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BACKGROUND PAPER | FEBRUARY 2015

AGRIBUSINESS: RISKS AND IMPACTS IN CONFLICT-AFFECTED AREAS

INTRODUCTION

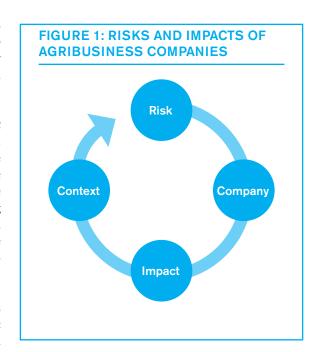
What is the aim and scope of the paper?

Since the late 2000s, there has been a growing private (and public) interest in investing in agribusiness in emerging and developing countries. While such investments can be high on returns and at the same time foster economic development, investments in conflict and fragile contexts, in particular, pose risks for companies and affected stakeholders. There are, for example, recurrent reports of farmers being shot for not selling their land to local landowners who tried to seal plantation deals with international business. At the same time, there is also potential for development or even peacebuilding through agribusiness companies, like the ESCO Kivu SPRL company in the Democratic Republic of Congo that changed its business model in order to provide jobs and income in a conflict-affected context² or the beekeeping business that aimed to integrate conflict-affected youth in Uganda. It is thus important for companies to understand the risks and impacts of their operations.

This report therefore seeks to (a) examine how companies in the agricultural sector might (unwillingly) contribute to violent conflict; (b) identify potential risks and impacts of their investments in conflict-affected environments; and (c) reflect on possible opportunities for positive impact.

The risks and impacts of companies are understood in this report as shown in Figure 1.⁴ An investment context can pose risks to a company. While a company's own impacts on the context can range from negative to very positive, the negative impacts can cause more or aggravated risks to the investment. Hence, by minimising negative impacts on the context, a company may be able to avoid creating new risks or exacerbating existing risks to its own operations. And by maximising positive impacts, it creates a better risk profile of the existing context (based on International Alert's guidance on conflict-sensitive business practices⁵).

However, the scope of this paper is limited. While there is much discussion on the environmental, social and economic implications of agribusiness on development in general and



- 1 H. Davies, Agribusiness as Usual: The Death of Peasant Farming, The Argentina Independent, 31 October 2012, http://www.argentinaindependent.com/currentaffairs/62260/
- 2 S. Kibriya et al., Conflict Resistant Agribusiness in Democratic Republic of Congo, International Food and Agribusiness Management Review, 17(B), 2014, pp 75–80
- 3 S. Drost, J. van Wijk and D. de Boer, Including conflict-affected youth in agri-food chains: agribusiness in northern Uganda, Conflict, Security & Development, 14(2), 2014, pp.125–150
- 4 A. Iff, Manual Conflict-Sensitive Business Practices, 2013, Swisspeace, p.11
- 5 International Alert, Conflict-sensitive business practice: Guidance for extractive industries, 2005, http://www.international-alert.org/resources/publications/csbp-extractive-industries-en

local communities in particular,6 this position paper focuses more on how companies engage more effectively in these challenging situations. The paper primarily seeks to add a 'conflict lens' to existing approaches in order to assess the social and environmental impacts. In this regard, the paper has many points of contact to human rights impacts, as it addresses many human rights violations that can be associated with violent conflicts.

Why is the issue of conflict relevant for agribusiness?

The end of the second millennium brought with it significant changes in agricultural investment and operations. While the exact data is contested, interest in farmland increased from four to 56 million hectares between 1998 and 2008, equalling half of the European Union's (EU's) agricultural land, and has remained high ever since.8 Most of the reported deals since 2000 are taking place in Africa, followed by south Asia and Latin America. About 42% of these land deals are taking place in countries that are considered conflict-prone and -affected.9 Despite this, there is little focused discussion about agribusiness investments in these challenging contexts.¹⁰

Most of the reported deals since 2000 are taking place in Africa, followed by south Asia and Latin America. About 42% of these land deals are taking place in countries that are considered conflict-prone and -affected.

The cause behind the change in agribusiness investment over the past two decades fundamentally stems from an increased need to invest in agribusiness. As the population and global purchasing power have been growing for decades, so has the demand for agricultural products. However, the world food crisis in 2007/08 changed the perceptions of policy-makers and the private sector. While some had already noticed the long ongoing

trend of public and private underinvestment in agriculture¹¹ even before the food crisis, most observers realised its extent only with the crisis. A rise in investment in agricultural production and land followed, also influencing the way in which agribusiness companies and investors viewed conflict-prone and -affected countries. 12

What information can I find in the paper?

The position paper first introduces existing guidelines for agribusiness companies. It shows that issues of conflict or conflict-sensitivity are not very prominent in these guidelines and that the specifics of responsible practices of agribusinesses in high-risk countries have been largely neglected.

In the following sections, the paper discusses key issues where agribusiness companies risk having a negative direct or indirect impact on conflict:13

- land;
- water;
- distribution of benefits; and
- public and private security forces.

Although the different issues are divided into separate sections, they are often interconnected.

