RECOMMENDATIONS

Use rights mapping to:

- ✓ Understand and manage the links between the erosion of rights, vulnerability and conflict
- ✓ Provide information for early warning of where rights to food, water and land are weak or at risk of change
- ✓ Avoid potential disaster by adopting precautionary actions to reduce vulnerability
- ✓ Monitor how adaptation responses induce changes in rights and social relationships
- ✓ Reduce adaptation costs by building synergies in assessing vulnerability and conflict triggers.

RIGHTS MAPPING

Changes in resource entitlements can disrupt existing social relationships and intensify inequality. When this happens it can trigger or amplify conflict. The risk of conflict is higher when one group becomes privileged over another, or where existing inequities and inequalities are exacerbated. Mapping rights can help avoid increases in conflict dimensions, as such mapping increases the visibility of rights of communities, as well as within and among communities. Rights mapping can be used to avoid conflicts by supporting local and indigenous people and those involved in decision-making to actively guard against rights erosions that increase vulnerability.

Many natural resource entitlements on which people rely for their livelihoods are at risk of change from climate change due to increasing scarcity, drought, floods and other extreme events.[1] In addition, the lack of visibility of local and community rights in climate change adaptation strategies places these rights at risk of change. When rights are 'informal' or not recognized by state law this risk is compounded. For example, where climate change reduces rainfall, pastoralists and those who depend on rain-fed agriculture may lose their rights in favour of those with formal water rights and large commercial interests when dams are constructed. This may happen even where traditionally-held rights are deeply embedded in social systems and in indigenous law or other customary systems and recognized within human rights and constitutional law.

Recognizing these social rights, many of which are also human rights, can support the development and implementation of conflict-sensitive adaptation strategies. The information gathered from rights mapping can support the development of policy priorities and the design of strategies that protect vulnerable groups, avoid increases in risk, and maintain and build coping capacity and resilience. The continual monitoring of changes in rights can encourage the adoption of timely and appropriate actions. Where changes have been monitored over time, they also set the basis for assessing loss and damage from climate change and adaptive decisions as well as a basis for negotiating just compensation.

Rights mapping is an innovative practice that spatially represents the different entitlements held by various stakeholders at the community, national or regional level. This might, for example, include the overlapping rights of traditional healers, women and children to the same plant species for medicine and nutrition. The distribution of opportunities, benefits and costs within a landscape (from local to transboundary), as revealed through rights mapping, shapes the form and intensity of risk that different resource users are exposed to, which can shape their coping strategies to environmental unpredictability and resource competition. Understanding this complexity is essential to ensure that policies do not reduce the right of one group at the expense of another. To reflect accurately the range of vulnerabilities, rights mapping needs to be participatory and locally accountable.

Mapping is typically used to address rights issues and can promote dialogue with others—duty-bearers or with those where there is a dispute over rights, making it an effective tool for avoiding conflict in adaptation

Mapping can be done in two dimensions (a flat map) or in three dimensions (as a scaled model).

Participatory rights mapping includes a range of techniques that allow communities to represent their territories, spatial experiences and knowledge from their own perspective and usually in their own languages.

Rights mapping is important because conflict over 'limited' natural resources is a reality and could worsen under climate change (Brief 1: Conflict Sensitivity).

Conflict includes:

- Intensifying land losses and degradation from rising seas, salination, drought and rainfall variability. In turn, land rights as well as rights to food and water are at risk;
- Increasing the likelihood of civil unrest and conflict as economies and food markets and prices become more unstable than before;[2]
- Diminishing the opportunities of some groups of people relative to other groups as resource scarcities and competition increases. Already in the Sahel, small-scale farmers often plant over traditional migration routes of pastoralists as fertile land becomes less available.[3]

Over the last six decades such conflict has underpinned 40% of all intrastate conflicts—two dozen of them since 1990.[4] Adaptation initiatives could increase conflict because of their redistributive effects. Further, they can inadvertently dismantle fragile social alliances and existing ways of navigating the shared use of natural resources. As the climate changes, resource users may also renegotiate their positions about sharing in response to increasing scarcity from physical changes and from redistributive policies. In some circumstances, as has been the case with shared water resources, conflict could be generated. This is more likely in divided, inequitable and fragile post-conflict societies or regions.

Guarding against and compensating for the loss associated with climate change will need to be part of adaptation strategies if we are to avoid deepening existing social schisms. Care will need to be taken to ensure that adaptation and mitigation strategies do not privilege one group over another by reducing their rights and that adaptations do not result in human rights derogations. Not only must governments respect human rights, they must also take action to protect these rights from derogation and violations by third parties.

The absence of just natural resource governance and conflict go hand in hand

In the Horn of Africa, water policy frameworks that prioritize wildlife tourism, horticulture and agriculture because of their significance for economic development have reduced entitlements of some of the most vulnerable rural people. These policies have effectively pushed pastoralists off their land and denied them access to dry season pastures resulting in conflict between different pastoral groups.[5] For small-scale farmers this has meant continued reliance on rain-fed agriculture, which is highly susceptible to rainfall vulnerability, effectively cementing their food insecurity and vulnerability. Better attention to rights to food and water in decision-making could have helped avoid this. Making and enforcing legal provisions, such as those in the India Forest Act, which prohibit the unwarranted or unjustified diversion of land and water from food production, could help avoid rights derogation and conflicts.

