



Responsible Land Governance: Towards an Evidence Based Approach

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ALTERNATIVE DISPUTE RESOLUTION AS A VIABLE TOOL IN LAND CONFLICTS: A KENYAN PERSPECTIVE

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Abstract

Land is a popular asset among a diverse array of citizens and organizations in Kenya. It is a key driver of socio-economic development in the society and the country at large. This is in view of the fact that land has a great potential for economic growth of a country. Individuals, communities and organizations have over the years embarked on investing in land. Currently there are increased trends on the levels of investments and or grabbing of lands for the same purposes. In Kenya, the land sector has been a key driver of the social economic development and as such heavily invested in. This practice on one hand, has allowed genuine investment. On the other hand, this practice has witnessed a high rate of land grabbing by individuals and even organizations. As a result, conflicts have been increasingly acknowledged, a critical factor to the attainment of secure land tenure rights, development, peace-keeping and peacebuilding. In addition, cases resulting from these conflicts have been dragging in courts for years. People are now tired of going to courts to seek redress and justice. This paper seeks to discuss the use of ADR as a viable tool in land conflicts resolutions in Kenya. The paper points out outstanding challenges and opportunities brought about through the application of ADR mechanisms. This paper also provides practical approaches to application of ADR in conflict resolutions. The way forward and conclusions sections draws attention to further research besides offering helpful insights with an aim to aid in resolving land conflicts and even other conflicts outside the land sector. The application of ADR in delivering justice remains researched on and forms a key element in both information seeking and knowledge sharing.

Keywords: Alternative Dispute Resolutions, National Land Commission, Land Rights, Constitution of Kenya, Traditional Dispute Resolutions.

1. Introduction

Alternative Dispute Resolution is a mechanism of solving a dispute out of court. “ADR can be defined as a collective description of process or mechanisms that parties can use to resolve disputes rather than bringing a claim through the formal court structure” (Dutta, n.d.). It is composed of fields such as: mediation, arbitration, negotiation, reconciliation, fact finding, expert determination, private judging. Some fields require expert opinion for instance in determining scientific and or technical matters. Such fields including but not limited to arbitration among others, and as such have expertise. It’s noted that these methods are cheaper and faster to resolve contrary to court processes.

In Kenyan context, Alternative Dispute Resolutions (ADRs) refers to mechanisms or techniques used to settle disputes in a non-confrontational way and it usually operates outside the courtrooms. This approach ranges from negotiations between affected parties, multiparty negotiations, mediation, consensus building, to arbitration and adjudication. Traditional Dispute Resolutions (TDRs) focuses on communities resolving conflicts amongst disputants. This application was live before the advent of colonialism and techniques applied varied from one community to another. Importantly, both mechanisms have been used to manage conflicts since they are effective and closure to the people.

Although several initiatives and advocacy efforts have been made to address land-related conflicts in the country, there are still existing challenges prohibiting amicable resolutions to problems in the land sector. In addressing some of these challenges, the National Land Commission’s management role in public land is noted in the Constitution, 2010. The mandate of the National Land Commission is also noted from the National Land Policy of 2009, National Land Commission Act, 2012, the Land Act, 2012 and the Land Registration Act of 2012. The Acts highlight the seven key principles that the Commission must focus on as provided for in Article 60 of the Constitution of Kenya, 2010. One of the key principle is the application of the ADR and TDR in conflicts resolutions. This is a very important provision in the Constitution because, the

application of ADR in delivering justice remains researched on and forms a key element in both information seeking and knowledge sharing.

The application of ADR and or TDR in organizations and communities has existed since the earlier years. In those days, there were very few courts and therefore, communities resorted to traditional dispute resolutions mechanisms as a way of rendering justice to the afflicted members of the society. Later, over the years, and as society has transformed, courts have been flooded by many unresolved land cases, seemingly replacing largely ADR and TDR. Cases resulting from land-related conflicts have been dragging in courts for years. People are now tired of going to courts to seek redress and justice. As a result, conflicts have been escalating, a critical factor thwarting the attainment of secure land tenure rights, development, peace-keeping and peacebuilding.

2. The Pro

blem Relating to Land Cases in Kenya

It is also important to note that Land disputes related to access, use and control of natural resources are common in all parts of Kenya regardless of the tenure system. These land disputes have far reaching negative effects. Their resolutions in the most effective and efficient way is a critical requirement for sustainable land management and hence economic growth as well as enhancing national unity.