- S. Vermeulen and L. Cotula, Over the heads of local people: consultation, consent, and recompense in large-scale land deals for biofuels projects in Africa, The Journal of Peasant Studies, 37(4), 2010, pp.899-916 / E. Da Vià, The Politics of "Win-Win" Narratives: Land Grab as Development Opportunity?, Paper presented at the Conference on Global Land Grabbing, Land Deal Politics Initiative, Institute of Development Studies, University of Sussex, Brighton, UK, 6-8 April 2011 / J. Fairhead, M. Leach and I. Scoones, Green Grabbing: A new appropriation of nature?, Journal of Peasant Studies, 39(2), 2012, pp.237-261 / P. Woodhouse and A. S. Ganho, Is Water the Hidden Agenda of Agricultural Land Acquisition in sub-Saharan Africa?, Paper presented at the Conference on Global Land Grabbing, 2011, Op. cit.
- G.C. Schoneveld, The geographic and sectoral patterns of large-scale farmland investments in sub-Saharan Africa, Food Policy, 48, 2014, pp.34-50
- K. Deininger and D. Byerlee et al., Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits?, Washington DC: World Bank, 2011 / S. M. Borras et al., Land grabbing and global capitalist accumulation: key features in Latin America, Canadian Journal of Development Studies, 33(4), 2012, pp.402-416 / B. Dietschy, Nur der Investitionshunger wird gestillt, Welt-Sichten, 2012, p.16 (in German)
- The Land Matrix dataset on large-scale land investments reported 519 confirmed land deals bigger than 10 hectares in conflict-prone and -affected countries. The Land Matrix Global Observatory. International Land Coalition (ILC), Centre de Coopération Internationale en Recherche Agronomique pour le Développement (CIRAD), Centre for Development and Environment (CDE), German Institute of Global and Area Studies (GIGA) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). Web, accessed 21 March 2014. The selection of conflict-affected countries is based on the Conflict Barometer by the Heidelberg Institute for International Conflict Research (categories 4-5).
- While the issue of land acquisition seems to be a quite new one, agribusiness is linked to conflict historically in other countries: sugarcane (Mexico, Philippines), cotton (Ethiopia, Chad, Central Asia) and coffee (Mexico, Colombia and Central America). See also: E. Messer and M.J. Cohen, Conflict, food insecurity and globalization, Food, Culture and Society: An International Journal of Multidisciplinary Research, 10(2), 2007, pp.297-315
- World Bank, World Development Report 2008: Agriculture for Development, Washington DC: World Bank, 2007
- D. Hallam, Foreign Investment in Developing Country Agriculture Issues, Policy Implications and International Response, OECD Global Forum on International Investment, Paris, 7-8 December 2009, Session 2.2 - Promoting responsible international investment in agriculture
- H. Mirza, W. Speller, G. Dixie and Z. Goodman, The Practice of Responsible Investment Principles in Larger-Scale Agricultural Investments, Nr. 86175-GLB, Washington DC: World Bank, 2014

Each section provides insights into how company investment and operations might be linked to conflict and, secondly, how negative impacts might be mitigated or positive impacts fostered. It is important to note that most of the risk and opportunities identified so far are very general and would need to be adapted to specific contexts on a case-by-case basis. We use illustrative examples throughout of cases where companies had a negative impact on a context. Unfortunately, there are only a few reported examples that could serve as 'best practice cases', but this does not mean that they do not exist.

While the issues are framed from a peace and conflict perspective, not taking an explicit human rights approach, human rights debates (land rights, women's rights, etc.) are inherently relevant to the issues raised in this position paper. 14 The aim of the conflict-lens approach is to raise awareness on conflict-sensitivity issues that might not yet be stressed sufficiently. Understanding how operations may interact with the conflict context in a positive as well as negative way is of vital importance for agribusiness investments to be able to avoid complicity and maximise opportunities for development.

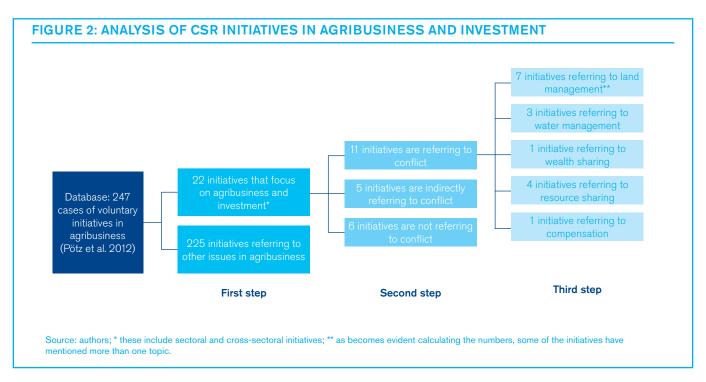
INITIAL ASSESSMENT OF EXISTING GUIDELINES

What guides agribusiness companies in conflict-affected countries?

Voluntary corporate social responsibility (CSR) standards in the agribusiness sector are on the rise: Pötz, Haas and Balzarova¹⁵ have compiled a database of 247 voluntary national and international standards in agribusiness ranging from the Kenya Flower Council Code of Practice to the Global Dairy Agenda for Action. Still, not many address agribusiness investment in fragile situations, as the following will show (either on the companycommunity level or referring to conflict-affected contexts in particular).

In the *first step* (see Figure 2 below), we took the Pötz et al. (2012) database as a starting point, added more recent initiatives to it, but only selected those that particularly referred to agribusiness investments. We ended up with a list of 22 guidelines (see Table 1 below). These guidelines and standards are only a selection and we acknowledge that for certain agricultural (business) activities there may be other guidelines that were not included.

Compiling the existing guidance gave some interesting insights into the driving organisations for processes and when these guidelines were established. The guidelines were divided into those that have a cross-sectoral focus, not only on agribusiness but also other sectors, such as extractives or industry, and sector-specific guidelines, focusing on agribusiness in particular (like cotton, tea, coffee, palm oil or forestry). Looking at the 15 crosssectoral guidelines, it becomes apparent that eight of these have been established by multilateral agencies like



¹⁴ O. De Schutter, Report submitted by the Special Rapporteur on the Right to Food: Women's Rights and the Right to Food, 2012

K.A. Pötz, R. Haas and M. Balzarova, Emerging strategic corporate social responsibility partnership initiatives in agribusiness: the case of the sustainable agriculture initiative, Journal on Chain and Network Science, 12(2), 2012, pp.151-165

the United Nations (UN) agencies, World Bank or the Organisation for Economic Co-operation and Development (OECD). The other seven guidelines have been established by international non-governmental organisations (NGOs) working on sustainability or human rights issues, like CERES or the Alliance for Water Stewardship. Only one, the International Chamber of Commerce (ICC) guideline, originated out of the private sector. Thus, even if an international legally binding instrument does not yet exist, most of the multilateral agencies seem to see these issues as part of a governance gap that needs to be closed at the multilateral level. There are seven sector-specific guidelines that take up agribusiness investment and conflict, ranging from cotton to tea to forestry.

