Conflict over forests and land in Asia

Impacts, causes, and management

Yurdi Yasmi, Lisa Kelley, and Thomas Enters

RECOFTC

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RECOFTC holds a unique and important place in the world of forestry. It is the only international not-for-profit organization that specializes in capacity building for community forestry and devolved forest management. RECOFTC engages in strategic networks and effective partnerships with governments, nongovernment organizations, civil society, the private sector, local people, and research and educational institutes throughout the Asia-Pacific region and beyond. With more than 20 years of international experience and a dynamic approach to capacity building – involving research and analysis, demonstration sites, and training products – RECOFTC delivers innovative solutions *for people and forests.*

Acknowledgements

Contents

Acronyms

ADR	Alternative Dispute Resolution
CFMC	Community Forestry Management Committee
ELC	Economic Land Concession
FPIC	Free, Prior, and Informed Consent
LUP/LA	Land Use Planning and Land Allocation Program (Lao PDR)
MoU	Memorandum of Understanding
NGO	Non-Governmental Organization
Norad	Norwegian Agency for Development Cooperation
REDD+	Reducing Emissions from Deforestation and Degradation
RRI	Rights and Resources Initiative
Sida	Swedish International Development Cooperation Agency
TNC-RAFT	The Nature Conservancy Responsible Asia Forestry and Trade Program

Executive summary

Conflict over forests and land in Asia is widespread. Competition for land for investment, resource extraction, and conservation is becoming more common, and with it, community–outsider conflict is believed to have increased in both number and severity. This conflict, which takes place between local actors (communities and indigenous peoples) and external actors (such as Government agencies and developers), has received considerable attention in the popular press but little analytical attention. Debates among scientists, practitioners, and governments on how to mitigate, manage, and transform this conflict have suffered accordingly. This Issues Paper aims to shed more light on how conflict begins; how it affects actors involved; and how it can be successfully managed.

- Conflict impacts;
- Underlying and direct causes of conflict; and
- Conflict management approaches employed by actors.

Impacts

The duration and management of conflicts varied considerably and were key factors in determining the impacts. Even though each conflict studied was unique, many negative impacts were common. They included anxiety and fear, disharmony and division among social groups, distrust, high costs, and environmental degradation. Though negative impacts predominated, positive impacts were observed. Conflict increased collective action in certain communities. It also led to a better understanding of the importance of clarifying tenure ambiguity. This latter finding adds to a growing body of literature which suggests that conflict can be constructive (e.g. Castro and Neilson 2001).

Underlying and direct causes

Conflict is inherently complex, necessarily contextualized by, among other things, national and district-level practices. In this important sense, the eight conflicts are unique to the locations in which they took place. Nonetheless, these conflicts seem to have common roots. All involved an overlap between statutory and customary claims, suggesting that contested or ambiguous tenure underlies every studied conflict. They were all indirectly driven by broader societal changes, in particular, by rapid economic development, rising commodity prices, concerns over food security at national and international levels, or conservation policies that view local people as a threat to biodiversity. The three underlying causes of conflict observed were:

- Contested tenure and overlapping claims;
- A lack of coordination among State agencies; and
- Conservation and economic development policies that prioritize global and national interests over local interests, needs, and aspirations.

The direct causes of conflict were more diverse, but carried a salient message – local communities and indigenous peoples view their assets and culture as an integral part of resource management. When a community's culture and deep connection to land and forests was disrupted by outsiders, conflict emerged and escalated. Notable direct causes of conflict observed were as follows:

- Destruction of community economic and social assets (e.g. land, gardens, graveyards) because of company operations (e.g. mining, logging, plantation development);
- Loss of income and livelihood opportunities due to the establishment of conservation areas;
- Eviction of local communities from their land;
- Pollution (e.g. air pollution, noise) caused by logging, plantation, and mining operations; and
- Jobs unavailable for community members but reserved for outsiders (e.g. in logging, mining, plantation operations).

Management

Conflict management strategies previously described in the literature (see Engel 2007) range from avoidance to adjudication. In the cases studied, four common methods were employed by actors: avoidance, negotiation, mediation, and coercion. Though not a technique *per se*, co-management arrangements were also central to mediation efforts in two instances. Neither adjudication nor arbitration was used in any of the eight cases.

The technique employed depended on the stage of the conflict as well as on the existing power relations. In earlier stages, conflict was generally avoided or direct negotiations were attempted. Negotiations, however, did not yield solutions in any of the seven instances where they were attempted; often, communities could not even get important stakeholders to attend organized meetings. In four instances, mediation was attempted next. Though this led to more successful management of the conflict in three cases, in one case, the company involved ultimately relied on military-backed coercion to 'resolve' the conflict. This was also true of a second case in which mediation was not used.

Lessons learned: The way forward

To reduce the future incidence of conflict the following short- and long-term actions are proposed.

Short-term actions:

- Encourage early consultation with resident local populations prior to making decisions about land-use changes.
- Ensure coordination between Government agencies with overlapping mandates.
- Promote co-management arrangements in which actors agree upon a strategy to fairly share management responsibilities.
- Call upon governments to remain neutral and avoid taking sides in conflicts between local communities and companies.

Long-term actions:

- Clarify tenure arrangements and land-use policies to minimize the likelihood of resource conflict.
- Strengthen mediation skills across Asia to ensure local capacity to manage conflict.
- Respect local resource management and ensure economic development also benefits local communities.
- Integrate local livelihood strategies into conservation policy to balance top-down processes and decrease conflict caused by unilateral enforcement.

1. INTRODUCTION

Overview

Competition over resources is high and many believe conflict is inevitable. Among other developments leading to rapid changes in Asia, populations are growing (in size and in wealth); demand for environmental solutions is mounting with concerns about climate change and the loss of biodiversity (RRI 2009-2010); and more land is being converted into agro-fuel and industrial or food-crop plantations following concerns over food security and steep commodity price increases. Local communities and indigenous peoples who live and work at the forest frontier are particularly affected.

Conflict between local actors (communities and indigenous peoples) and other stakeholders (for example Government agencies and developers), hereafter simply referred to as community–outsider conflict, is widespread. Conflict is an issue that is regularly and vividly played out in the popular press, creating an impression that both the frequency and intensity of conflicts over resources are increasing. However, this is not merely an illusion generated by more research.

Often the local communities and indigenous peoples involved in conflicts confront more powerful actors such as developers and governments. Rarely able to defend their rights and make their voices heard, they often end up losing in the battle over forests and land. For example, land grabbing in Cambodia potentailly has put 150,000 people at risk of eviction from their land (Amnesty International 2009). In Indonesia, somewhere between 12 and 20 million people are affected by forest-related conflict (ARD 2004). The imbalance in power often means that those most affected by conflict are not able to address it independently of external support.

Scope and approach

Eight community–outsider conflict cases were examined in six countries across Asia: Cambodia, China, Indonesia, Lao PDR, Thailand, and Vietnam, with a focus on three broad areas:

- Conflict impacts;
- Underlying and direct causes of conflict; and
- Conflict management approaches employed by actors.

Fieldwork was carried out between May and September 2009. In total, 292 in-depth interviews were conducted with representatives of local communities, governments, companies, and non-governmental organizations (NGOs), and 16 focus group discussions were held. It was not always possible to talk with outsider representatives, particularly from companies, and accordingly, this research emphasizes conflict as experienced by local communities and indigenous peoples. Two international workshops were convened in Bangkok to discuss study methodologies and preliminary findings.

This paper presents these findings in six sections. **Section 1** provides the general background to the study, its scope and approaches, and key concepts. **Section 2** discusses the impacts of conflict, and is followed by an explanation of the causes of conflict in **Section 3**. **Section 4** elaborates approaches taken to address conflict; how actors engage in the process of negotiation; and the role of mediation. **Section 5** discusses the central questions above: the lessons learned and the ways conflict over forest and land can be tackled (providing short- and long-term actions). **Section 6** presents the key findings and recommendations.

Figure 1 shows the location of the eight cases and **Table 1** offers a brief summary of them.