At the time NLC came into office in February 2013, land cases were being referred to courts of law, district and provincial land tribunals and Public Complaints and Resolutions Committee at the ministry of lands. Although verdicts of tribunals and the PCRC were binding they were not taken seriously and in many cases have never been implemented or honoured. In Kenya more than 60% of all court cases are said to be own land related matters. In 2013, the NLC inherited 7000 land court cases from the ministry of lands and from that time, another 2000 cases have been added. Not more than 1000 of these 9000 court cases have been resolved to date. The longest case the NLC was involved in had lasted 76 years by last year, until NLC resolved it through ADR within 4

months. More than 55% of the land court cases have never progressed beyond the mention stage and the average duration of these cases is over 30 years. There was enacted in 2011 the environment and land court Act which ushered in a court specifically to deal with land and related matters with the status of the high court. This has not yet impacted positively on land cases owing to the few number of judges so far appointed to this new court. In addition to prolong delays there are ever increasing legal, loss of witnesses through natural attrition and devalued land parcels restricted by these prolonged disputes.

The establishment and application of ADR and or TDR would provide mechanisms preferred rather than through court processes which take ages to be resolved. They provide speedy resolution of disputes, flexibility, less technicalities, cost effectiveness, ability to involve experts, privacy, saving on courts time, among many other benefits.

3. ADR in Kenya and It's development

ADR is now being recognized in the Kenyan legal framework as the main dispute resolution mechanisms and as such its being institutionalized in Kenya in many areas to facilitate dispute resolutions and settlement including family disputes, civic disputes, commercial disputes, labour disputes among other areas. This is very encouraging, especially in this era where court cases have stalled for decades now. Of critical importance to us is the use of ADR in addressing disputes in the land and natural resources sector. Since the pre-colonial and post-colonial periods, Kenya continues to face increased land-related disputes across the country. It's widely noted that the success of ADR would largely be dependent upon the nature of disputes and the legal mechanisms or institutions in place. This paper focuses on the disputes related to land and natural resources in the country.



Figure 1: NLC Review of Grants and Dispositions

The term development has been viewed differently by different people or entities. Elsewhere this term has been equated to economic growth. Others view development as that process of achieving stability in the society. The same society becomes just and prosperous and the people in these societies enjoy freedom and security with better living standards. In the context of ADR, development denotes human freedoms. According to Sen (as cited by Husain, 2015), “development is the process of expanding the real freedoms that people enjoy. Access to justice is a freedom that is essential as it helps in advancing and safeguarding other freedoms. Access to justice can expand people’s capabilities to avoid deprivations, denial, violation or infringement of their other freedoms and rights such as freedom from hunger, diseases, political representation etc. (Sen, 1999).

According to UNDP (2011), “Dispute resolution should give the underprivileged people opportunities to participate in the decisions that are most important to their life and link them

to the mainstream of modern society. Such system should be easily accessible, cost-effective and expeditious in delivering justice. It is for this reason that human development has as its central focus the concerns of disadvantaged people.”

History notes that there has never been reported major development in situations susceptible to violent conflicts. In situations where ADR and court processes have been applied, socio-economic development has been embraced. The concept of ADR introduces effective and efficient ways to manage and expedite conflicts and disputes. This is almost the only guarantee to economic growth of a country.

4. ADR and Access to Justice in the Land Sector

Access to justice in Kenya is essential to effective and efficient administration of land. ADR and TDRM processes contribute to an enhanced access to justice by all, especially the poor. Enhanced access to justice strengthens the rule of law. Existing literature on development studies has shown a correlation between the Rule of Law and levels of development (Husain, 2015; K. Muigua & Kariuki, 2015). Both avenues provides for justice to the affected persons. However, ADR remains an imperative strategy that ensures that all the persons enjoys their rights and freedoms enshrined in the Constitution of Kenya.



Figure 2: Members of a Community following a determination of their case through ADR Mechanism

Due to bulkiness of the court cases in Kenya, the existing legal frameworks have recognized the use of ADR in aiding the resolving of those disputes relating to land and family matters. Unlike the justice provided through the rule of law whereby disputes are resolved or settled objectively through a court process in accordance with the predefined rules and procedures of the courts, on the contrary, ADR provides for peaceful settlement of disputes objectively outside the courtrooms.