TABLE 1: GUIDELINES ON AGRIBUSINESS AND INVESTMENT

Gui	delir	nes / standards	Publishing organisation	Year*
Cross-sector	1	Operational Policy on Involuntary Resettlement	World Bank	2013
	2	Performance Standards on Environmental and Social Sustainability	World Bank Group – International Finance Corporation (IFC)	2012
	3	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security	Food and Agriculture Organization of the United Nations (FAO)	2012
	4	Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources	FAO, International Fund for Agricultural Development (IFAD), United Nations Conference on Trade and Development (UNCTAD), World Bank Group	2010
	5	The Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises	OECD	2011
	6	Principles for Responsible Investment in Farmland	United Nations Principles for Responsible Investment (UNPRI)	2011
	7	International Chamber of Commerce (ICC) Guidelines for International Investment	ICC	2012
O	8	United Nations (UN) Global Compact	UN	2000
	9	Climate, Community and Biodiversity Standards	Climate, Community and Biodiversity Alliance (CCBA)	2008
	10	Fairtrade Generic Standards	Fairtrade International	2009-12
	11	Global Good Agricultural Practices (G.A.P) Risk Assessment on Social Practice (GRASP)	Global G.A.P	2011
	12	Sustainable Agricultural Standard	Sustainable Agriculture Network (SAN)	2010
	13	Water Stewardship Standard	Alliance for Water Stewardship	2013
	14	Large-scale land acquisitions and leases: A set of core principles and measures to address the human rights challenge	Office of the High Commissioner for Human Rights (OHCHR)	2009
	15	CERES Principles	CERES	1989
	16	Better Cotton Initiative (BCI) Production Principles and Criteria	BCI	2011
Sector-specific	17	4C Code of Conduct	4C Association	2012
	18	Bonsucro Production Standard	Better Sugarcane Initiative Ltd (Bonsucro)	2011
	19	UTZ Certified Good Inside Code of Conduct for Coffee	UTZ Certified Good Inside	2010
	20	Ethical Tea Partnership (ETP) Standard	ETP	2011
	21	Roundtable on Sustainable Palm Oil (RSPO)	RSPO	2013
	22	Forest Stewardship Council (FSC) Principles and Criteria for Forest Stewardship	FSC	2012

Source: authors

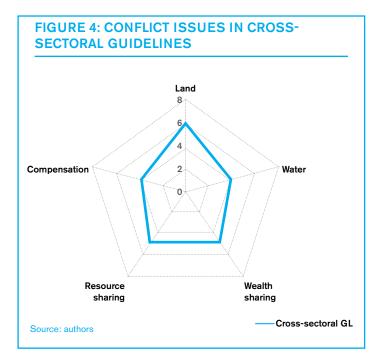
In the second step, this sample of guidelines was analysed (content analysis: see keywords in footnote 15) with regards to conflict-affected situations. Guidelines were listed under a category 'addressed conflict' if they referred to the potential or risk of conflict induced by agribusiness activities, i.e. the guideline/standard recognises the inherent conflict potential in these situations or if it refers to conflict transformation mechanisms in such situations. Guidelines were listed as 'addressed conflict indirectly' if conflict was not directly mentioned in the guideline but such impacts were described indirectly. (The table in the appendix shows the results for each guideline in traffic signals – red, orange and green.)

The result shows that six of the 22 guidelines do not refer to conflict potentials at all, and in five guidelines the reference is only inherently made. The remaining 11 guidelines refer to conflict, often linked to particular issues (see next paragraph). What is most interesting is that it is mainly the cross-sectoral guidelines that refer to conflict rather than the agribusiness-specific guidelines (see top issue in Figure 3 'conflict'). Even though this might not be surprising, this picture would look different in an analysis of the extractive sector, for example, where sector-specific guidelines often discuss issues of conflict.

Finally, in the *third and last step*, we analysed those guidelines that refer to 'conflict' with regards to specific linkages between agribusiness and conflict: land management, water management, wealth and resource sharing, and compensation.¹⁶ These categories have been established inductively, after a first screening of how conflict is taken up in the guidelines. Here, the picture (see Figure 4 only with cross-sectoral guidelines) shows that conflict is mainly referred to in the context of land. This is a topic that has been on the agenda of several international actors since the late 2000s and still remains relevant today. Wealth and resource sharing comes second, and compensation and water are linked less to possible conflict.

Most importantly, however, is that, while conflict is mentioned and linked to particular issues, it is always related to company-community conflicts and not to larger-scale conflicts, such as a civil war. However (from a conflict-sensitivity point of view), it is particularly those settings that demand enhanced due diligence from companies. Furthermore, while the discussion on land is one of the most important ones related to company-community conflicts,

FIGURE 3: SPIDER GRAPH SHOWING CROSS-SECTOR AND SECTOR-SPECIFIC GUIDELINES THAT REFER TO CONFLICT Conflict 10 Land Compensation Water Resource sharing Wealth sharing Cross-sectoral GL Source: authors; GL = guideline Sector-specific GL



other issues need to be considered as well in order to minimise negative impact of operations in these situations (e.g. security forces or food security).

As there is not yet much guidance that tackles the particular risks and impacts of agribusiness companies in conflict-affected and fragile states, this paper tries to take a first step in this direction.

The keywords in those categories were the following: Land Management (Keywords: Land [tenure rights, user]; Access [restriction of]; Property [rights]; Livelihood; Demarcation; Titling). The category 'Land' encompasses guidelines that address potential conflict issues arising from investments in land, such as restricted access, relocation or resettlement of people, respect for traditional customary land rights and use systems. Water Management (Keywords: Water; Fisheries; Access [restriction of]). Guidelines listed under the category 'Water' refer to the conflict potential arising from issues about water, such as restricted access or disputes over tenure rights to fisheries. Wealth Sharing (Keywords: Benefit sharing; Project benefit; Opportunities). Guidelines in the category 'Wealth Sharing' mention the adequate sharing of benefits resulting from activities addressed by the guideline. Resource Sharing (Keywords: Resources [allocation of]; Infrastructure; Service [public]; Investment [large-scale]). In the category 'Resource Sharing', the guidelines listed address the adequate allocation of resources, i.e. where the activities referred to by the guideline may stress and exacerbate a (possibly sensitive) local resource situation. Compensation (Keywords: Compensation; Cash; Grievance). In the category 'Compensation', the guidelines listed mention mechanisms of compensation for the parties affected by the activities addressed by the guideline.

AGRIBUSINESS, CONFLICT AND PEACE: RISKS AND OPPORTUNITIES

Why is enhanced due diligence needed in fragile contexts?

The short initial assessment of existing guidelines for agribusiness companies showed that there is still room to think about what conflict-sensitive agribusiness is or how a conflict lens can be added to agribusiness investments. While there is some reference to company-community conflicts, there is no or little reference to overall fragile contexts and the need for enhanced due diligence.