Figure 1: Actors involved in community–outsider conflict in the case-study sites
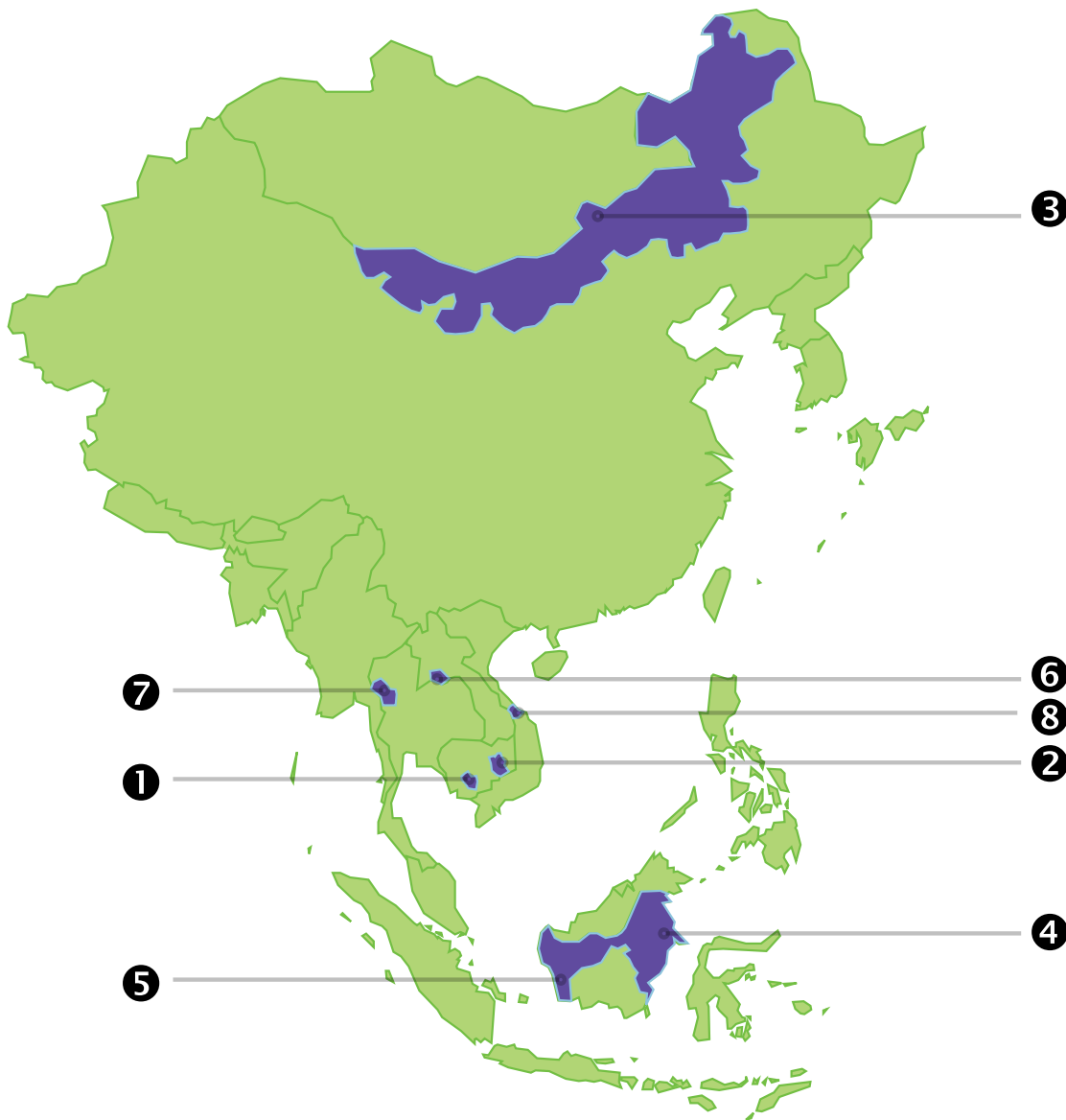
Table 1: Summary of conflict cases

Case	Primary actors	Description of the conflict
❶ Kampong Speu, Cambodia	Local communities, rock mining company	A rock mining company operated in a community forest. The company had obtained a license from the Ministry of Industry, Mines and Energy while the latter had their community forest approved by the Provincial Governor. The company, backed by the military, destroyed trees in the community forest and caused dust and noise pollution. The community demanded compensation, without any success.
❷ Kbal Damrei, Cambodia	Local communities, rubber plantation company	A rubber plantation company, with an Economic Land Concession (ELC) granted by the Provincial Governor, started operations on land that a community had already demarcated as part of a community forest under development. The land clearing damaged the community's forest, farmland, and burial site. The company employed workers from outside the community, causing further grievances.
❸ Inner Mongolia, China	Herders, Forestry Administration	Increasing desertification and dust storms led the Government to progressively ban herding in Inner Mongolia, allocating certain portions of the grasslands as no-grazing zones. This policy caused conflict between herders and local Forestry Administration officials enforcing the policy as herders did not feel they had any other option but to continue grazing.
❹ East Kalimantan, Indonesia	Indigenous peoples, logging company	A company was granted a logging concession in an area overlapping with community territory. The local community was evicted from their land and not employed in the operation, which destroyed their trees and graveyard and polluted their river. Throughout the conflict negotiation and mediation took place and with the help of a mediator. After two decades a Memorandum of Understanding (MoU) was signed marking an end to the conflict.
❺ West Kalimantan, Indonesia	Indigenous peoples/ local communities, oil palm plantation company	An oil palm plantation company began clearing land traditionally managed and inhabited by local communities. No free, prior, and informed consent (FPIC) was obtained, and the district government supported the company throughout the development. Local communities asked the company to halt the operation, without success.
❻ Phou Gnai, Lao PDR	Local communities, Government authority	The Lao PDR Government aims to establish a buffer zone and protected area that overlaps with a community garden. There has yet to be any clear information on compensation, and the community has been asked to discontinue planting eaglewood in the area thus far delineated.
❼ Kanchanaburi, Thailand	Local communities, national park	The Government established a national park and forest reserve making the local communities illegal encroachers on land they had historically managed. For more than 20 years, they were arrested often and had their land confiscated by national park officials, triggering open antagonism and conflict. In 2004, the Sueb Nakahasathien Foundation became involved in a project to implement joint management of the area, resulting in redrawn boundaries and the establishment of a Forest Conservation Network.
❽ Thua Thien Hue, Vietnam	Local communities, sand mining company	A sand mining company's operations on land the Pho Trach community has managed for over 400 years has affected local water supply, damaged burial grounds, and destroyed a small plantation. Compensation provided to the community for the loss of their trees has been low, and no employment has been offered to local people, triggering conflict.

Key concepts

Conflict impacts

Resource conflict is usually viewed as a negative phenomenon, a force that disrupts the status quo and generates hostility, distrust, and hatred. Scholars, however, have moved beyond dichotomizing conflict as strictly positive or negative (see Glasl 1999) and increasingly conflict is acknowledged as an opportunity for positive change. In field findings where conflict is managed adequately, positive outcomes routinely emerge such as reaching agreements and improved resource management via better collaboration. On the other hand, if poorly addressed, negative impacts may dominate (see Yasmi *et al*. 2009). These findings lend credence to the theoretical interpretation of conflict as helping to provide modern democratic society with cohesion (Hirschman 1994).

Underlying and direct causes of conflict

Conflict is commonly defined as differences or incompatibilities in interests, goals, or perceptions. Broad definitions have been widely adopted in forestry (see FAO 2000). Recently, however there have been more specific attempts to conceptualize conflict in the forestry context. Raitio (2008), for instance, suggests that forestry conflict can be understood as frame conflict, a conflict in which disputants differ in their views, experience, or understanding of conflict. Through a comprehensive review of frame theories she argues that conflict is perception and value driven. Lewicki *et al*. (2003) and Marfo (2006) focus on distinguishing conflict from non-conflict situations arguing that differences are a fact of life and cannot be equated to conflict. Following Glasl (1999) they distinguish conflict as a situation in which an actor feels impaired or restricted by the behavior of another actor because of differing perceptions, emotions, goals, values, or interests.

A differentiation between underlying and direct causes of conflict is usually made. Underlying causes are fundamental/broader factors (for example related to resource policy), which are often applicable to broader contexts. Direct causes are those observed as immediate factors of conflict in specific locations.

