, delivery mechanisms and participants may be culturally (or socially) disparate:

Meaning is created through shared and accumulated knowledge. People from different cultural settings have developed many ways of creating and expressing as well as interpreting and handling conflict. Understanding conflict and developing appropriate models of handling it will necessarily be rooted in, and must respect and draw from, the cultural knowledge of a people.

This statement reinforces the need to find localised solutions to land tenure problems, whilst educating the participants in the available tools as opposed to mandating a particular set of rules. This suggests that a broad policy framework may be transportable, but the styles and process may need to be addressed to accommodate localised sensitivities, appreciating that cultural differences are in no way superficial to conflict management.

Assuming that culture provides the 'ultimate foundation' of conflict, transformation methodologies should (Glaser 1997):

1. see conflicts as long-term processes;
2. employ adequate descriptive language; and
3. incorporate an appreciation of paradox (contrary or contrasting opinion) in the process.

The semantics of the process are important. Conflict management is considered as more appropriate than conflict resolution in moving towards transformation, where resolution implies that the conflict is undesirable. However, conflict and associated dysfunction can serve as an important catalyst to change. Conflict and confrontation are essential in many circumstances to the pursuit of social justice. Lederach argues that even conflict management, which has eclipsed resolution, still focuses too narrowly on technical skills to control volatility thus neglecting the

ultimate goal of justice. Conflict transformation is proffered as a more holistically appropriate descriptor of the essential changes inherent within the conflict process.

Scenario Analysis: ALTA –v- NLTA

This relates to the expiry of some 13,140 Agricultural Landlord and Tenant Act (ALTA) leases mentioned earlier, primarily for cane land, during the period 1999 – 2003. It is not the first time that Fiji has been challenged by such a lease expiry – the situation was deemed too hard to resolve some 20 years ago, so at that stage renewals were granted by the Native Land Trust Board (NLTB) acting as steward for the communal landowners. However, over the last twenty years it is a reasonable assertion that the communal landowners have become more educated and shrewder in considering the administration of their land. Embroiled in this particular case was a strong ethnic issue, for the majority of the cane land is leased by Indo-Fijians and the change of political structure with the election of the Chaudhry led Fiji Labour coalition in 1999 saw a huge shift in political support for the tenant cane farmers.

The Chaudhry led coalition took a very domineering role in attempting to force lease renewals on the same terms, demanding a continuation of ALTA. This raised nationalistic concerns from the purely indigenous NLTB, who argued for a more flexible leasing structure (with a perception, unproven, of higher income for the indigenous landowners). At a grass roots level, the communal landowners were seeing a negligible return for the cane land at an individual level. There were growing concerns, fuelled by media misinformation, about the higher levels of remuneration being received by the NLTB as administrators and the more senior regional/provincial chiefs from the lease revenue under the traditional quasi-feudal apportionment arrangements.

Land tenure conflict must evolve sufficiently to ensure that the transformation facilitates a move towards mediation. There has been a range of

supposed academic discourse on the ALTA-NLTA example that, within the heated racial emotion inherent in such a process, errs on the political. In this context John Davies was hailed as something of a hero for the cause by the NLTB with his unsolicited thesis "Reforming the Leasing and the Use of Agricultural Land in Fiji: An Economic Incentive Approach" dated 15 September 1999. A version of this report now appears on the NLTB website under the co-authorship of Courtney Gallimore (Davies and Gallimore 2000). Another economist, the German Oskar Kurer, whilst on sabbatical with the University of the South Pacific undertook a 'parachute' solution, which criticised the work of Davies (Kurer 2001). This resulted in an unfortunate diatribe by way of vitriolic response from Davies in the Pacific press (Davies 2001), in which he also lashed out at his other published critics from USP, the economists Biman Prasad and Mahendra Reddy (Prasad and Reddy 2000) who, as ever, spoke in favour of the Indo-Fijian cause. The ensuing dialogue represented another classic example of land tenure conflict, for which another set of frameworks could easily be charted. However, all five would fall into the extreme lower right hand side of the framework (competing-contending) explained below, with high concern about one's own (cause) welfare and low concern for the other party at this stage in the dialogue (or conflict).