Conflict-affected contexts are often characterised by a whole set of risks to companies and, first and foremost, a culture of violence and human rights violations. In addition, agribusiness investments in these contexts often have to deal with situations where a possibly corrupt government interested in economic development creates a supposedly good investment climate for foreign direct investment – although often without being shared by the overall population. This can create resistance among the population and impact company investments. While for some a company might be perceived as economically developing an area, others (particularly smallholders) perceive these activities as detrimental to their livelihood. In such a situation, companies may not sufficiently consider the needs and rights of local communities simply because the pro-agribusiness political system in place may not require them to. This can result in opposition from local communities, hostility against investors, conflict within and between communities or - in the worst case - contributions to larger-scale political violence. The following three examples illustrate this possibility.

In Sudan in the late 1980s, for example, mechanised farming schemes were established at the expense of pastoralists and farmers in South Kordofan (Nuba Mountains). Their subsequent displacement stirred many people to join the Sudan People's Liberation Movement (SPLM) insurgency and contributed to the conflict between the two Sudans. Similar land issues were also at the heart of the conflict in Darfur and eastern Sudan. 17 In Sierra Leone after the end of the civil war, NGOs increasingly raised concern about the destabilising effects, as allegedly a fifth of the country's arable land was being leased from government to companies for large-scale agribusiness projects.¹⁸ And Madagascar faced a major political crisis in 2009, partly as a result of severe national controversies over a 3.2 million acres land deal negotiated between the government and the Daewoo Logistics Corporation. The opponent of the then President Ravalomanana criticised the deal, which led to the displacement of hundreds of farmers and signed off half the country's arable land for export crops, although Madagascar still required to import the staple food rice.¹⁹

Can companies even have a positive impact?

As an agribusiness company, there is a need and an opportunity to take extra special care over participation - and thus contribute to improved governance – by role modelling open, participatory approaches to the management of

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economic development processes within the agricultural sector. Apart from good community management (consultation processes, mapping processes of land rights, fair compensation processes and conflict-resolution mechanisms), companies can have other positive impacts²⁰ such as income generation and the inclusion of smallholders (contracts with local goods and service providers, freedom of association and collective bargaining, access to credit, fair and transparent pricing, profit sharing, conflict-resolution

mechanisms), and employment (good wages and labour conditions). Furthermore, depending on the business model, agribusiness investments in these contexts might even help to ensure local food security as well as access to energy.

By harnessing and maximising these positive impacts, companies can reduce their business risk by contributing to a more stable business environment and strengthen the company's 'social licence to operate'. Still, it is important to note that even the best intended projects might have negative implications in a conflict context, which can reach far beyond the scope of the projects themselves.

S. Pantuliano, Charting the way: Integrating land issues in humanitarian action, in S. Pantuliano (ed.), Uncharted territory: land, conflict and humanitarian action, Rugby: Practical Action Publishing, 2009, pp.193-212

¹⁸ Oakland Institute, Understanding Land Investment Deals in Africa, Oakland, California, 2011

¹⁹ L. Ploch and N. Cook, Madagascar's Political Crisis, Washington DC: Congressional Research Service, 2012

E. Beall and A. Rossi, Good Socio-Economic Practices in Modern Bioenergy Production - Minimizing Risks and Increasing Opportunities for Food Security, Rome: FAO, 2011

In the following sections, we discuss issues that often link agribusiness investments to conflict. In addition to the analysis of existing guidelines above, which focused on the areas of land, water, wealth and resource sharing and compensation, the following sections discuss additional linkages to conflict, in particular food security, and public and private security forces. Issues of wealth, resource sharing and compensation are subsumed under one topic, benefit sharing: land, water, distribution of benefits, and private and public security forces. These four linkages have been chosen based on an assessment of the existing grey and academic literature on the topic.

Land

How is land linked to agribusiness and conflict?

Land issues in particular can play a central role in the development of larger-scale conflicts, as well as in local tensions with communities.²¹ In 2011, 34 of 37 active conflicts took place in developing agrarian countries,²² and in all but three intrastate conflicts counted in Africa between 1990 and 2009 land issues were a significant factor.²³ In some instances, agribusiness investments contribute to these local and national tensions.²⁴

Some argue that land control and violence are twins.²⁵ The relevance of land for economic subsistence and as a resource with major social, political and cultural value attached to it makes it an important dimension in numerous conflicts globally. In fact, of all possible risks and impacts of agribusiness investments, it is access to and control of land that is most widely discussed.²⁶ In conflict-affected contexts, two main aspects related to land are of particular relevance for agribusiness investments. First is the issue of dealing with the legacy of conflict (displacement, unclear tenure rights and weak institutions) and, second and connected to that, is the issue of legal pluralism and legitimacy of tenure systems.

Displacement

In countries coming out of conflict, property rights tend to be weak. During conflict, structures and institutions entrusted with land management tend to break down. Records of ownership may be destroyed, damaged or falsified. Weak and subverted regulatory institutions, and changing and contested statutory and communal boundaries pose significant challenges. In addition, people are displaced, and those who fled and are not able to

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use their land productively often lose access rights under customary tenure regimes.²⁷ In other cases, rebels may have grabbed land by force. In Colombia, for example, guerrilla paramilitary groups and the military have seized an estimated four million hectares from peasants in order to set up plantations.²⁸ When people return to their land after a conflict has abated to find it occupied by others, disputes over land can erupt and violence rekindle. In light of the thousands and sometimes

millions of people being displaced by a conflict - and their often high dependence on agriculture - the magnitude of the problem cannot be underestimated. Companies operating in these contexts may find themselves in a position of knowingly or not knowingly benefiting from earlier appropriations of land that lack legitimacy and make them seem complicit in human rights violations. The two following examples help to illustrate this.