Conflict management

With regard to conflict management four terms are often used interchangeably: conflict resolution, conflict management, Alternative Dispute Resolution (ADR), and conflict transformation. They have different underlying assumptions and objectives. Conflict resolution assumes that every conflict is destructive for society and should be resolved as quickly as possible (Zartman 1991). In contrast, conflict management, ADR, and conflict transformation assume that conflict is complex and can never be entirely resolved (Daniels and Walker 2001). The main objective of conflict management is to avoid destructive outcomes; ADR aims at finding a compromise through negotiated agreement; and conflict transformation specifically aims to transform conflict into something positive (see Susskind *et al*. 2000). In this paper we use conflict management as an umbrella term depicting all efforts.

A number of strategies can be used to manage conflict, strategies that fall along a continuum that veers towards increasingly 'direct and coercive' measures (Engel 2007). As outlined by Moore (2003) and FAO (2000), these strategies move sequentially from avoidance; to negotiation; to mediation; to arbitration; to adjudication; to non-violent directive action; to violence, described below. The last two, grouped, could be described as 'coercion.'

1. *Avoidance* – a strategy in which conflicting parties avoid overt conflict and prevent conflict from becoming publicly acknowledged.[1]
2. *Negotiation* – a process in which the conflicting stakeholders reach a consensus voluntarily and without the involvement of outsiders.
3. *Mediation* – a form of third party intervention in which a mediator facilitates conflict management but he/she does not have the authority to impose a solution.
4. *Arbitration* – submitting a conflict to a mutually agreed upon third party, the so-called arbitrator, who renders a non-binding decision. It is used specifically if negotiation and mediation fail, as well as to avoid the high cost of court action.
5. *Adjudication* – a process in which a binding decision is made by a judge through formal procedures in a court. It is the most formal and contentious form of conflict strategy and normally used as a last resort.
6. *Coercion* – the use of power in a conflict to force one party to comply with the other's demands or wishes.
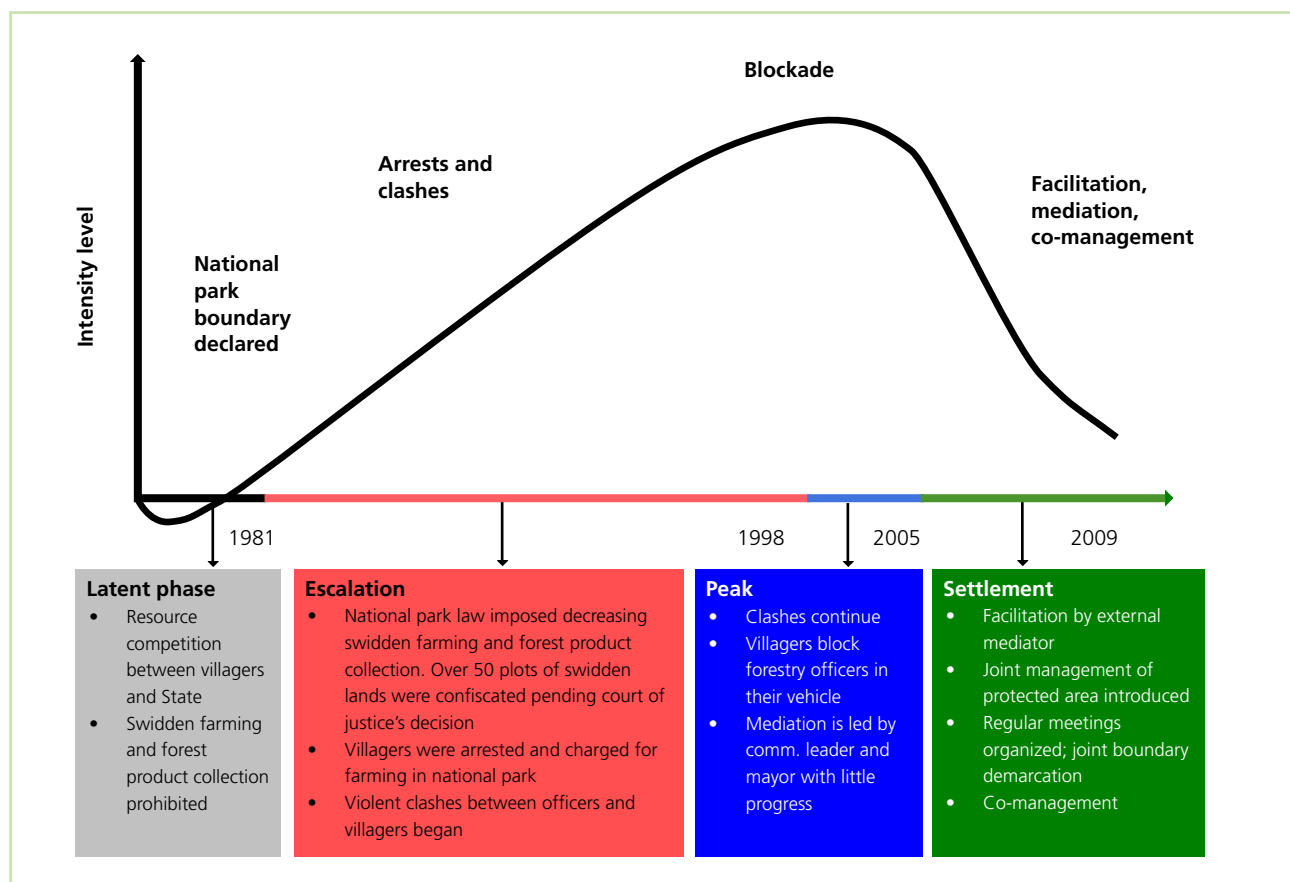
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[1] Conflict avoidance is a response to a conflict. A distinction should be made between this strategy and conflict prevention. The latter refers to a pro-active approach to prevent conflict from emerging or escalating by devising pro-active measures, e.g. FPIC, public consultation, and Corporate Social Responsibility.

2.   CONFLICT IMPACTS

The duration and management of conflicts varied considerably and were key factors in determining the impacts. Even though each conflict studied was unique, many negative impacts were common. They included anxiety and fear, disharmony and division among social groups, distrust, high costs, and environmental degradation. Though negative impacts predominated, positive impacts were observed. Conflict increased collective action in certain communities. It also led to a better understanding of the importance of clarifying tenure ambiguity. This latter finding adds to a growing body of literature that suggests that conflict can be constructive (see Castro and Neilson 2001). This section summarizes both the positive and the negative impacts.

Figure 2: The severity and duration of conflict over national park designation in Kanchanaburi, Thailand

Latent phase
- Resource competition between villagers and State
- Swidden farming and forest product collection prohibited

Escalation
- National park law imposed decreasing swidden farming and forest product collection. Over 50 plots of swidden lands were confiscated pending court of justice's decision
- Villagers were arrested and charged for farming in national park
- Violent clashes between officers and villagers began

Peak
- Clashes continue
- Villagers block forestry officers in their vehicle
- Mediation is led by comm. leader and mayor with little progress

Settlement
- Facilitation by external mediator
- Joint management of protected area introduced
- Regular meetings organized; joint boundary demarcation
- Co-management

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Negative impacts

Anxiety and fear

Anxiety was the most common impact, sometimes experienced intensely and over a number of years. Intense anxiety and fear were felt by villagers in a conflict with national park officials in Kanchanaburi, Thailand. Between 1981, when national park declaration made villagers encroachers on land where they had lived for more than 20 years, and 2004, when the conflict began to be more successfully managed, this anxiety only increased as more and more land was confiscated. In addition to land confiscations, villagers were arrested and evicted, and had their houses burned or otherwise destroyed. One villager's account begins to describe what villagers experienced:

> *I remember the day that I was clearing a swidden field for paddy cultivation. I was in constant fear and paranoia. Suddenly, I saw the forestry officer approaching me; in panic, I ran as fast as I could. While running for my life, I had to silence my two beloved dogs that were barking and running away with me by beating them on the head – to death – in fear that their barking would lead the national park officer to successfully locate and arrest me.*

National park officials in this case experienced fear and anxiety as well, perhaps most vividly when they were trapped and blocked in their cars in the village for half a day without food or water, with villagers preventing their exit.

Fear of violence was also common, for example in both conflict cases in Cambodia. In Kampong Speu, 65 villagers showed up with knives, sticks, and poles and seized a bulldozer from a mining company in a protest against the company's land clearing within the boundaries of their proposed community forest. In Kbal Damrei, 200 people staged a protest with a loaded gun in an attempt to stop land clearing that was badly damaging farmland and burial locations. Such incidents generated much fear on both sides.