This situation is not unexpected in the early stage of the discourse and whatever ones' reaction or personal support for the extremist (political) views presented, they lacked a sentiment of collaboration to move the argument forward in an apolitical context. It is unclear why the NLTB has chosen to promote these extremes on their current website rather than strive to find and promote a workable solution which inevitably will require greater flexibility in the views of the participants in the framework as well as the academic contestants. This is an important aspect of the transformation. Educated parties passionate about the conflict often put forward a well meaning 'solution' without ensuring that harm does not occur to third parties. What is interesting is that all five

are economists and take a political/economics stance. What is missing from their numerate objectivity is a deeper appreciation of the legal nuances; the reality is that leases expire and that a lease renewal/renewal is only workable if both parties can find a workable agreement in terms of rent, duration and covenants. This is also true in Mahendra Reddy's more recent and considered work with Lal and Lim-Applegate (Lal *et al.* 2001).

Modelling

As part of the background to modelling, generic conceptual frameworks for land tenure conflict 'Context' and 'Process' were evolved grounded on the prior work undertaken for SDAA on land conflict resolution issues by Ricardo Ramirez (Ramirez 2001). Components of the models were subsequently tested based on the authors experience, within a time relative group of scenarios that incorporated the Walker & Daniels (1996) *dual concern model* and Dubois' (1998) alternate *stake& power -v- relationship* model) detailed below.

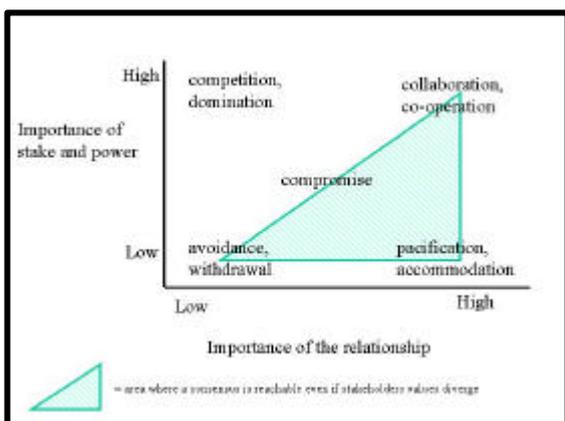
If we start to analyse these models, we are confronted with several challenges in considering even one aspect of the situation in Fiji. In this example, we are presented with a scenario whereby the power broker sits securely in the top left hand corner. As most arrangements relating to land have a power imbalance, it is probable that the disadvantaged party will be based in the lower left quartile of the framework. What is needed is some form of catalyst to transform the imbalance, and in many cases it is the transgression from disagreement to conflict that will allow such change to occur.

Within this initial (pre-coup) framework, there were several players in place:

- 1) Tenants (the farmers, predominantly cane-growers, occupying the land under the provisions of an ALTA lease, seeking a renewal on the same basis);
- 2) Landowners (this group requires greater definition – as there are multiple levels of landowner, each receiving a different percentage share of remuneration – see Boydell

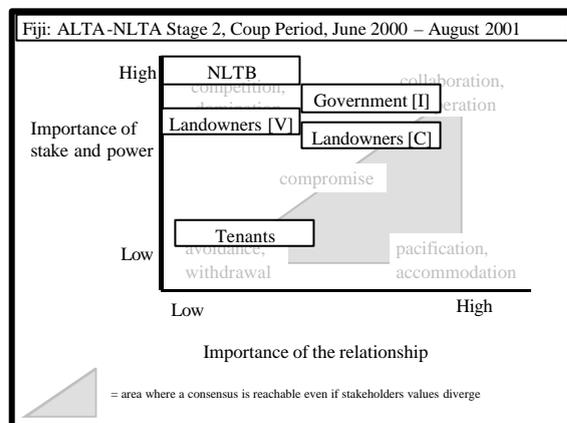
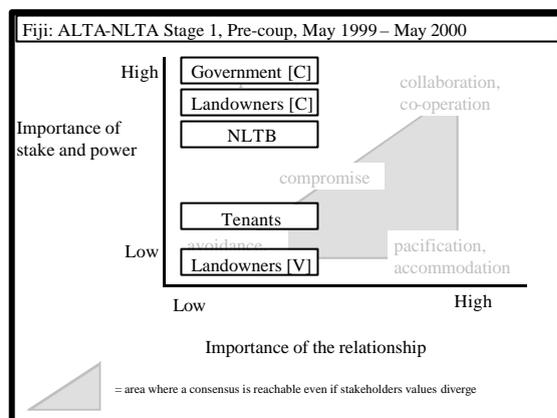
& Reddy, 2000. In order to simplify the analysis, this grouping will be split into two distinct sub-categories, 'Villagers' [V] and 'Chiefs' [C]