In the post-conflict Acholi region of northern *Uganda*, tensions emerged as a result of large-scale agribusiness concessions being discussed.²⁹ The sugarcane plantation of the Madhvani Group was planned despite deep-rooted concerns of the local populations about being robbed of their land, uncertainties about land need and questions about ownership

- 21 Le Billon identifies conflicts in El Salvador (coffee), Guatemala (cropland), Mexico (cropland) and Senegal-Mauritania (cropland) as political violent conflicts caused by land disputes. See: P. Le Billon, The political ecology of war: natural resources and armed conflicts, Political Geography, 20(5), 2001, pp.561-584. At the same time, a lot of other studies were not able to identify that primary commodities are a significant factor in the outbreak or duration of civil wars. See: M.L. Ross, Does Oil Hinder Democracy?, World Politics, 53(3), 2001, pp.325-361
- 22 L. Themnér and P. Wallensteen, Armed conflicts, 1946–2011, Journal of Peace Research, 49(4), 2012, pp.565–575
- 23 L.A. Wily, It's more than about going home ... Tackling land tenure in the emergency to development transition in post-conflict states, in S. Pantuliano (ed.), 2009, Op. cit., pp.27-52
- 24 FAO, Trends and impacts of foreign investment in developing country agriculture: Evidence from case studies, Rome: FAO, 2013
- N.L. Peluso and C. Lund, New frontiers of land control: Introduction, Journal of Peasant Studies, 38(4), 2011, pp.667-681 / C. Cramer and P. Richards, Violence and War in Agrarian Perspective, Journal of Agrarian Change, 11(3), 2011, pp.277-297
- 26 GRAIN, Seized!: The 2008 land grab for food and financial security, Rome: GRAIN, 2008 / J. von Braun and R. Meinzen-Dick, Land Grabbing by Foreign Investors in Developing Countries, Washington DC: International Food Policy Research Institute (IFPRI), 2009 / L. Cotula, S. Vermeulen, R. Leonard and J. Keeley, Land grab or development opportunity? Agricultural investments and international land deals in Africa, London: FAO, IIED, IFAD, 2009 / K. Deininger and D. Byerlee et al., 2011, Op. cit.
- 27 D. Jensen and S. Lonergan, Natural resources and post-conflict assessment, remediation, restoration, and reconstruction: Lessons and emerging issues, in D. ensen and S. Lonergan (eds.), Assessing and Restoring Natural Resources in Post-Conflict Peacebuilding, London: Earthscan, 2012, p.428
- 28 J. Grajales, The rifle and the title: paramilitary violence, land grab and land control in Colombia, Journal of Peasant Studies, 38(4), 2011, p. 782
- 29 A. Sjögren, Between Militarism and Technocratic Governance: State Formation in Contemporary Uganda, Uganda: Fountain Publishers, 2013

in light of the ongoing resettlement of refugees displaced during the conflict. The case undermined the already tense relationship between the Acholi people and the central government, which supported the project. Similar plans were discussed in other regions, such as the granting of a sugarcane plantation in the Mabira forest close to Kampala, leading to riots throughout the country.

Land control: unclear tenure system and institutions

In numerous countries where large-scale land acquisitions take place, tenure rights are weakly developed. Customary tenure rights and formal ones may overlap creating confusion – and tensions – over which norms apply. In rural Africa, for example, an estimated 90% of land is not formally registered, but undocumented, making it challenging for agribusiness companies to seal land deals. After a conflict, and in light of economic pressures to get the country back on its feet and improve the environment for investments, governments often respond to the lack of legal clarity around tenure rights by passing regulations quickly without an adequate consultative process. Affected populations may not accept these rulings, causing considerable disputes and conflicts.³⁰ Companies operating in these settings often face what has been termed 'legal pluralism' and the conflicts associated with it: different groups or institutions try to legitimise land access on the basis of different legal systems, such as new state regulations versus traditional customary rules.

In rural Africa, an estimated 90% of land is not formally registered, but undocumented, making it challenging for agribusiness companies to seal land deals.

This is particularly problematic if corporate land deals are used by governments to expand control to regions that have been outside their political authority, such as areas (formerly) controlled by rebel groups. Concessionary politics and land management in the border regions of *Myanmar*, for example, led to a strengthening of the military and the central state over the local ethnic

population.³¹ Ethnic political leaders negotiated business deals (timber concessions, rubber plantations) with Chinese business people or the military elite without taking the local tenure rights into consideration.

It is not only the tenure system – or lack of such – that companies need to consider but also the role that land and land institutions may have played in the emergence of a conflict.³² In *Sierra Leone*, for example, the arrival of a palm oil producer affected the communities' tenure system as it became necessary for families and communities to set fixed boundaries, which was not part of their customary system. The increase in land value after the arrival of the company hardened positions on ownership rights and caused conflicts over land in which families and communities would previously have had little interest. In addition, the youth felt excluded. They perceived the long-term lease of land to the company as something that stands in their way of getting access to land, while the land-lease payments largely ended up in the pockets of the elders. This is concerning as a lack of access to opportunities was one of the reasons that contributed to the decade-long civil war in Sierra Leone.³³

Finally, it is important to keep in mind that the establishment of stronger land tenure systems does not necessarily inhibit conflicts per se. The case of *Mexico* shows that the registering process can (1) reveal conflicts between communities that can then (2) be utilised by local or national governments in order to seize land. As well as that, large-scale land registrations increased interest from investors and encouraged joint ventures with the local and national government. In the years since the reform was carried out, more than 3,000 contracts with large agribusiness firms have been signed, and local NGOs have been invited to assist communities with negotiations.³⁴

³⁰ J. Unruh and R.C. Williams, Land: A foundation for peacebuilding, in J. Unruh and R.C. Williams (eds.), Land and Post-Conflict Peacebuilding, Oxford: Routledge, 2013, p.539

³¹ K. Woods, Ceasefire capitalism: military-private partnerships, resource concessions and military-state building in the Burma-China borderlands, Journal of Peasant Studies, 38(4), 2011, pp.747–770

³² J. Unruh and R.C. Williams, 2013, Op. cit., p.535

³³ G. Millar, Economic Development as Transitional Justice? Needs, Recovery, and Justice in Sierra Leone, Presented at the ISA Annual Convention, San Francisco, 3–6 April 2013

³⁴ K. Deininger and D. Byerlee et al., 2011, Op. cit.