Disharmony and division within social groups

Disharmony was common, though more pernicious in certain cases than in others. It is likely in some instances that this represents a deliberate strategy by outsiders to deflect from the original conflict. For instance, in West Kalimantan there was a historically strong relationship between the Janting and Semuntik communities, with the Janting traditionally lending the Semuntik land on a provisional basis. When an oil palm plantation company approached the Janting community about converting their communal land to a plantation, the Janting community refused. The neighboring Semuntik community then told the company that this land was historically theirs and allowed the company to begin operations. Though historically the two communities had lived in harmony as fellow *Dayak Ibans*, the Semuntik's land claim provoked a secondary conflict between the two communities that continues to this day.

Disharmony was also common within communities where various factions disagreed about the appropriate course of action. For instance, some households in Kampong Speu agreed with the mining company's planned operations and even benefited financially. This triggered obvious rifts with neighboring households that disagreed, and over time, this division widened.

Distrust

Distrust of local leaders was pervasive, deeply affecting relationships between communities and their local governments. In many conflicts, communities approached local governments to mediate the conflict only to find that they had supported developers without seeking consent from communities first. This was true of the conflict cases from West Kalimantan, Kbal Damrei, Kampong Speu, and Thua Thien Hue.

State institutions designed to protect citizens (i.e. the military and police) were also co-opted to protect developers in several cases (Kbal Damrei; West Kalimantan; Kampong Speu). In Kbal Damrei, 200 people staged a protest with a loaded gun in an attempt to stop land clearing that was badly damaging farmland and burial locations. Though the company stopped clearing land in response, two months later, it hired eight armed military police to allow them to break a previous agreement and resume land clearing. In Kampong Speu, company representatives were actually believed to be military officials; 21% of community members felt that the conflict was linked somehow to the Commune Chief and 11.5% felt that the Commune Chief was involved with the company clearing their land. This undoubtedly has reduced the trust villagers have in Government institutions and in local leaders.

High costs

Many communities and companies experienced high costs, both financially and in terms of the time that addressing conflict required. Direct financial costs were sometimes in the thousands of dollars for communities. In Thua Thien Hue, conflict has emerged between a community and a sand mining company whose operations are damaging communal land managed for over 400 years. Attempting to resolve this conflict has cost the community much time and thousands of dollars in arranging meetings and traveling between Government offices and the village. In East Kalimantan, the community in conflict with a logging company similarly spent thousands of dollars and considerable time trying to gain compensation for damage to their traditional graveyard and for pollution in a river they depend heavily on. The company estimates its own costs in the hundreds of thousands of dollars. In Janting, West Kalimantan, the community estimates that more than US$2,000 was spent during the conflict to cover transportation and accommodation during meetings with Government and company officials. Forty-four percent of respondents in Kbal Damrei said that the conflict with the rubber plantation company had had high costs in terms of their time.

There is a second set of economic costs that communities face, and these are the economic costs that they pay throughout conflict as their livelihoods are lost or impaired. In every single case, communities suffered economic loss as their livelihoods were restricted by development or conservation activities. Strictly speaking, this economic loss is a driver of conflict and not an impact of the conflict itself. Simultaneously it is significant and so deserves explicit mention. Destruction of community assets also factors into this equation (see pages 11 and 12 for an expanded discussion of these costs).

Environmental degradation

Environmental degradation due to conflict occurred in two cases. In Pifang village of Inner Mongolia, after grazing restrictions limited the area over which the traditionally mobile herders could graze their livestock, villagers chose to graze closer to home to evade Forestry Administration officials who would otherwise fine them for grazing. The result was ecological degradation as grazing changed from a mobile to a sedentary practice and land was even more heavily grazed than previously. In East Kalimantan, rehabilitation and reforestation activities were discontinued.

Positive impacts

Stronger collective action

Strong collective action is often considered an essential prerequisite for sustainable resource management (see Hardin 1968; Ostrom 1990).[2] Given its importance to resource management, improved collective action may be considered a positive impact.

While in certain locations conflict weakened local relationships, in others, previously nascent or weak collective action was strengthened. In the conflict between the community and a rubber plantation company in Kbal Damrei, collective action emerged in the form of organized protests, advocacy by the Community Forest Management Committee (CFMC, a community institution), and later, in a proposal to change the community forest location and therefore begin their application anew. According to one villager who was discussing villagers' attendance at a mediation meeting with the company:

> *We went there to accompany our representatives because we were concerned about their security. When more people come, we have more voice.*

A similar story occurred in East Kalimantan. A series of local demonstrations effectively forced a logging concessionaire to shut down. An MoU has been signed, and the company has closed its operations.

The important caveat is that collective action can escalate conflict and provoke violence. In Kbal Damrei, community protests involved one villager gaining control of a loaded gun from company grounds; in reciprocation, the company hired armed guards. In East Kalimantan, part of what forced company closure was threat of violence; in one demonstration, 13 people came from Long Laai village to base camp wearing traditional headbands and carrying swords, in a warlike fashion.

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2   Broadly described, collective action is the pursuit of a goal or a set of goals by more than one person.

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Increased awareness and pressure for tenure clarity

Conflict also generally made communities more cognizant of their rights to the land under the law and the steps they would need to take to protect these rights. By doing so, conflict in these eight cases reiterated the importance of addressing tenure, clearly an issue poorly addressed in many Asian countries. For instance, in the conflict with a sand mining company in Thua Thien Hue, local people became more aware that they would need to obtain official tenure to prevent further investment by outsiders on their land. Now, the community is seeking a land-use certificate and a water-use certificate for two reservoirs in the sandy forest. As the chairperson of the Pho Trach cooperative argues, a land-use certificate will allow local people to negotiate for any case or issues related to their land.

Conclusions

To fully understand the impacts of conflict, one must see it in the context not only of what has happened so far in these eight cases, but also of what is possible. Conflict in these countries is neither an isolated incident nor the most violent incarnation of what is possible.

For example, on 4 July 2007, Mr. Seng Sarorn, the elected leader of a CFMC in a district of Stung Treng Province, Cambodia, was murdered. He was reportedly shot dead by unknown persons while sitting with his wife in their home in Sre Kor I village. Mr. Sarorn had been the driving force behind mobilizing villagers to establish a community forest and had also been involved in protests demanding that the company, Sal Sophea Pheanich, return State forest land to the poor people of the community (Observatory for the Protection of Human Rights Defenders 2007). This is only one instance, used to exemplify the potential severity of land disputes, and to underline how serious the personal consequences can be for those who actively claim their rights and land.

With or without violence, the loss of livelihoods should not be downplayed. Daily fear and anxiety about having enough to eat and providing enough for family members to eat make the disputes very real for people who fear losing their land. Concomitantly, other factors threaten and intimidate people from taking action. In some cases, the political context alone may be enough to quiet dissent. In other countries, as the cases from Cambodia and Indonesia demonstrate, State forces may be employed to subdue protest.

In these eight studies, fear and anxiety were widespread. In two situations, this was experienced for more than 20 years. Several cases, in particular Kbal Damrei, Kampong Speu, and East Kalimantan, were very nearly violent. Despite some progress towards positive collective action and towards more security in rights, negative impacts predominated.

3. UNDERLYING AND DIRECT CAUSES OF CONFLICT

The impacts of conflict described in the previous section are merely symptoms of the much more deeply rooted problems over forest and land management in Asia. They suggest something is wrong. However, they do not explain why something is wrong or explain how it can be fixed. Understanding what drives conflict is a means of diagnosing the problems, a means of allowing for a holistic approach to addressing it.

Competition over the land is the starting point. Governments, developers, and communities often lay claim to the same piece of land. Among countless other possibilities, governments may wish to conserve the land to achieve conservation goals determined at global conventions (for example the 1992 Convention on Biological Diversity); developers may be responding to increases in commodity prices and opportunities to generate income; and communities may be attempting to further legitimize and secure or regain rights to land on which they are highly dependent. While this competition is the entry point, there is a need for a more sensitive understanding of the underlying issues.

Underlying causes

Three fundamental and interrelated factors were underlying causes of community–outsider conflict in all eight cases:

- Contested tenure and overlapping claims;
- A lack of coordination among State agencies; and
- Conservation and economic development policies that prioritize global and national interests over local interests, needs, and aspirations.