Regardless of the forms of legal systems in place, peoples' rights are guaranteed and enforceable when they have access to justice. People feel more secure and empowered. As a result of this, economic, political and social freedoms becomes widely enjoyed by the legally empowered society and they can be able to make sound decisions.

It's also noted that access to Justice in Kenya is extremely expensive and therefore has been left to those who can afford. For those who can't afford, their cases keep on dragging in the legal institutions. To make it easier for the public who are majorly the poor to access justice, it has become imperative to explore ADR as a viable tool in land conflicts and disputes resolutions. ADR is increasingly becoming an option to facilitation or accessing land and natural resources justice in Kenya. The usage of ADR as an alternative to court system way of offering justice, provides for cost effective, speedy and less formalistic resolutions to conflicts within the aggrieved parties.

The Constitution of Kenya (CoK) 2010, under Article 159 provides for alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional resolution mechanisms which shall be promoted as long as they do not contravene the Bill of Rights and are not repugnant to justice and morality or inconsistency with any written law. Section (1) of the same Article provides that judicial authority is derived from the people and is vested in, and shall be exercised by, the courts and tribunals established by or under the Constitution of Kenya. In exercise of that authority, the courts and tribunals are to ensure that justice is done without delay and administered without undue regard to procedural technicalities.

Recognition of ADR and traditional dispute resolution mechanisms is guided by the cardinal principles to ensure that justice is done to all and that every person has access to it whether within the courts or in other formal or informal fora, Justice shall not be delayed, that justice shall be administered without undue regard to procedural barriers that bedevil the court system. The aim being that disputes are resolved expeditiously.

The Constitution of Kenya (CoK) 2010, under Article 189 (4) also has extended the scope of the application of ADR and or TDR in Kenya. It states that the National legislation shall provide for the procedures to be followed in settling inter-governmental disputes by alternative dispute resolution mechanisms, including negotiation, mediation and arbitration. These provisions in the Constitution are just but key necessities that form the legal framework for the applications of ADR in dispute resolutions in Kenya. This particular Article presents the relevancy of ADR in not only resolving disputes related to land and family matters, but by a large extent broadening the

application for ADR to apply to all disputes within the confines of the Constitution of Kenya. Therefore the acceptance of ADR as a means of disputes resolutions, is a clear demonstration of the legal reforms and milestones being undertaken to ensure justice for all.

5. ADR Applications: Roles and Uses

The entrenchment of the ADR and TDR in the Constitution of Kenya, 2010 and their subsequent application is borne out of the recognition of the diverse cultures in Kenya. These cultures rise from various communities as the foundation of the nation and cumulative civilization of the nation and the people of Kenya. As such, the ADR and TDR mechanisms are usually entwined within the Kenyan Communities and cultures. The Constitution also gives protection to these cultures and therefore making it the most preferable methods of resolving conflicts and other historical injustices.

An ongoing case study of select group of ranches in Kenya, its noted that for instance, The court process/ system has been quite expensive in resolving conflicts especially the natural resources based conflicts among pastoral communities in Kenya. History informs us that such conflicts are built with very complex cultures. The cultural dimensions are most often difficult to deal with. In this case, formal mechanisms of disputes and conflicts resolving and management doesn't address the conflicts. Any attempts causes further conflicts. To this end, ADR mechanisms are flexible, expeditious, and cost-effective. Besides offering justice, these mechanisms foster good relationships. As it would emerge, the outcomes is a mutually satisfying results, acceptable by all. They are thus the most appropriate and a convenient way of accessing justice. Furthermore, they are closer to the publics than court systems which besides their geographical location are characterized by backlog of cases in courts.

In the land sector, the National Land Commission has embraced a form of ADR which it carries out in the review of grants and dispositions, to hear land-related cases and make a determination. Under this setup, ADR have been very effective and efficient mechanisms in managing land related disputes. Their declarations and resolutions are legally binding. A case in point where ADR would have been applied is the disfranchised Endorois community's land rights. In this case

Endorois was fighting against violations resulting from their displacement from their ancestral lands without proper prior consultations, adequate and effective compensation for the loss of their property, the disruption of the community's pastoral enterprise and violations of the right to practice their religion and culture, as well as the overall process of their development as a people. On the contrary, the application of ADR wasn't given any priority. Instead, the court process was applied duly, which was long and very costly (D. K. Muigua, 2015).