- 3) Government – this category will change as the political situation evolved over time. In the first instance it will be the democratically elected Chaudhry led Coalition (classified as Government [C]). It was superseded by the caretaker administration and then the interim Government [I], then more recently in the third stage of the timeframe the post-coup democratically elected Government [D].
- 4) Native Land Trust Board (NLTB) who are the statutorily appointed property managers. This body is mandated to protect the interests of the communal landowners, albeit they have at times in their history strived to maintain a social justice approach to support all parties. More recently, particularly after the election of the Chaudhry Coalition Government, they strived to preserve indigenous interests and were seen to take a more political pro-nationalism stance in the face of government interference in their performance of appropriate stewardship.



In Stage 1 we see a situation where Tenants have more power than the Landowners. There is rarely going to be a balance of power between landowners and tenants. The expected situation is that land = power = money, and so the landowners tend to be the more powerful grouping. However, if

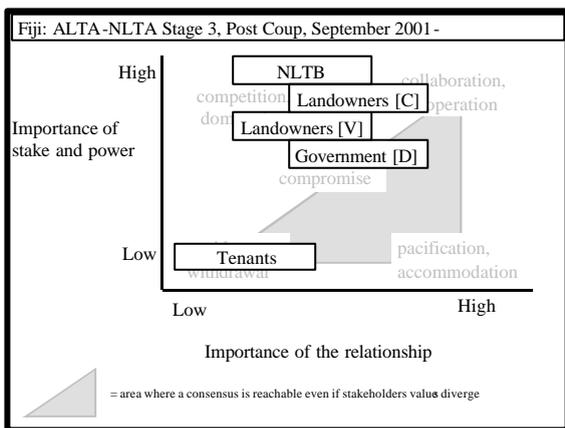
the situation were reversed as it was in the Pre-Coup period, there is no real benefit to being a landowner and if such a position was available (which it was not in the case of communal ownership in Fiji) it would be an appropriate time for the landowner to disinvest. In the example provided, the landowner is left in a stronger position and the power of the tenant has been minimised. Whilst this creates a power imbalance, which may be construed as inequitable, it does provide for a framework whereby the landowner will be conducive to granting leases and has the potential to increase access to land through the market forces – if the lease structures so permit.



The Chaudhry Coalition Government considered itself very powerful. It felt that it could mandate the legislation under which agricultural lease renewals should be provided. It held the greatest power, but the Chiefs (as senior landholding beneficiaries) were also broking power against the labour administration. Meanwhile the NLTB was flexing its political muscle by taking a nationalistic stance to limit the potential for lease

renewals, thus thwarting the intentions of the Government of the day.

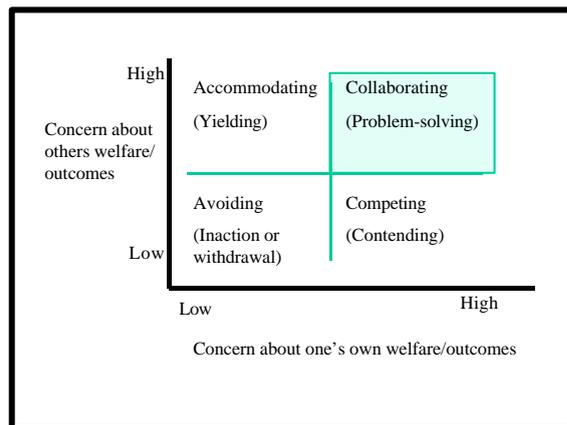
As a result of the coup, and during the coup period, there was a shift in the power base. Significantly, the government had changed. The democratically elected Chaudhry led labour coalition was removed from power and held captive for 56 days. Subsequently, a caretaker then interim administration led by Qarase was put in place by the military. There was a shift to the right by the government within the framework shown in Stage 2, indicative of a now strong indigenous administration seeking to resolve the ALTA-NLTA crisis from a staunchly nationalistic stance. At the same time the strength of the NLTB rose very high from a stake and power perspective, being seen to have won a major confrontation against the Chaudhry administration. The landowners (at the village level) were also buoyed by the strength of nationalism, with little short-term concern over relationships with the Indo-Fijian tenants. The tenants stake was reduced. At the same time, the chiefly landowners were moving towards greater reconciliation under the auspices of the Great Council of Chiefs, having seen indigenous rights upheld realised the need to accommodate tenants and agricultural productivity (on the right i.e. NLTA terms).