Table 2: The underlying causes of conflict

Country	Underlying cause
❶ Kampong Speu, Cambodia	Contested tenure, economic development policies
❷ Kbal Damrei, Cambodia	Contested tenure, economic development policies
❸ Inner Mongolia, China	Contested tenure, conservation policies
❹ East Kalimantan, Indonesia	Contested tenure, economic development policies
❺ West Kalimantan, Indonesia	Contested tenure, economic development policies
❻ Phou Gnai, Lao PDR	Contested tenure, conservation policies
❼ Kanchanaburi, Thailand	Contested tenure, conservation policies
❽ Thua Thien Hue, Vietnam	Contested tenure, economic development policies

Contested tenure and overlapping claims

Tenure and claims over forests and land are highly contested throughout Asia. The State has retained full ownership of most land, supported by constitutional or *de jure* right that can often be traced back to colonial periods. It enjoys a statutory monopoly over most forest areas. Simultaneously, many rural communities and indigenous peoples have lived, managed, and conserved the land, water, and forests that they have depended on for decades, if not centuries, and consider the forests to be theirs. They claim customary rights as they have been the *de facto* decision-makers and managers.

The State may provide communities access and management rights to forests and land following prescribed procedures regulated by the Government (for example the legal recognition of community forests in Cambodia or the forest land allocation program in Vietnam). Such processes provide local people with certificates that legitimize and define their rights. Nevertheless, conflict is common when the State does not recognize customary rights either fully or at all, or when these rights are later ignored, by developers or by the State itself.

Tenure was contested in every single case, for example, in Phou Gnai, Lao PDR. Within Lao PDR, a Land Use Planning and Land Allocation program (LUP/LA) has been underway since the 1990s to address deforestation. The law, as summarized by Manivong and Sophathilath (2009), holds that the State will be responsible for determining how land can be used by individuals and organizations, setting limits on how much land can be used for various purposes. In Phou Gnai, however, this process conflicts with the villagers' notion of their customary right to determine how the land should be used. This is captured by one elderly villager:

> *I fought for my country for more than 30 years. I've served as the village chief. Yet when the authorities come here… they walk in through my gate, point and mark it with paint… then they say my land must be used for conservation.*

A lack of coordination among State agencies

Poor coordination between State agencies can exacerbate or even *create* situations of contested tenure or overlapping claims. As discussed, the State may provide communities access and management rights to forests and land following prescribed procedures; other Government bodies may issue development or exploitation permits for the same land.

Poor Government coordination was a conflict driver in both studies from Cambodia and is demonstrated by the case of the Kbal Damrei villagers' commune. Because of the strong support they had received from both the Forestry Administration and their Commune Council in response to their application for a community forest, they believed that their management rights were being formalized; because the process had been initiated, their rights were officially protected. Under Cambodia's Land Law, Article 23, non-traditional management forms (such as an ELC) are not allowed before community registration and land titling are completed. Nonetheless, the Provincial Governor of Kratie Province, who was either unaware of the community's application for a community forest or ignored the community's application, granted the Sun Kuy Ty Company a 999-hectare ELC. Such a concession vests developers with strong rights, with the exception of alienation. Both parties, then, had been granted claims sanctioned by different branches of the Government.

Global and national vs. local interests on conservation and economic development

Conservation or economic development policies formulated at the central level without consideration of potential local-level impacts were also an underlying cause of conflict.

Conservation in the region, by and large, follows a pattern of strict exclusion, one premised on the necessity of distancing humans from nature to ensure its protection. This is a Western concept of wilderness, one which sees no role or room for local people. Often governments threaten to resettle residents to other locations or severely restrict livelihood activities. Frequently, protection areas are established without consulting resident local communities in a process that could allow for certain key resources to be excluded. This occurred in Kanchanaburi where a national park was established without local consultation, the boundary only being redrawn after two decades of conflict.

Conservation priorities premised on exclusion also drove conflict in Pifang village in Inner Mongolia. Though reforms driving sedentarization in China date back to the 1950s, they were accelerated in 2000 because of rising desertification and Beijing's promise to host a 'green' Olympic Games free of dust storms. Grazing in Pifang was restricted incrementally, and in 2005, was

prohibited completely, to be replaced by stall feeding. Pifang villagers, who felt they had no alternative, continued to graze and accept steep fines, driving conflict between villagers and local Forestry Administration officials.

Rapid economic development is also often a trigger. The Asia–Pacific region is widely hailed as a developmental success story and indeed, economic development in Asia, particularly in China and India, has helped to drive global growth over the last two decades. Bolstering this development are Government policies, the implementation of which frequently leads to conflict. In Indonesia, the Government has provided developers with incentives, i.e. tax incentives and interest rate subsidies (Casson *et al.* 2007) for investments in the palm oil sector, and it is now the largest producer of palm oil in the world. This development often

Cultural bias: An important ingredient of conflict in the region

One ingredient of conservation and economic development policies deserves specific and expanded mention. It is the cultural biases that result in indigenous peoples (and those practicing traditional agriculture) being treated as second class citizens.

The first instance of this bias important to these cases is found in how states frame environmental narratives. In general in this region states have argued that traditional agricultural practices result in significant, even primary, environmental degradation. Often these arguments include references to traditional agricultural practices as backward, insinuating that the people who use them are backward.

Degradation narratives were key factors of the conservation policies that drove conflict in both China and Thailand (as well as key ingredients of the justification for broader land-use changes elsewhere). In the Inner Mongolia case, for instance, the key assumption of the State was that widespread desertification and dust storms threatening the Olympic Games were driven by herders' overgrazing. The solution was grazing restrictions intended to limit the number of livestock herders could raise. Not only did this policy lead to conflict between the herders and Forestry Administration officials, it also led to *further* environmental degradation. This is likely because herders were intimidated into grazing closer to home to avoid fines, intensifying grazing impacts on less land.

In Thailand, the environmental narrative is similarly derogatory of local people. The State has long argued, for instance, that swidden farming is the leading cause of deforestation (Usher 2009), and a former Permanent Secretary for Natural Resources and The Environment stated that while local communities should be allowed to manage natural resources, negative impacts would follow (cited in RECOFTC 2007). One senator said: "Local people are like weevils, they eat up all the wood" (cited in Laungaramsri 2002). It is not a large leap to suggest that this State view informed conservation policy, which mandated the arrests of villagers practicing swidden agriculture in the Kanchanaburi case. In turn this suggests that cultural bias is informing and helping to drive conflict over protected areas (the primary source of conflict in Thailand).

In both cases, environmental narratives assert that local people are *the* barrier to achieving positive conservation goals. In turn, this creates the space and justification for unilateral State land-management decisions. Yet, the environmental narratives are not accurate in either case. A longer view of the ecological situation in Inner Mongolia shows that traditional pastoralist herders managed the grasslands successfully for thousands of years before policy began gradually to sedentarize them with collectivization in the 1950s. A longer view in Thailand appreciates the benefits swidden farming provides for biodiversity and acknowledges the widespread deforestation that resulted from timber concessions.

There is also a second widespread instance of cultural bias that is important to these cases – how policies are actually implemented. Fox *et al.* (2009) provide a good example from Indonesia: while legislation recognizes customary law, "key implementing regulations [are] left ambiguous." Even where implementation regulations are not ambiguous, State actors enacting policy frequently ignore the regulations in place. This was clear in the two cases from Cambodia. Though Sub-decree 146 on Economic Land Concessions provides critical social safeguards (e.g. it requires a public consultation and a social and environmental impact assessment), two separate provincial governors ignored the decree. Conflict ensued. In Cambodia, there were 236 conflicts over land in 2009 (NGO Forum on Cambodia 2009).

comes at high social cost. In West Kalimantan, the Government issued a permit to a company that overlapped with the traditional territory of indigenous *Dayaks* and *Malays*. The decision to issue the permit was made without obtaining permission from the affected communities. As a result, a conflict between indigenous peoples and the company escalated from a small dispute to an intense exchange of threats. The company was backed by the police and military, and indigenous peoples were supported by NGOs.