Figure 3: Endorois lands, Baringo County

To make access to justice achievable in the land sector, it is imperative to explore ADR as a viable means of addressing land-related disputes. ADR being an alternative access to justice has been associated with benefits including providing cost effective, speedy and less formalistic remedy to the aggrieved party and that is appropriate to the particular land-relate cases. This is important

due to the fact that, Informal justice systems are associated with being: timely and effective: impartial and free of improper influence; and respectful and protective of fundamental rights.

The application of ADR could relieve congested court dockets while also offering expedited resolution to parties that are in need of justice. Second, ADR techniques such as negotiation, mediation and party conciliation could give parties to disputes more control over the resolution process. The flexibility of ADR is also said to create opportunities for creative remedies that could more appropriately address underlying concerns in a dispute than could traditional remedies in litigation (K. Muigua & Kariuki, 2015).

6. Current Challenges in the Adoption of ADR as a viable tool for Disputes Resolutions

To begin with, the promulgation of the Constitution of Kenya (CoK, 2010) was as a result of the much sought after of a society based human rights, democracy, equality and freedom among others social justice values. This is because Kenya's history is one that is marked with human rights violation, inequality, curtailed freedom, autocracy, social injustice and more often than not, lack of the rule of law. There have also been widespread ethnic, political and even inter-clan conflicts which takes place from time to time. The effect of these conflicts is the much witnessed underdevelopment and as such poor and or stagnated economic growth in the country, despite the fact that largely Kenya enjoys potential socio-economic developments (D. K. Muigua, 2015).

The situation summarized in the foregoing paragraph explains why the country experiences the challenges that faces it particularly on land matters. It's pointed out that land ownership and use and or the absence thereof has always been linked to poverty and or improved livelihood for the people of Kenya. It's not surprising, therefore, that land since the pre-independence (colonial periods) has been the subject of disputes. Yet again, it's not surprising as revealed in the report of the Truth, Justice and Reconciliation Commission that since the colonial times to the present day, land has been the subject of myriad state managed policy and legal relations. No wonder the formations of several Commissions of enquiry on matters land!

In order to understand the root causes of land-related disputes, one need to trace the problems of land acquisition, ownership and use to the pre-colonial period. This is important because, by understand the causes, only then can one appreciate the present land-related disputes. Only then, can the alternative disputes resolutions mechanisms can be viable in efforts to resolving land-related conflicts.

Understanding the root causes offers better opportunities and room for the use of ADRs to thrive without major objections in favour of the court systems. In this case the majority who are the poor would be denied justice. For instance, it is evident that access to justice in Kenya especially for the poor and marginalized groups of persons is still a mirage. This is due to the fact that access to justice is not just about presence of formal courts in a country but also entails the opening up of those formal systems and legal structures to the disadvantaged groups in society, removal of legal, financial and social barriers such as language, lack of knowledge of legal rights and intimidation by the law and legal institutions. Arguably, this has not yet been achieved in our country and the result is a poor people who are often condemned to a life of misery without any viable recourse to alleviate the injustices (D. K. Muigua, 2015).

Even though ADR use is gaining popularity, with the backing of the Constitution, there is likelihood of hesitation from certain quarters to making ADR a larger part of the litigation strategies. In addition, lawyers are known to receive argumentative trainings. Their involvement in administering ADR processes be it be in the land-related disputes or other conflicts, may greatly jeopardize conflicts resolutions. This is a major concern in the sense that, ADR use in resolving disputes involves dialogues that are not defensive in nature, but rather involving all the parties concerned.

Again despite ADRs' historical nature, over the years their usage faded away. Its enactment in the 2010, Kenyan Constitution, made its promotion and usage a comeback. And as such, their application legally currently is at an infancy stage. This then implies that the actors/ administrators of this ADR in efforts to resolve land-related disputes would still be learning about the processes, their benefits and how they work.

Further to that, the use of ADR is appropriate to certain types of cases. Largely ADR application is not appropriate to cases such as criminal and murder cases. This is therefore limiting to the extent which the use of ADR in conflicts resolutions that leads to murder for instance (McAdoo & Hinshaw, 2002).