In the post-coup period, there is a sense that the democratically elected government, still led by Qarase and strongly indigenous, is moving towards a middle ground. Media reports in November 2001 indicate governmental support for indigenous Fijians to move away from subsistence farming into more commercial agricultural ventures to help support the economy. If anything, the tenants are in a weaker position now than at

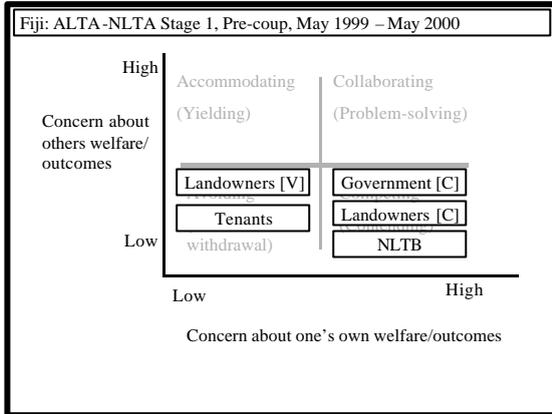
any stage in the process. Whilst they may be keen to move towards compromise, they are relatively powerless. Confusion over lease opportunities has meant that the NLTB and both landowner categories have yet to fully embrace collaboration and compromise, albeit that there has been a discernable shift to the right. The challenge for society is to have all parties move far enough towards the centre right of the framework to allow worthwhile mediation and dispute management/resolution/transformation processes to evolve. The relative juxtaposition of the parties will always result in some ongoing power politics. However, it is anticipated that in a process such as this, there has to reach a point when it is worth all parties working together for a common good. Often that point does not occur until significant heat has been vented and a range of issues raised.

If the ALTA-NLTA scenario is cycled through an alternative framework (Walker and Daniels 1996) to consider relative concerns about other parties in the process, some interesting trends emerge. In this model, the optimum location for the parties to be placed in is the upper right quartile. In that sector collaboration towards the mutual goal of problem solving (or, to adopt the earlier terminology, conflict transformation) has greatest potentiality.

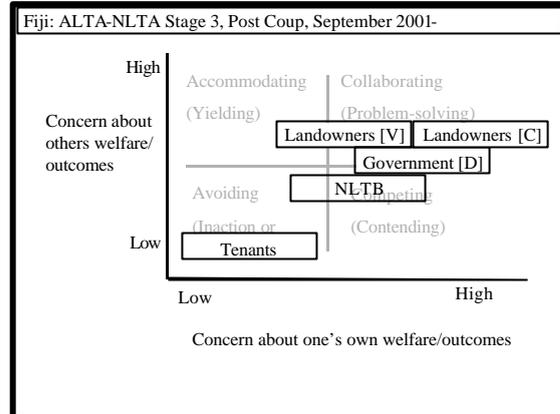


Looking at the pre-coup period (stage 1), the Landowners (Villagers) and Tenants were both in the 'Avoiding Quadrant' as they were not in a position to make progress, as the power was not in their hands. The power was held respectively by the Chaudhry government, the chiefs and then the NLTB, all of who were

competing/contending with high concern about their own positions with little regard to the other players.



governance in the lead up to elections. With the exception of the Tenants, whose access to land has remained compromised