Similarly in Vietnam, investment policy has been simplified, with incentives for both domestic and foreign developers such as the Common Law on Investment 2005 (Hong *et al.* 2009). Mining and construction development has boomed via such policies. In Thua Thien Hue, the Pho Trach Cooperative manages nearly 300 hectares of forest with two natural reservoirs for irrigation. Their ancestors have managed the land for more than 400 years and villagers rely on the sandy forest to provide irrigation water for agriculture; prevent sand from migrating; and to supply fuelwood and traditional medicines. On the basis of this *de facto* management, but without an official land-use certificate, local people have assumed customary right to the forest. This claim became contested in 2005 when the Vivo Silica Company began to exploit sand from the area, with permission and rights to the area granted by the Department of Natural Resources and the Environment. This exploitation set in motion a conflict over compensation, as both parties continue to believe the land is theirs.

Direct causes

While there were many direct causes of resource conflict, they largely fell into five key categories:

1. Destruction of community assets (e.g. land, gardens, graveyards) due to company operations (e.g. mining, logging, plantation farming)
2. Loss of income and livelihood opportunities due to the establishment of conservation areas
3. Eviction of local communities from their land
4. Pollution (e.g. air pollution, noise) caused by logging, plantation, and mining operations
5. Few job opportunities in the logging, mining, and plantation sectors for resident populations

Direct damage to assets and livelihoods could be observed in all cases. In Inner Mongolia, herders had to pay regular and heavy fines for illegal grazing after a herding ban policy was imposed. In Thailand, the designation of a protected area restricted livelihood activities and impacted the fallow periods of swidden fields or prevented cultivation altogether. Most land investment activities through plantation, logging, and mining did not provide jobs to locals. This led to resentment, or triggered secondary conflict with other community members who obtained jobs.

The East Kalimantan case is a good example of how a conflict can be directly triggered by destruction of community assets. A forest concessionaire began operating in the community in the 1990s. Though villagers were probably unable to protest due to an authoritarian regime in place until 1998, tensions began mounting. Community members resented community employment policies (not a single community member was employed after 1999); villagers felt that the timber harvesting destroyed ancestral graves, polluted rivers, and forced the closure of community gold panning sites, among other issues. With the political instability after 1999 decentralization, this conflict quickly escalated on the basis of these longstanding grievances.

The dispute in Kampong Speu also helps to demonstrate the direct role of asset destruction. The community's protests against a local rock mining company have been driven by community claims that about four hectares of valuable trees from their community forest were cut and cleared. Environmental pollution can also be considered a cause of the conflict, with dust from rock mining covering nearby houses, ponds for washing, home gardens, and trees. Villagers claim that noise has disrupted their daily lives and affected wildlife in surrounding areas.

Conclusions

All eight conflicts were complex, contextualized by national and even district-level practices. They are unique to the countries in which they took place. Nonetheless, they seem to have common roots. Specifically, all involved an overlap in tenure between statutory and customary claims, suggesting that contested or ambiguous tenure underlies every conflict. They were all driven, however indirectly, by broader societal changes, in particular, by rapid economic development, rising commodity prices, concerns over food security at national and international levels, or conservation policies that view local people as a threat to biodiversity. Though the direct causes of conflict were more diverse, they carry a salient message: Communities view their assets and culture as an integral part of resource management, and when a community's culture and deep connection to land and forests are disrupted by outsiders, conflict is likely to emerge and escalate.

4. CONFLICT MANAGEMENT

This section briefly describes key approaches taken by actors in addressing community–outsider conflict. It underscores who plays which roles in conflict management and the outcome of the conflict management process. This information is important for guiding future actions, for example how to devise effective conflict management strategies.

As Turner and Caouette (2009) point out, "[c]onceptualizations of resistance are situated within understandings of power." No comparison across countries is possible. Armed protest in one environment may represent severe resistance to land encroachment; simply voicing dissent in another political context may do so as well. For this reason, little effort is made to link management to severity of conflict; instead, approaches are mostly considered in terms of what led to successful resolution.

How was conflict managed?

Four main approaches were taken by the conflict parties.[3] Negotiation and coercion were used frequently, while neither arbitration nor adjudication was used in any of the eight cases.

Table 3: Conflict management approaches applied in the study areas

Approach	Study area							
	❶	❷	❸	❹	❺	❻	❼	❽
Avoidance	No	No	Yes	No	Yes	No	No	No
Negotiation	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Mediation	Yes	Yes	Yes	No	Yes (with co-management) [4]	No	Yes (with co-management)	No
Coercion	Yes	Yes	Yes	Yes	Yes	No	Yes	No

Key: ❶ = Kampong Speu, Cambodia; ❷ = Kbal Damrei, Cambodia; ❸ = Inner Mongolia, China; ❹ = West Kalimantan, Indonesia; ❺ = East Kalimantan, Indonesia; ❻ = Phou Gnai, Lao PDR; ❼ = Kanchanaburi, Thailand; ❽ = Thua Thien Hue, Vietnam.

Avoidance

Local communities and indigenous peoples often resorted to avoidance strategies when they perceived that they did not have enough power to confront powerful actors such as companies and Government agencies. Another factor guiding avoidance may have been culture. In Asia, conflict is generally considered to be something to be avoided. In some cultures, although

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[3]   Strategies were noted if they were considered to be important.

[4]   Co-management is not commonly used in the conventional conflict management literature (refer to **Section 2**) but it is being used in the context of forest conflict in Asia. Co-management is a form of joint management wherein actors collectively decide roles and responsibilities regarding forest management. It may also include measures to determine what area is managed by whom and how benefit sharing is arranged.

this attitude is changing slowly, any direct confrontation is unacceptable. Avoidance was observed to varying degrees in most cases, and as a primary strategy in several. In Inner Mongolia, local herders accepted herding bans and paid fines if they were caught by the Forestry Administration herding in protected areas; as a result they incurred huge financial losses. They chose this strategy mainly because they considered themselves too weak to confront the Forestry Administration. In the conflict between a local community and a logging concession in East Kalimantan, community members were oppressed and intimidated during the Soeharto era when the conflict emerged (1990s), and felt they had no other choice but to avoid open conflict with the company. Later on, when Soeharto lost power in the late 1990s, the political turmoil and instability that followed allowed the local community to regain some power and confront the logging company. Subsequently, progress was made in terms of negotiation with the company, which finally led to the signing of an MoU through mediation a couple of years later.

Negotiation

Negotiation between community and outsiders took place in all conflict cases except in Kbal Damrei. Communities were often represented by their leaders in negotiations with outsiders. Usually, negotiation was used as an approach at a relatively early stage of the conflict. In Kampong Speu, for example, local leaders negotiated with the rock mining companies as the location for the mining site overlapped with a community forest area. Both the local community and the company were willing to meet face to face to address the issue. In contrast, in the Kbal Damrei case, no negotiation took place because the rubber plantation company was unwilling to meet local leaders. The company maintained a rigid position that it received a legitimate permit to develop the area as a rubber plantation. This led to a mass protest and in the end a mediation process had to be initiated by the Provincial Governor.

Mediation

Mediation was used in five cases after negotiations failed. In conflicts between local communities and outsiders, governments were often expected to mediate – at least initially. However, governments often sided with companies and thus an alternative mediator, such as an NGO, was needed. The conflict in Inner Mongolia was mediated by a science institute trusted by both the Forestry Administration and the local herders. An NGO mediated the conflict between the logging concession and the local community in East Kalimantan. In Kanchanburi an international project consortium mediated the dispute. In short, mediation can be facilitated by various bodies or actors who are trusted by the parties in conflict.

The role of trust in successful conflict management

Pak Ando (not his real name) used to work for a logging company in East Kalimantan, Indonesia. As a community facilitator, his main duty was ensuring that company–community relationships remained strong. But as with many cases of logging operations in the country under the Soeharto regime, the community in East Kalimantan was unhappy about the effect of logging activities on community livelihoods and associated water pollution problems. Local community members had limited job opportunities with the company. Pak Ando's role was to ensure that his company could continue to operate with minimal disturbance of local communities. He allocated a small company contribution to village development projects (e.g. donations for the establishment of a village hall, school), but knew that the community was dissatisfied with the size of the contribution. Though Pak Ando listened to many grievances from community members, company policy did not allow him to provide more.