Key challenge in relations to ADR application is the public's perceptions and ignorance on the existence of ADR in the present form. Majority of the members of the public are largely unaware of ADR as a legal system as opposed to their traditional or informal understanding. Very few are familiar with ADR, the public mostly are aware of Traditional Disputes Resolutions which largely focuses on family matters.

7. What has NLC done so far?

The following has been achieved since inception of NLC since 2013:

- a) NLC entrenched adopted and applied ADR in its work programme
- b) Formulated and published guidelines and regulations on ADR
- c) Resolved more than 800 land cases and conflicts across the country
- d) Enabled warring communities and individuals to benefit from use of plans thus contributing to the economy of the country through land development
- e) Assisted formal courts in making informed decisions at a faster rate facilitated by the reports and evidence from the Commission
- f) Reduced costs of fees and transport to litigants given that NLC's ADR is free and usually carried out at the local level, mostly on sight.
- g) The Commission has freed land for development after having held captive for decades in courts of law.

8. Opportunities and Way forward

Conflicts have existed in all our cultures, religions and societies since colonial era. Because of this, conflicts are an integral part of human relations. It's possible that we cannot run away from the past problems. The historical background of land in Kenya, the origins of land tenure (acquisition, ownership, use) and other land-related problems, cannot be erased in the history of Kenya. The whys and hows colonial land policies and practices generated land-related problems, land scarcity and landlessness that have over the years caused land conflicts among Kenyans is just but a constant reminder of how grave the situation of land is in Kenya. However, these historical

problems presents great opportunities for Kenya! The problems provides opportunities for suitable measures to be designed in light of the identified injustices from their very origins. Best among such measures, ADR stands out as key to disputes resolutions mechanism! It presents a platform for effective management of conflicts and to deal with the disputes in such a way that would prevent escalation and destruction resulting from conflicts. ADR is growingly becoming an answer to the needs of the judicial system in Kenya.

It's possible then to realize the right to access to Justice in the land sector through the adoption and actualization of the use of ADR as articulated by the Articles 159 and 189 respectively of the Constitution of Kenya, 2010. Certain ADR mechanisms, such as facilitated negotiation, conciliation, mediation, and regulatory negotiation are particularly suited to bringing stakeholders together to reach consensus on development initiatives (Husain, 2015).

The principal focus should be on considering how existing justice institutions, including ADR institutions, contribute to a country's development objectives and the framework of the Millennium Development Goals. Working on the basis of an existing system, one rooted in local needs, values, and customs, is the most likely way to achieve a sustainable desirable result (K. Muigua & Kariuki, 2015).

The application of ADR aims at strengthening the existing rule of law in the country. It has been argued that strengthening the rule of law, enhancing access to justice on land matters informally (i.e. ADR, and TDR), addressing and resolving disputes is an essential indicator to increased security as well as stable economy. Though ADR, mediators would play valuable roles in resolving land-related disputes and in the process facilitate a negotiation process in cases whereby there exists violent conflicts. They would help the parties concerned to focus on their essential interests rather than defend fixed positions (Shamir & Kutner, 2003).

In order for the application of ADR to be effective and play an important role in the judicial system and beyond the court rooms, it's very critical for the policy makers to have an understanding of how this system works and more importantly to be able to understand what is happening in real life situations. This means then that evaluation of this program is vital. This will help determine

where or not ADR are achieving their set objectives. Going forward, the ADR programs / mechanisms will become routine part of the court processes.

Under Article 159 of the Constitution of Kenya, 2010, the Judicial authority and legal system is derived from the people and vests in, and shall be exercised by, the courts and tribunals established by or under this Constitution. In exercising Judicial authority, the courts and tribunals shall be guided by the set out principles among them the promotion of alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms. These alternative forms of dispute resolution shall be subject to clause (3) which states that Traditional dispute resolution mechanisms shall not be used in a way that—

- (a) contravenes the Bill of Rights;
- (b) is repugnant to justice and morality or results in outcomes that are repugnant to justice or morality; or
- (c) Is inconsistent with this Constitution or any written law.