Mitigate negative impacts

- 1. Companies need to analyse the conflict background and dynamics, and especially the role of land and land institutions in it. This includes not only property rights but also the general economic, social and political dynamics related to land and how their investment may aggravate existing tensions.
- 2. Companies need to understand the flaws in the existing tenure system. In a fragile setting, tenure systems tend to be particularly weak and the owners of the land are especially challenging to identify. Those displaced by conflict are particularly vulnerable. Land deals taking place in these environments are prone to igniting or aggravating conflicts over land and, hence, infringing on people's livelihoods. The mere existence of a tenure system is not yet a guarantee that local communities will not start to resist an investment. Companies might want to include customary understandings of the tenure system as well as past injustices before they invest.
- 3. Companies can insist on proper due diligence of land tenure, even when their government counterparts do not do so, as a way to clarify the tenure system and ensure all potential claimants are considered. They can engage in national discussions about land tenure and about the need for open, transparent and fair approaches to the issue, which take into account how to reconcile divergent tenure rules and address the importance of land rights as a step to economic development.
- 4. Companies can ensure transparency and correct allocation of royalties/rents as a way of promoting accountability while minimising opposition to the project.
- 5. Companies can strengthen the peaceful settlement of land conflicts by developing adequate grievance mechanisms that allow community members to raise their concerns, such as compensation, repatriation or the implementation of free, prior and informed consent (FPIC).

Water

How is water linked to agribusiness and conflict?

Globally, 70% of all water withdrawn is consumed by agriculture³⁵ and more than 80% of water use in developing countries is for agriculture.³⁶ Water is considered to be one of the most significant long-term drivers determining the place and size of large-scale land investment.³⁷ For investors, land is interesting when there is easy access to water.

The finite nature of water makes it inherently conflict prone. The Pacific Institute counted 265 major conflicts of water from 3,000 BC to 2012, with the past several years seeing an increase in the total number of violent conflicts over water.³⁸ The water demands of agribusiness compete with other local uses of water such as smallscale or subsistence farming, water reservoirs and others.

Use and management systems

Water resources are often closely related to land. Water-intensive biofuel cultivation, for example, has been the driver of many large-scale land acquisitions around the world, and conflicts between companies and communities have been sparked by perceptions that companies were removing water from villages. The Malibya investment in Mali, for example, is taking place in one of the most fertile areas of the country with production being dependent on irrigation from the Niger River. The investment creates conflict between the company and the local community, especially the cattle breeders and particularly during the dry season.³⁹

- 35 UNISDR, From Shared Risk to Shared Value: The Business Case for Disaster Risk Reduction, Global Assessment Report on Disaster Risk Reduction, Geneva: United Nations Office for Disaster Risk Reduction (UNISDR), 2013, p.163
- 36 D. Hall and E. Lobina, Conflicts, companies, human rights and water A critical review of local corporate practices and global corporate initiatives, Report produced for Public Services International (PSI) for the 6th World Water Forum, Marseille, March 2012, http://www.pseau.org/outils/ouvrages/psiru conflicts_companies_human_rights_and_water_a_critical_review_of_local_corporate_practices_and_global_corporate_initiatives_2012.pdf, accessed 26
- 37 C. Smaller and H. Mann, A Thirst for Distant Lands: Foreign Investment in Agricultural Land and Water, Winnipeg, Canada: International Institute for Sustainable Development (IISD), Foreign Investment for Sustainable Development Program, 2009
- 10 Shocking Facts about the World's Water, Pacific Institute, http://pacinst.org/publication/10-shocking-facts-about-worlds-water/, 2014, accessed 26
- N. Cuffaro and D. Hallam, 'Land Grabbing' in Developing Countries: Foreign Investors, Regulation and Codes of Conduct, 2011, http://dx.doi.org/10.2139/ssrn.1744204, accessed 26 November 2014

Conflicts around water are frequently linked to a range of structural issues: 40 pollution, inadequate infrastructure and insufficient management capacity.⁴¹ In fragile settings in particular, these structural issues are more pronounced. At times, missing information on pollution and the lack of infrastructure leads to water conflicts affecting populations far away from the investment. In Colombia, traditional vegetation systems of the indigenous people recently have been cleared more and more to make room for agribusiness (mainly cattle and

Water use and access – even though a key factor in agribusiness – is rarely included adequately in contracts between agribusiness companies and the government.

plantations). However, this vegetation is highly relevant for the ecosystem trapping water and protecting soil, and the lack of it leads to greater sedimentation. This, in turn, degraded the water quality even as far away as the capital and led to conflicts among all users.

Water use and access - even though a key factor in agribusiness – is rarely included adequately in contracts

between agribusiness companies and the government. In some cases, no charge is made and water is given away for free; in others it is subsidised.⁴² This can lead to conflicts with other (customary) users that might not have formal rights.⁴³ The company Procana (Colombian sugarcane producer) entered into a leasing agreement with the government of Mozambique. The company obtained a guarantee for 750 cubic metres of water per year. However, this would have affected the water in a nearby dam called Massingir. The electricity produced by this dam is used for export, and by local businesses and households. Furthermore, the water also originates from local rivers, with a risk of shortages for downstream small farmers. The deal was eventually cancelled when Procana was not able to deliver on their investment plan.44

Recommendations to companies

oositive contributions Mitigate impacts /

- 1. Companies need to analyse the conflict background and dynamics, and especially the role of water in it. This includes the use and access rights to water, as well as a thorough impact analysis regarding pollution and downstream impacts of water use.
- 2. Companies need to ensure that they use water efficiently and ensure adequate wastewater treatment.
- 3. Understanding the complexity of water use, companies can start to work together in multistakeholder processes in order to improve the water situation for all stakeholders. One example is the process of SABMiller's Bavaria, The Nature Conservancy, the Bogotá water company and government agencies to manage sedimentation issues.⁴⁵

Distribution of benefits

How is the distribution of benefits linked to conflict?

Large-scale investments in agribusiness, particularly in post-conflict regions, can lead to high expectations among local communities for employment opportunities, income from tax revenues, improved infrastructure and amenities, etc. In some cases, the expectations may be unrealistic and little is done to manage them adequately, leading to grievances and possibly tensions between the community and the agribusiness. In other cases, promised benefits for jobs or technology transfer simply do not materialise. Again in other circumstances, a company may distribute benefits and jobs in a way that is perceived as 'unfair' by communities, leading to tensions between and within communities. For example, a company may knowingly or unknowingly give jobs only to the people from one particular community, while other communities may not benefit. This can cause tensions not only between the disadvantaged community and the company, but also between the different communities. These tensions can become particularly grave, especially if the relationship between the communities was already conflictive prior to the arrival of the agribusiness.