In 1998, when Soeharto lost power, decentralization processes across Indonesia and political instability led the community to protest and threaten company workers. Eventually, the company had to stop its operations on community land. Seeing no future in the company, Pak Ando joined an NGO and was tasked to mediate the conflict his previous employer had experienced. A core issue was lack of trust; despite the change in his position, the local community continued to perceive him as a logging company employee. Proving his sincerity took over a year, and only after he successfully established trust with local leaders, local governments, and related stakeholders did mediation start to progress, with both community members and company employees coming to the table. An MoU between the company and the local community was signed following mediation, ending 20 years of conflict.

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Coercion

Coercion, the use of power to address conflict, was used by both local actors and outsiders. In five out of eight cases, coercion was, at least initially, applied. In others it may have been used but was more difficult for researchers to discern.

Often, coercion was used by developers in conjunction with State institutions like the military. For instance, in the West Kalimantan conflict between an oil palm company and local people, the military and police supported the company, and they threatened and arrested local people who challenged and protested the company's presence on their communal lands. Coercion was also used in both cases in Cambodia, where it was effective in forcing community members to abandon or change their demands. In Kbal Damrei, during meetings mediated by RECOFTC, villagers were able to explain their need for land and forest within three kilometres along National Road 7, beyond which there would not be overlapping claims and the company would be able to fully operate. The company agreed, and several community representatives were assigned to check that the company honored this arrangement. However, on 29 October 2008, a national holiday in Cambodia, the company violated the agreement. Protected by eight military police, it resumed land clearing. Notably, NGO staff was on leave on this holiday and not present in the village.

Local stakeholders also used coercion as a management tactic, though generally with less power and less 'success.' In Kanchanaburi, in response to arrests and land confiscations, villagers eventually responded with a half-day blockade of national park officials, who were trapped in their cars in the heat without food or water. A protest by 65 village members in Kampong Speu in which villagers arrived carrying knives and spears, and another by people in East Kalimantan who arrived with swords can both be viewed as attempts to threaten violence to achieve closure. In East Kalimantan, this strategy may be seen as having successfully forced the Salimando company to leave the area as demonstrations increased in intensity.

Co-management

Co-management, though not a strategy, *per se*, was successfully used in conjunction with mediation in two instances. In Kanchanaburi the process of developing a co-management arrangement took several years, and the ability of the mediator, the Sueb Nakhasathien Foundation, was key to facilitating the process. Initially, the Foundation, via the Joint Management of Protected Areas project, aimed to establish mutual understanding between villagers and national park officials. Monthly community meetings for villagers and a village committee were established to act as information-sharing forums. In 2006, the Foundation, community members, and national park officials, working together, marked forest areas for the village's use within the boundaries of the two protected areas. The boundaries now clearly exclude swidden lands, and within the new boundaries, non-timber forest products (for example medicinal plants, leaves, mushrooms, and fruits) can be collected according to regulations established by a village institution and agreed upon by national park officials. Another important agreement, particularly for swidden farming, stipulates that the village committee will have advance notice for a boundary check – a check to be jointly performed by both forestry officers and the community committee. Clearly, park officials have made important concessions, and so have villagers.

Regulations to manage and monitor activities in the park were also established. For example, if a villager does not follow the regulations, such as harvesting timber in the park area, he/she is subject to a system of sanctions, gradually increasing in severity. For instance, other villagers will not join in official ceremonies such as weddings or funerals that relate to the offending villager. As a final resort, national park officials will be informed.

Building on this success, Teen Tok village's Forest Conservation Network has expanded to include neighboring villages. In 2008, the village created a Forest Protection Volunteer Network with the five other villages in the cluster to function as a community network for forest protection, forest care, and forest fire watch and management for the whole forest area. More than 150 volunteers now regularly conduct forest patrols with the national park officers.

Management outcomes

Table 4: Outcomes of conflict management[5]

Study area	Outcome
❶ Kampong Speu, Cambodia	Conflict stands still
❷ Kbal Damrei, Cambodia	Conflict stands still
❸ Inner Mongolia, China	Agreement
❹ East Kalimantan, Indonesia	No agreement, conflict continues
❺ West Kalimantan, Indonesia	Agreement
❻ Phou Gnai, Lao PDR	No agreement, conflict continues
❼ Kanchanaburi, Thailand	Agreement
❽ Thua Thien Hue, Vietnam	No agreement, conflict continues

For at least two of the cases in which a successful agreement was achieved (Inner Mongolia and Kanchanaburi), mediation was essential, particularly to help facilitate the institutional restructuring and resource co-management necessary for long-term reconciliation of conflict. In East Kalimantan, it is more difficult to say how essential mediation was; by 2000, and taken alongside political instability, the community had a fair amount of power and was able to threaten the concessionaires enough so that they eventually abandoned their concession. Regardless, in all three of the resolved cases, mediation was the last strategy in a sequence of attempts to manage the conflict which included avoidance, negotiations, and coercion.

Negotiation alone never worked. The actors involved did not have the same negotiating powers. In several cases, certain key players refused to even enter into negotiations, making it difficult to discern the extent to which true negotiations took place. For instance, the company in Hue failed to invite representatives of the Pho Trach Cooperative to participate twice, only negotiating with their proxy representatives in the district. In West Kalimantan, though the company was invited to multiple meetings with the community, it never attended the proposed meetings. In some cases, the stakeholders who participated only added to the confusion. For instance, while the Commune Chief in Kampong Speu met with the company to discuss their protest, many community members feared that the Commune Chief was actually involved with the company. Though villagers have used discussions to air their grievances and openly acknowledge conflict, it is difficult to say whether negotiations in these instances actually enabled stakeholders to bring their concerns to the table, or whether negotiation breakdowns only exacerbated stressful situations.

Local stakeholders, looking for third party support, rightly expected that the Government would assist with conflict mediation and act as a neutral party. This expectation was demonstrated by many communities. In Kompong Speu, local communities relied on their Commune Chief to contact Government authorities (the Provincial Department of Industry, Mining and Energy; Forestry Administration; local police) to help settle a conflict with the rock mining company. In West Kalimantan, local communities sent multiple letters to their district government and one to the governor asking for help in resolving an oil palm conflict. Communities often considered the Government the 'right' authority to bridge community–outsider conflict, but governments in these conflicts often sided with the developers. Governments looked the other way when State forces, including the police and armed military guards, were co-opted to help protect companies or to 'ask' communities for compliance in some cases, notably in Kbal Damrei, Kompong Speu, and West Kalimantan. This lack of Government support basically precluded mediation. It also meant that negotiations with companies were bound to fail; governments were not acting as a force to balance power between communities and developers. This may be one important reason why local communities never sought adjudication or arbitration as a management strategy.

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[5] This outcome was based on the workshop held in November 2009. Further efforts were carried out to resolve these conflicts, but there is insufficient data on the most recent status of conflict management in each location to be able to update this assessment.

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Conversely, in conflicts that were resolved in Inner Mongolia and Kanchanaburi, parties were flexible and willing to shift their positions. This is demonstrated by the policy shift that began in 1998 in Thailand, when the Government allowed shifting cultivation in certain locations, crucial in allowing agreement to be reached. In Inner Mongolia, the Government was willing to provide short-term loans for villagers to establish facilities to store feed for livestock instead of grazing in restricted areas. This suggests that successful mediation depends on good governance. As discussed, it is difficult to say to what extent there was flexibility in East Kalimantan. By 2000 the community was demonstrating and protesting again, aided by the political instability at that time – mediation may have only prevented violence from breaking out and facilitated the signing of an MoU. Successful conflict management in these eight cases attests to the importance of an enabling environment.

Conclusions

At the early stage of the conflicts, actors tended to either avoid acknowledgement of the conflict or attempt direct negotiations; only later did they turn to other outsiders for help with mediation, and in some cases, this stage has not yet been reached. The choice of conflict management method seems to be influenced by power relations. More powerful actors (such as developers and Government agencies) are not always willing to negotiate. In fact, coercion may allow them to maintain the status quo. Clearly, for effective intervention, an enabling environment is necessary.

5. LESSONS LEARNED AND THE WAY FORWARD

In previous sections we have briefly described the impacts, causes, and management approaches of community–outsider conflicts. This section draws some general lessons from all the studied cases.

Certainly, a desired goal is to minimize the negative impacts of conflict. As impacts are the most noticeable symptoms of the deep-rooted problems over forest and land management in Asia, they need to be taken into account properly. Throughout the case studies the following negative impacts were observed: anxiety and fear, disharmony and division among social groups, distrust, high cost, and environmental degradation. These issues were not isolated to specific cases but were more or less shared mutually. Therefore, efforts are needed to ensure that such impacts can be reduced.