Participatory mapping is time consuming, but it allows for interaction and learning:

- Facilitates intergenerational exchanges and gendered discussion among men and women on their specific relationship to land, water and other resources and related vulnerabilities
- Provides insight into changes that are not immediately evident and therefore help governments and NGOs work more effectively with communities in designing adaptation strategies
- Encourages the adoption of choices that enjoy local legitimacy
- Ensures local and indigenous peoples rights are protected, respected and fulfilled.

Successful rights mapping requires transparency, trust and timing (the 3Ts)

Transparency refers to open, clear and honest communication that does not withhold any information from stakeholder communities.

Time is a critical factor and should not be so constrained by delivery targets as to discourage trust-building and opportunities for information sharing.

Trust is the essential ingredient that allows free communication amongst stakeholder communities and with decision makers.

Diverse experience with rights mapping suggest that it is a useful tool in developing conflict-sensitive approaches to climate change adaptation.

Participatory 3D Modelling (P3DM) is a particular methodology, promoted by the Technical Centre for Agricultural and Rural Cooperation (CTA), to assist rural farmers, women and/or indigenous peoples to represent accurate scaled-models of their territories for the purpose of engaging in spatial planning and associated rights advocacy or resolution of conflicts. P3DM has been used on islands, in seascapes, and works effectively in mountainous landscapes. Flat landscapes do not benefit to the same degree from the 3D aspect.

The Indigenous Peoples of Africa Coordinating Committee (IPACC) has supported several P3DM exercises with members and partners in different contexts around Africa:

- Ogiek former hunter-gatherers mapped the deforested Mau Forest escarpment near Nessuit, Kenya to share their natural heritage knowledge with the younger generation and to demonstrate the impact of uncontrolled logging on the ecosystems and human livelihoods;
- Babongo hunter-gatherers and their Mitsogho farming neighbours mapped part of the Ikobey Commune in Ngounié Province of south-central Gabon to create a platform for dialogue with the government about governance and rights issues in relation to Waka National Park;
- M'bororo herders in the Ba-bokoum District of southern Chad mapped their territory to draw awareness to the impacts of climate change and land-use changes which are threatening to trigger conflict between nomadic herders and sedentary farmers. The maps showed traditional transhumance routes for cattle to reach water which have been closed off by the politically more powerful farmers.

In the Congo Basin, the Rainforest Foundation UK project 'Mapping for Rights' is developing a spatial representation of the presence, land use and rights of indigenous peoples and other forest-dependent communities to present to decision makers such as governments and the private sector. Training the forest people to map their land using GPS devices and mark the areas they use for activities such as hunting and fishing, their sacred sites, and the routes they use to access these areas is seen as a critical part of the process. This GPS data is used to create a definitive map of the land used by these semi-nomadic communities, which can be used to challenge decisions that see them excluded from areas of forest.

The map is not an end in itself, but once maps are created, communities are supported to use them in their discussions and negotiations with decision makers. The maps provide objective evidence that people rely on the land, and how their various substantive rights are associated with it. These maps enable decision makers to see forest community occupation and forest usage in the context of competing claims on the forest, such as logging activities and protected areas.

Policy Pointers

Rights mapping shows that resource users are not all equal and have different coping capacities and capabilities as well as come from different positions of power. This makes marginalized groups more visible, encouraging policy makers to pay particular attention to the most vulnerable groups, and ensure that their rights, particularly to livelihood assets, are not reduced.

Rights mapping during implementation can alert policy makers to unexpected changes in rights and therefore risks and vulnerabilities. Understanding changes in rights and the links to coping capacities can provide valuable insights not only for initial interventions, but for the design of ancillary policies that may be needed to mitigate the unintended consequences of adaptation policy.

Integrating rights mapping within vulnerability assessments and social and environmental impact assessments can illustrate where changes in rights from adaptation aggravate existing vulnerability indicators such as poverty and conflict stressors such as environmental degradation. This can help decision makers better understand possible impacts of their decisions, strengthening integration between poverty alleviation and adaptation.[6]

Rights mapping draws attention to long-standing structural inequities that may have been previously ignored such as issues of land tenure and ownership that increase vulnerability to climate change. This can help improve outcomes for groups previously discriminated against or excluded. For example, after natural disasters women are typically unable to prove title to their property if their husbands have died and therefore are often not compensated.

Rights mapping provides early warning of possible conflict triggers such as inequities in access to water, land or other livelihood assets and this supports precautionary action. For example, the loss of food security (right to food) leads to migration and also livestock raiding.

Rights mapping, by identifying stakeholders' rights, can set the basis for negotiating trade-offs and protecting the most vulnerable. For example, an investigation of conflicts related to the implementation of Zimbabwe's Communal Areas Management Programme revealed that communities resisted because their settlements and agricultural lands would be affected even though there was broad community support for this conservation programme.[7]

End Notes

1 Boko et al 2007

2 Mohamed-Katerere 2014

3 Sayne 2005

4 Sayne ibid

5 Wambugu 2009

6 Mohamed-Katerere ibid

7 Mohamed-Katerere & Ncube 2001

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