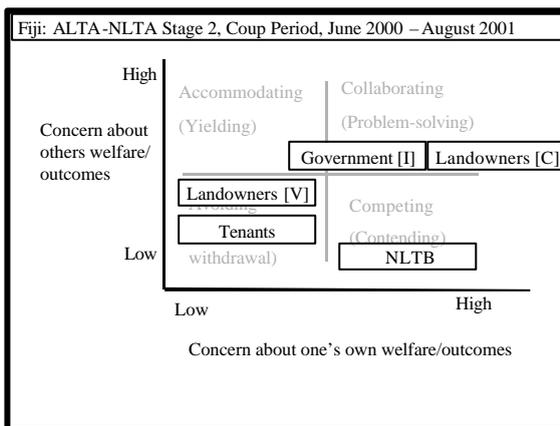


As the situation evolved (stage 2), there was a noticeable movement towards collaboration by the interim government and the chiefly component of the landowners. However, this is an extreme aspect of subjectivity, because the Tenants (from a racial perspective) were unlikely to perceive the interim government of the chiefs as remotely interested in collaboration. At this stage, the government and the chiefs, notably the Great Council of Chiefs, were striving towards some problem solving initiatives. Interestingly, as the elections became closer any perception of mutual social good was inevitably overtaken by the self-interest of political will. Throughout, the NLTB appeared as something of a competitor.

throughout the three stages, the other players have all moved towards the upper right quartile. The Tenants are open to collaboration, but remain in the lower left quartile, as they are the smallest and least powerful player.

Using Expert Choice

The usefulness of these models was apparent in their clarity that indicated the five parties in the preliminary ALTA/NLTA example were not as far apart in their aspirations as they might believe (or moreover the media would have them believe). The challenge of the modelling at this pilot stage is that it is grounded in the hopefully apolitical observations of the author. However, both the Dubois and the Walker & Daniels models can be construed as overly subjective in their current format. Accordingly, the models were recreated and simulated using Analytic Hierarchy Process (AHP) Expert Choice 2000 *trial* software.



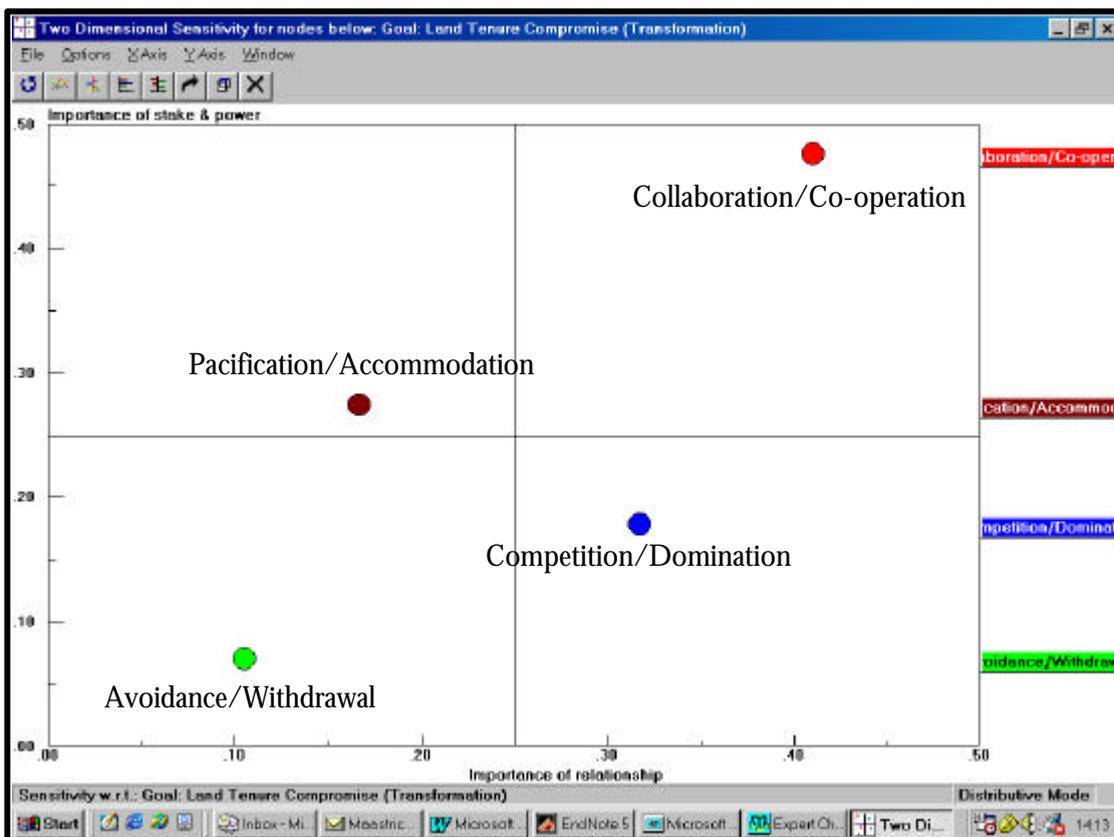
In this trial version only 3 participants are allowed. In the above examples 5 players (or participants) are recorded, so as to include the Government and the Native Land Trust Board (NLTB). For this example, the following three parties are modelled:

In the post election (post coup – stage 3) era, there is a greater sense of collaboration between the chiefs and the villagers, coupled with a move towards integration by the newly elected government. The support of government is inevitably a cyclical thing, which will vary as politics overtakes

- P2 = Landowners (Villagers)
- P3 = Landowners (Chiefs)
- P4 = Tenants

As a subsequent stage of the research, one could have the participants directly contribute to the process, through keyed input as alternatives are presented, or by web input. An alternative is for the researcher/analyst/consultant to make judgements based on their discussions with the parties. Whilst this may perceptually contain an element of reactionary bias, this is moderated by the adoption of a common ranking (rather than one woman's "moderate" data entry being another man's "extreme", for example).

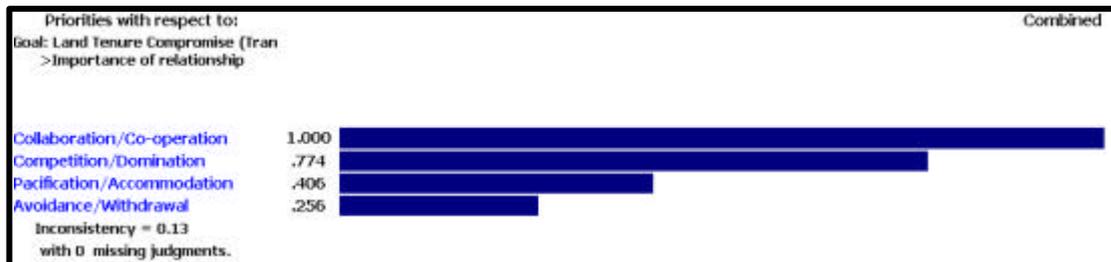
In this example, the three data 'participants' each hypothetically inputted their sentiments (or the researcher/analyst inputted on their behalf) for a range of pair wise comparisons based on the two axis' and the four variables. The data from each of these relationships was then combined to produce the summary shown. The views of each participant can be interrogated through the software to allow an analysis of where extreme or passionate views occur. The benefit of this is that it allows subsequent discussions with the aggrieved or passionate



In this example, the 'assumed' (for the sake of this model) perceptions of the three participants have been entered into a simple initial model questioning the four aspects of Competition/Domination, Collaboration/Co-operation, Pacification/Accommodation and Avoidance/Withdrawal against the relative "Importance of Relationship" (X-axis) and "Importance of Stake and Power" (Y-axis) as demonstrated in the graph above (this is only a 'screen-dump' as the trial version does not allow printing).

party(ies) to encourage moderation of the view, through an explanation of the alternatives or examples of alternative conflicts. This diagnostic ability is an important tool for practitioners in the field to promote and facilitate land tenure conflict transformation.

The point at which the central axis cross hairs meet is the optimum point of compromise. The presentation is interesting in that Avoidance/Withdrawal and Collaboration/Co-operation are more or less where they might have been expected to be located according to the base model grounded on the discussions with



Dubois, i.e. in lower left hand and upper right hand quartiles respectively.

ensures a level of normalisation occurs in such statistics.

However, the parameters of Competition/Domination and Pacification/Accommodation have seemingly been transposed, or reversed, when compared to the Dubois model. There could be a range of reasons for this, the most plausible being that the parties are striving for compromise. This example is skewed by the incomplete picture, which would otherwise include the relative dominance of both the Government and NLTB as key power brokers within the model. The caveat of user error at this early stage of analysis must also not be dismissed!