This provisions in the Constitution are essential in handling court cases. Why? Because it provides an opportunity for the judges and lawyers to advise their clients of the availability of the ADR options. With this option, the clients and or community becomes aware of ADR's benefits and as a result opt to use ADR processes instead of using the court processes due to large volume of cases and the length of time taken from filing petitions to getting justice, not forgetting the cost implications that are too expensive for common mwananchi to afford. As such, there is a lot of time and money saved.

Through the application of ADRs, there has been reported a high settlement rate as compared to court process. This aspect makes ADR use in Kenya have a promising future due large number of individuals and groups favouring its application. The use of ADR will continue to grow.

9. Challenges faced by Implementing ADR

Many people in Kenya are now turning to the Commission's ADR mechanisms as a result of the confidence gained over the last 4 years. Many instances can be cited where litigants have agreed to offload the court cases to NLC. Challenges that have been encounters include the following:

- a) A large number of unresolved land cases across the country on diverse matters e.g. boundary disputes, inheritance disputes, fraud disputes, historical injustices etc.
- b) NLC does not have enough resources to go round the country to listen to all cases, yet the demand for this service is overwhelming.
- c) Lack of proper information and reluctance by land officials and witnesses to volunteer information remains major impediments.
- d) Resistance and hostility from lawyers who view NLC as interfering and taking away their businesses.

10. Conclusion

It's important to note that land ownership before the advent of colonialism in Kenya, various indigenous ethnic communities in Kenya, and occupied distinct territories in various part of the country. During these periods, communities moved freely to other areas to allow already utilized land to generate. These communities would then move to areas distinctly identified by their presence wherein land was allocated by the elders depending on the need. At this point it's important to note that the communities' need for more land was identified and collectively satisfied through expansions to unoccupied areas. There was peace and communities lived peacefully, perhaps because the populations were relatively low! What stood out was how land related problems were addressed.

According to the report prepared by the truth, Justice and Reconciliation Commission, there is no known case of any individual member of a community or family within a community in need of land that the community elders could not satisfy. There is also no known case of land-related conflicts that arose between individuals, families and communities that the elders could not address conclusively (Truth, Justice and Reconciliation Commission, 2013).

There was peaceful co-existence within communities. Issues to do with Land tenure (acquisition, ownership, use) were amicably addressed. It's only after the advent of colonialism that this best practices changed completely to the present day. History shows that during colonial times, the

situation changed. This was inherited after independence. The regimes that took over government, individuals and groups of individuals distorted those communal practices in ways that have far reaching consequences in the livelihoods of the people of Kenya to date!

As such, there are close linkages of land-related injustices and ethnic conflicts in Kenya. Among those outstanding injustices, Land related conflicts, remains key prominent factors that continues to precipitate land disputes within communities in Kenya.

From the foregoing discussions in this papers, it was noted that, since pre-colonial and post-colonial times, and until the present times, land-related disputes and grievances resolving have not received political good will from the past and present government regimes. By extension, policies formulated often failed to amicably address such issues.

However, with the promulgation of the Constitution of Kenya, 2010. The application of ADR as alternative mechanisms to addressing and resolving land-related disputes in Kenya was provided for in the Constitution. ADR recognition has come at time when land reforms is critical to socio-economic and political development in Kenya. Its application, will go a long way in helping the courts reduce the bulk of court cases on land and land-related activities.

Besides, the applications of the ADRs, the success of the ADR as a mechanism for addressing land-related grievances, and to making the country stable, there must be political good will and the willingness of the political actors to aid in addressing these grievances. The establishment of the National Land Commission is a major step towards land reforms in Kenya. The Commission's role in addressing land disputes in the country, can only do much if these actors show the willingness to support it to addressing these grievances. There must be commitment from these actors and importantly, the Judiciary.

There is also a need for introduction of key skills required for ADR. Those to be given the responsibilities to champion ADRs, must be empowered/ trained to be able to facilitate ADRs use in the land sector with particular attention to their important role in addressing land-related disputes.

There is need to consider different cultural expectations of different communities in Kenya. Such cultural expectations would entail aspects such as; national, regional, and religions among others. Ethical aspects also would be vital to be given consideration since ethical problems may arise.

Conflicts is endemic and can be dangerous in the society, individuals and groups. Its management is therefore very important. If left unmanaged, lots of damages could be caused particularly in the land sector. In view of this, the application of ADRs is one of the various land-related disputes resolution approaches to addressing land and land-related activities conflicts.

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