Mind(d)ing the land

The relationship between ASM and surface land arrangements in the southern Philippines, eastern DRC and Liberia

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Introduction

- “Indigenous communities are not only displaced by large-scale mining ventures, but also by non-resident artisanal and small-scale miners invading the traditional territories of resident populations. Not surprisingly, both large-scale mining and ASM is often resented by affected communities who, in some cases, never see the economic benefits of the mining but instead lose access to precious land and resources that are integral to their survival” (USAID 2013: 5)

Relationship between ASM and surface land arrangements

a. Who is able to claim rights to surface land and ASM benefits in environments characterized by state fragility and a weak enforcement of formal tenure regimes?

b. What is the basis for such claim-staking? How are claims being legitimated and enforced?
Comparative analysis of 3 cases:

- the Southern Philippines
- Eastern DR Congo
- Liberia

Shared characteristics:

- booming ASM sector
- peripheral areas outside state control
- history of armed conflict
West Africa
Source: UN Department of Peacekeeping Operations, January 2004 — Map shows the Congo's eastern region (North and South Kivu)
Three key findings

1. Relationship ASM actors and local land claimants: not necessarily antagonistic → negotiability, development of mutual benefit-sharing arrangements

- e.g. Southern Philippines: landowners on Mindanao are entitled to a share of the ores + priority access to labor opportunities in high-grade tunnels + possibility to set up processing facilities on their piece of land.

2. Claimants still refer to state-sanctioned legality despite the weakness/absence of state institutions

- e.g. eastern DRC: 7 families of local landowners in Nyabibwe obtaining formal land titles in order to increase their chances of getting compensation for the use of their land by artisanal mining cooperatives.
3. Individuals with good political connections, access to financial resources, and knowledge of bureaucratic procedures have better chances of successfully using legality as an access mechanism.

- e.g. Liberia: artisanal miners backed by a financier and having good connections with local officials of the Ministry of Land, Mines and Energy find themselves in a superior position vis-à-vis customary landowners.
Avenues for further research

- The dynamics of access to land in conflict-affected areas with a high prevalence of ASM
  - Need for a more systematic mapping of the variety of land tenure arrangements in these areas
  - More research needed on ‘who benefits and who loses from instances of negotiability?’ (Peters 2004: 270)

- The relationship between ASM and agriculture

- The feasibility and desirability of formalizing property rights in areas characterized by state fragility