Secondly, the eight cases show that the results of conflict management efforts have been mixed. Furthermore, some conflicts took years or even decades to resolve. This suggests that improved conflict management skills are required. The question remains: How do we ensure that actors can address their conflicts quickly and effectively so that agreements and compromises can be reached at the earliest possible opportunity? Two decades is too long a time to wait for an agreement. The sooner the conflict is addressed the more likely the costs of the conflict will be reduced. However, we also realize that some conflicts are complex and require time for proper management. What we would like to stress here is the need for actors to recognize the conflict and address it in a timely manner.

Reducing the negative impacts of conflict and enhancing conflict management capacities are two of the main challenges that must be addressed in Asia. Unfortunately, there is no panacea that can cure both problems. Nevertheless, some clues about how to move forward can be generated from the results of analyzing the causes of conflict. By addressing the causes the negative impacts are likely to be reduced. After all, impacts are just symptoms of the deep-rooted problems. To address the lack of skills we need to build conflict management capacities at all levels, from local to national. For example, governments and land developers need to take community relations into account more seriously. Communities affected by developments will need to better understand their rights, particularly in the context of investment developments. Capacity building will be needed. Examples of capacity-building efforts will include making communities more aware of their rights and improving mediation and negotiation skills within them.

Taking into account the negative impacts of conflict and the lack of conflict management skills in the region, we propose some possible ways forward. In the short term, we will have to work to encourage early consultation, improve coordination among Government agencies, promote co-management, and encourage Government neutrality. Our cases show that land investment activities and conservation efforts failed because they did not properly engage and consult local people.

In the long term the underlying causes of conflict have to be gradually and thoroughly addressed. This will require concerted action involving all parties. It may also require a fundamental change in resource governance towards devolution, community empowerment, and participation.

Short-term solutions

- **Encourage early consultations with local residents prior to making decisions about land-use changes.** As indicated earlier, destruction of community assets (such as land, gardens, watercourses, and graveyards) triggers conflict in many places. Thus, before conducting any activities on the ground, developers and companies should consult community members and take their concerns into account. Some methods to accomplish this will be to conduct social and environmental impact assessments properly and to hold public consultations with local communities before land-use decisions are made. Experiences of the private sector in this context are beginning to be recorded and lessons from this experience should be institutionalized in Asia (see Wilson 2009).

- **Promote co-management arrangements in which actors agree upon a strategy to fairly share management responsibilities and benefits.** In all of the conflict cases presented, local communities felt threatened by outside claims to the land, experiencing eviction, loss of livelihood opportunities, and so forth. Ideally, any project including, for instance, national park establishment or a timber concession should involve local communities as an active partner. The cases from Kanchanaburi and East Kalimantan indicate that co-management arrangements can help establish lasting resolution to the issue of conflicting claims. Investors and governments should keep this option open from the beginning.

- **Ensure that communities benefit from land investment activities.** Employment opportunities for local communities must be prioritized. Lack of employment opportunities was a direct cause of conflict in many of the cases described.

- **Call upon governments to remain neutral and avoid taking sides in conflicts between local communities and companies.** In many of these conflicts, Government representatives were regarded as the 'right' mediator. However, our cases showed that more often than not the Government sided with a particular actor. This means that it cannot really play a neutral role in conflicts. It is important for governments at all levels to act as neutral facilitators.

Long-term solutions

- **Clarify tenure arrangements and respect local resource management.** Genuine efforts must be made to accelerate tenure reform in Asia. Support for such reform will be important for ensuring that progress is made. A challenge will be reconciling competing claims to the land. The willingness of more powerful actors to recognize and acknowledge local claims is key in determining the success of this reconciliation.

- **Strengthen mediation skills across Asia to ensure local capacity to manage conflict.** It is imperative that mediation skills be strengthened at all levels. These cases demonstrate the crucial role capacity-building organizations will play in this direction.

- **Ensure better coordination between Government agencies with overlapping mandates.** Coordination between forestry departments and other related Government agencies (such as mining, agriculture, conservation, and environment departments) remains weak. The two cases from Cambodia indicate that two Government agencies gave permits to the same parcel of land, creating confusion and conflict at the local level.

- **Integrate local livelihood strategies into conservation policy, as exclusion and unilateral management can exacerbate conflict.** Conservation should not be separated from livelihoods. If conservation fails to address livelihood issues it will either fail or create conflict, as it did in China, Lao PDR, and Thailand.

6. CONCLUSIONS

Forest and land conflict is often caused by fundamental issues such as contested tenure and overlapping claims; a lack of coordination among State agencies; and conservation and economic development policies that prioritize global and national interests over local needs and aspirations. In most conflict cases, the power imbalance between local actors (communities, indigenous peoples) and outsiders is obvious. Direct causes of forest conflict include destruction of community assets, loss of income and livelihood opportunities, eviction of local communities from their land, pollution, and limited opportunities for resident populations to benefit from developers.

Community–outsider conflicts are 'managed' through various methods and approaches. Often, a number of strategies are applied in addressing a particular conflict. Five strategies commonly used in managing conflict over forests were avoidance, coercion, negotiation, mediation, and co-management. The application of certain conflict-management strategies is influenced by several factors. One of the main factors is power. When actors are powerful, it is more likely that they will resort to coercion to force a conclusion favorable to them. In contrast, weaker actors such as local communities and indigenous peoples may have no choice but to avoid open conflict. In other cases, a power balance may be attempted via collective action such as protest and threats of violence. Another factor guiding management is conflict escalation. Usually, as conflict escalates new conflict management strategies will be sought. For example, if conflicting parties cannot find solutions through negotiation they may seek help from a mediator.

Understanding and recognizing the impacts of conflict is an important step towards building awareness of why it needs to be treated and understanding the causes is important towards learning how to treat it. Where it does emerge, managing its underlying issues becomes extremely important. Managing conflict is the opportunity to mitigate the impacts or avoid them altogether, and to address the causes systemically so that they do not recur. Yet, very few conflicts in Asia are well managed. Of all the land disputes in Cambodia, for instance, only 13% have been resolved. In Thailand, national-level efforts have been made to reduce land conflict. The redistribution of idle land to poor households has been discussed for more than 50 years and the Land Reform Act was passed in 1975 to address the issue. Nevertheless, 35 years later, conflict over land is still common and is believed to have escalated once again in recent years.

The fact that so few conflicts are well managed reflects the fact that managing conflict is inherently difficult. Multiple actors approach conflicts with multiple agendas. Certain groups may be interested in sustaining resource conflict, keeping the conflict at a low level to ensure that they can continue to benefit from the status quo. Some actors may be convinced the system does not work for them and resort to acting violently outside the system. Other actors may trust the system to work but nonetheless use violence to ensure a conclusion in their favor. However, while some parties may be interested in keeping conflicts simmering at a low level, a well managed conflict can benefit all stakeholders (Table 5). In part, this is because both parties are self-interested in ensuring that the resource can be used (Warner and Jones 1998).

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Table 5: Potential benefits of well-managed conflict

Community	Company	Government
• Clarity and secured rights • More acceptable and equitable benefit sharing	• Ensuring smooth operation • Ensuring stable economic profits • Minimizing risks • Maintaining good corporate image	• Ensuring stable tax flow • Reducing opportunity cost for conflict management • Stability

These cases suggest some positive ways forward, encouraging clarification of tenure, better coordination, and timely intervention. Even more positively, the three successfully managed cases demonstrate how, with understanding and strong conflict management skills, a tangible reduction in the incidence of conflict in Asia is within our immediate grasp.

As the discourse on Reducing Emissions from Deforestation and Forest Degradation (REDD+) gains prominence, various contentious issues are expected to emerge (and are emerging already). For example, who will decide how REDD+ benefits will be distributed, and how will such benefits be fairly shared across stakeholders at different levels? In the absence of clear and strong tenure arrangements (the absence exemplified by these cases), to what extent can we cope with conflict related to benefit sharing in REDD+? There are many potential areas of conflict in REDD+ such as coordination between national and sub-national governments, coordination between various ministries, among others. All of them will have to be anticipated and this provides impetus for increased conflict research in the region immediately.

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