- P. Schulte, J. Morrison, S. Orr, G. Power, Shared Water Challenges and Interests, The Case for Private Sector Engagement in Water Policy and Management, Discussion Paper, CEO Water Mandate and WWF, 2014
- G. Pegram, S. Orr and C. Williams, Investigating Shared Risk in Water: Corporate Engagement with the Public Policy Process, Discussion Paper, WWF, Authored by Pegasys Consulting, 2009
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- 43 L. Cotula, Land deals in Africa: What is in the contracts?, London: IIED, 2011 / R. Hall, Land grabbing in Southern Africa: the many faces of the investor rush, Review of African Political Economy, 38(128), 2011, pp.193-214
- M. Saturnino, J.R. Borras, D. Fig and S. Monsalve Suárez, The politics of agrofuels and mega-land and water deals: insights from the ProCana case, Mozambique, Review of African Political Economy, 38(128), 2011, pp.215-234
- 45 P. Schulte, J. Morrison, S. Orr, G. Power, 2014, Op. cit.

Untransparent or unclear investment contracts

The challenges related to the distribution of benefits are often grounded in complicated negotiations for land acquisitions and inadequate contractual agreements. The terms and conditions of the investment contract determine the relationship between the project partners, the sharing of responsibilities, decision-making, benefits and risks. Investment contracts are often too general and vague, lacking well-specified and enforceable terms. Contracts often do not specify the benefits that the investor will bring to the local community.⁴⁶

Donors and governments of post-conflict countries such as Sierra Leone try to tap into these potentials and attract agribusiness investments, often through tax exemptions, preferential leasing conditions, etc. There are also several donor-supported national and regional programmes where businesses can turn to in order to develop their projects (for example, multiple donors in Burundi, World Bank for West African Agricultural Productivity Programme, African Development Bank (AfDB) for the Pandamatenga cereals in Botswana). However, often it is not clear what these investment contracts entail and whether, for example, tax exemption really supports local development.

Unclear or unjust community representation

Decision-making processes over benefit sharing are often complex. While sub-soil resources (minerals and oil) are mostly formally owned by national governments, surface resources are often owned and administered by the communities living on them. So local, regional and traditional authorities as well as families and individuals have a strong sense of ownership over the land and should, at least in theory, form a key part in negotiations with

Local, regional and traditional authorities as well as families and individuals have a strong sense of ownership over the land and should, at least in theory, form a key part in negotiations with agribusiness companies.

agribusiness companies. In reality, however, central and regional governments tend to be the main interlocutors and those encouraging 'land grab' by promoting largescale land acquisitions, sometimes claiming that land is 'empty', although it is owned customarily. This can lead to a common scenario wherein central or regional authorities encourage agribusiness investment and local communities oppose it since there is no meaningful participation of host communities. The layers of

representation are complex (including central, local, regional or traditional authorities), and all or some of them not being recognised by local communities sets the stage for poorly implemented community engagement strategies that lead to conflict or miss development and peacebuilding opportunities.

In Sierra Leone, biofuel development by foreign agribusiness is playing into agrarian structures that already marginalise young men from land and decision-making rights. As chiefs use their power to make deals with business agents and give away village farmland, rural youth find themselves double dispossessed, first by local agrarian structures and then by business grabbing, accentuating an ongoing flight to the cities.⁴⁷

Missing community engagement and legal pluralism

Community engagement and stakeholder relations are ways of addressing these conflicts and getting consensus and buy-in. But stakeholder engagement processes need to be designed properly to be effective and not add to the conflict. The example mentioned above about Sierra Leone, for instance, fuelled conflicts between elders and youth, since elders were the main beneficiaries of the investment, while the youth felt largely excluded. Companies often use community leaders as a shortcut for obtaining community consent. But most communities are far from homogenous and tend to favour unfairness and the exclusion of some members, including women and particular families, castes or other identity groups. When community leaders do not adequately consult their own communities, however, or where companies only engage with existing elites, these structures have the opposite effect. Furthermore, the legal pluralism in conflict contexts often leads to 'forum-shopping' where disputes are brought to the institutions most likely to produce the outcome desired by the most powerful stakeholders. Being closely connected to the community and being able to resolve disputes amicably is a major advantage in such a context.

The existence of farmer organisations that are effective and genuinely represent the local farmers is certainly an important success factor of agribusiness investment.⁴⁸ The internal dynamics, degree of openness and fairness, decision-making mechanisms and workings of the farmer organisation will determine its success in negotiating a good deal with the investor and engaging in sustainable growth.

⁴⁶ FAO. 2013. Op. cit., p.330

⁴⁷ J. Fairhead, M. Leach and I. Scoones, 2012, Op. cit.

⁴⁸ FAO, 2013, Op. cit., p.329

Recommendations to companies

- 1. Companies should engage in a transparent process of stakeholder engagement, which requires a comprehensive stakeholder mapping. This can prevent unrealistic expectations and quell tensions before they arise. It makes the process easier when there are standardised, clear negotiation systems between companies and the local communities (including farmers). In order for communities to be able to negotiate workable agreements, they might need capacity-building.
- 2. Companies should clearly indicate, formalise and monitor benefits for the local populations to avoid disputes and tensions. The ability of local managers to maintain good communication with the local community and forge partnerships is critical. A conflict-resolution mechanism or grievance mechanism to address disputes over benefits is helpful in conflictive situations.
- 3. Companies should establish employment opportunities for the local population. At the same time, it should understand what kind of worker they may require (young or old, male or female, low or high in the social hierarchy), and how this might fuel or mitigate existing conflicts.
- 4. Companies can positively influence development and income generation through the establishment of better infrastructure (particularly roads) that in turn improves the access to local markets for local people.
- 5. Companies can invest in knowledge and skills transfer to the local population. A growing demand for all kinds of goods and services (surrounding the investment) can give an impulse to food production or the development of local services.
- 6. Companies can help to establish integrated food and energy systems and subsistence plots, as well as provide improved agricultural inputs and/or equipment, training on good agricultural practices, food and/or improved cook stoves.

Public and private security forces

How are security forces linked to agribusiness and conflict?