Learning Outcomes

Early indications suggest that there is considerable scope for developing AHP simulations based on the Dubois and the Walker & Daniel's models and, perhaps more importantly, the Boydell conceptual framework (grounded in Ramírez) to allow analysis of land tenure conflict at both macro and micro levels. There are significant benefits to developing transportable land tenure conflict analysis tools, particularly when undertaken to complement and benchmark the existing case study research being undertaken around the world.

An alternative analysis was undertaken in normalising and prioritising the two data sets from the three combined participants. What this reinforces is the strong group desire for Collaboration/Co-operation and the variable emphasis between the two questions in respect of Competition/Domination and Pacification/Accommodation. Such detail was not available from the preliminary subjective conclusions presented in the earlier paper. The aspect of inconsistency is an important quality control, to ensure that relative responses do not contradict earlier data input from the parties. Interestingly, the highest level of inconsistency (0.36) was recorded in the "Importance of Relationships" component of Participant 3 (Landlord - Chiefs), which is not surprising. However, such an output would merit reconsideration and perhaps a follow up discussion with the participant group. Ultimately the "combined" output

Evidently there is movement within each of the frameworks with the effluxion of time. This is an important aspect to consider when analysing land tenure conflict transformation – in that it does just that, it transforms over time. In the examples provided a significant transformation occurred in what equated to a period of just 18 months. In land tenure conflict analysis it is important not to take an isolated snapshot of the scenario as it presents itself at a given moment. In order to appreciate the dynamic issues there is a need to understand as much of the history, and thus related preconditioning and dogma surrounding the scenario, as possible. A common criticism levelled at international consultants is that they 'parachute' into a

scenario and have to make rapid needs assessment without the benefit of such recent and longer-term history. Similarly, the media are expected to report on land tenure conflicts with a very limited snapshot, and thus their ensuing reportage can in many cases serve to fuel the conflict fire rather than assist in its management and transformation through education.

Limitations

An obvious limitation of any classification process, such as the two provided is the degree of subjectivity involved in analysing the land tenure conflict. Ultimately the categorisation is a qualitative exercise, but the 'expert' undertaking the analysis should, one hopes, have the objectivity to permit balance and to see the land tenure conflict from more than one standpoint. Obviously pre-conditioning and dogma shroud us all. Whilst there is a current trend to deride expatriate observers, to what degree can local experts, who are understandably often more embroiled in the passion, culture, religion and politics of a particular land conflict, detach themselves sufficiently from their dogma's to facilitate true objectivity? Often participants would not be drawn into the debate unless they have a particular goal or aspiration from such discourse.

In the examples provided (ALTA-NLTA) the position of the 'boxes' is indicative, and there is scope for deliberation on their precise juxtaposition. Accordingly, the boxes were purposely left large to reflect such lack of precision. What is important is the indicative nature of the land tenure conflict transformation process within the modelling, as it allows a graphic chronicle of the evolving relationships.

Directions

Whilst time does not necessarily serve to heal land tenure conflicts, it does however serve as an important component of the

transformative process. This is particularly so as if handled appropriately the 'heat' or passion in the debate can be discharged with time, so long as all endeavours are taken to handle the subsequent progress with sensitivity. Not least is the acceptance that land tenure conflict is a very complex collection of issues and emotions within a legal, cultural, sociological, political and economic framework. Whilst the themes are often common, the parameters vary from country to country, and even within a country from conflict to conflict. The Land Tenure Center (Jacobs and Haskins 2001) global perspective is that "tenure reform is country - and region-dependent; it is a function of culture, history and the legal framework. There are no easy or transferable formulas for how to approach tenure reform". Whilst lessons can always be drawn from history, there is greater need to incorporate the lessons within analytical tools to assess current and anticipated conflict, to determine the volatility, appropriateness and timeliness of intervention. The timeliness aspect is important as there is often only a narrow "window of opportunity" when a unique combination of factors makes land reform and thus land tenure conflict transformation a genuine possibility in a particular country (Prosterman and Hanstad 1995); outside of this 'window' local leadership and elite's are often opposed to any serious land reform measure and/or outside (i.e. UN-FAO or other) intervention or transformation facilitation.

This implies that analytical *tools*, rather than historical *rules*, should be developed to hopefully continually monitor land tenure conflict situations to identify when transformative intervention is likely to be accepted by the multiple parties often involved in the conflict situation. Inherent in this is the complexity of both having and being able to mobilise such resources when needed.

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