Several examples show how agribusiness companies might be involved in human rights violations by using public or private security forces. The most prominent example is the Dinant case in Honduras, important because it was financed by the International Finance Corporation (IFC). After an investigation by the IFC Ombudsman (CAO) in January 2014, the IFC admitted failures in the implementation of its own social and environmental policies when approving the loan to agribusiness company Dinant. Dinant has been accused of using violence to deal with land conflicts in the Bajo Aguán valley.⁴⁹

In 2011, state security forces in Senegal were deployed to Senhuile-Senethanol, an Italian-Senegalese agribusiness investment growing sweet potatoes for biofuels. The security forces were asked to respond to protests by local farmers who felt squeezed out by an influx of private investors acquiring fertile arable land in the Senegal River Valley, where most of them have worked for more than two decades. While breaking up the protest, the security forces killed two protestors. As a result, the investment was shelved and relocated.⁵⁰ In *Guatemala*, security forces hired by the Chabil Utzaj Sociedad Anónima sugar mill forced more than 800 families off their land in order to convert it into sugarcane plantations. The security forces committed human rights violations in the process, and destroyed the homes and crops where indigenous farmers had been living for 30 years.⁵¹

Lack of trust and adequate training

Agribusiness companies rely, in many cases, on public as well as private security forces to protect their facilities, clear land and investigate crimes. Human rights violations committed by these security providers are common. In countries coming out of conflict, managing security needs in a manner respectful of human rights is particularly challenging. Security needs may be high, given the proliferation of weapons and persisting tensions in society, and, at the same time, communities may not trust public security forces due to their role in the conflict. Furthermore, security forces may lack adequate training, particularly on issues related to human rights and acceptable use of force. As a result, security providers are often connected to intimidation, harassment, coercion and death threats.

⁴⁹ World Bank lending arm forced into U-turn after Honduras loan row, The Guardian, 24 January 2014, http://www.theguardian.com/global-development/2014/ ian/23/world-bank-ifc-forced-uturn-honduras-dinant

Fury over Senegal's private land buyers, IRIN News, 24 June 2014, http://www.irinnews.org/report/100258/fury-over-senegal-s-private-land-buyers

⁵¹ D. Valladares, GUATEMALA: Evictions of Native Families Add Fuel to Fire Over Land Access, IPS (Inter Press Service), 29 March 2011, http://www.ipsnews. net/2011/03/guatemala-evictions-of-native-families-add-fuel-to-fire-over-land-access/

If public security providers are deployed primarily to protect the agribusiness investment, local communities may reject the project because of its association with the unwanted presence of the central government. Still, communities that feel they are benefiting fairly from a well-managed project will often help provide security for it in informal ways.

Recommendations to companies

- 1. The company should carefully manage the relationships with the security provider to ensure they are in line with the Voluntary Principles on Security and Human Rights. The company needs to build close and respectful relationships with the community outside the security realm; security providers should not be the primary point of contact for communities when approaching the company site.
- 2. Companies should make sure they are not complicit in human rights violations committed by security forces. The presence of wrongly mandated or badly trained security providers can worsen the relationship between communities and the company.
- 3. Companies can try to influence the overall security apparatus by supporting training and capacitybuilding.

CONCLUDING REMARKS AND NEXT STEPS

This position paper highlighted some of the main ways that agribusiness is linked to peace and conflict. It sought to raise awareness of the issue of conflict-sensitive business practices in the agribusiness sector and underlined some of the current gaps in guidelines and practices. We consider the paper as a starting point for a discussion on conflict-sensitivity for the agribusiness sector. We hope that companies, civil-society actors and policy-makers alike are interested to further the discussion, and share thoughts and comments on this topic. Possible next steps are to include concerns of peace and conflict in existing guidelines and raise awareness among not only companies, but also governments, of these issues. Table 2 below gives a summary of the different risks and impacts that an agribusiness might face in conflict-affected and fragile contexts.

TABLE 2: SUMMARY OF RISKS AND IMPACTS FOR AGRIBUSINESS COMPANIES IN CONFLICT-AFFECTED CONTEXTS

Context

- human rights violations;
- presence of an illegitimate or unrepresentative government;
- lack of equal economic and social opportunity;
- uncertain property rights;
- systematic discrimination against parts of the population;
- lack of political participation;
- poor management of revenues (including from natural resources);
- endemic corruption; and
- chronic poverty.

Risk to companies

- corruption;
- support an unjust tenure system; and
- disregard of displaced or customary rights.

Company impacts

- contribute to displacement;
- aggravate tensions over tenure rights;
- aggravate / cause tensions within or between communities over access to resources and benefits;
- aggravate tensions over land and water; and
- contribute to human rights violations through security forces.

APPENDIX

Guidelines/standards per category

Conflict potential in guideline/standard:

: addressed

: inherently addressed

: not addressed

		Analytical categories						
	Conflict Guidelines (GL)/standards (stds)	Conflict	Land	Water	Wealth sharing	Resource sharing	Compensation	Other
	Operational Policy on Involuntary Resettlement	•	•	•	•	•	•	•
	Performance Standards on Environmental and Social Sustainability	•	•	•	•	•	•	•
	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security	•	•	•	•	•	•	•
	Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources	•	•	•	•	•	•	•
	OECD Guidelines for Multinational Enterprises	•	•	•	•	•	•	•
sp	Principles for Responsible Investment in Farmland	•	•	•	•	•	•	•
Cross-sectoral GLs/stds	International Chamber of Commerce (ICC) Guidelines for International Investment	•	•	•	•	•	•	•
toral (United Nations Global Compact	•	•	•	•	•	•	•
ss-se	Climate, Community and Biodiversity Standards	•	•	•	•	•	•	•
S	Fairtrade Generic Standards	•	•	•	•	•	•	•
	Global Good Agricultural Practice (G.A.P.) Risk Assessment on Social Practice (GRASP)	•	•	•	•	•	•	•
	Sustainable Agricultural Standard	•	•	•	•	•	•	•
	Water Stewardship Standard	•	•	•	•	•	•	•
	Large-scale land acquisitions and leases: A set of core principles and measures to address the human rights challenge	•	•	•	•	•	•	•
	The CERES Principles	•	•	•	•	•	•	•
	Better Cotton Initiative (BCI) Production Principles and Criteria	•	•	•	•	•	•	•
tds	Bonsucro Production Standard	•	•	•	•	•	•	•
GLs/s	UTZ Certified Good Inside Code of Conduct for Coffee	•	•	•	•	•	•	•
ecific	Ethical Tea Partnership (ETP) Standard	•	•	•	•	•	•	•
Sector-specific GLs/stds	Roundtable on Sustainable Palm Oil (RSPO)	•	•	•	•	•	•	•
Sec	FSC Principles and Criteria for Forest Stewardship	•	•	•	•	•	•	•
	4C Code of Conduct	•	•	•	•	•	•	•

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