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COMPARISON

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Property Regimes in the Context of War and Displacement: Chad, Croatia and Azerbaijan in comparison¹

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Abstract

Property regimes are about people and relations among them as well as about values and norms and their enforcement. Surprisingly, these have been discussed primarily within ordered and peaceful political contexts. In this paper we discuss three case studies where war, violence and displacement have been impinging upon property regimes. We explore the effects of war and displacement on the norms, values and practices of property and look at consistencies in the ways property relations and practices are shaped in conflict situations. The discussion of these issues starts with case studies from Chad, Croatia and Azerbaijan, goes on to display the specificities of violence and displacement in each case, and ends with a comparative discussion of how notions of land and housing as territory, as a scarce resource or as an economic resource are articulated differently under different experiences of violence and displacement.

¹ This paper is based on research carried out in Chad (Andrea Behrends, in 2000-2001), Croatia (Carolin Leutloff-Grandits, in 2000-2001) and Azerbaijan (Lale Yalçın-Heckmann, in 2000-2002) and addresses some of the issues of the authors' respective projects at the Max Planck Institute for Social Anthropology. The paper has been developing since 2002, first as a comparison of the Croatian and Azerbaijani cases for a brief paper at the AAA meeting in New Orleans in 2002. We had numerous readers and commentators on the paper and on its numerous versions; most recent comments have been made by John Eidson, Chris Hann, Bettina Mann and Frances Pine. Keebet von Benda-Beckmann provided the final thorough critical reading; we extend our thanks to all of them.

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Introduction

It has long been agreed in anthropology that property relations are social relations among people with respect to things (Malinowski 1965, Davis 1973, Hann 1998, Hunt 1998). In his revisit to the concept of property relations Chris Hann underlines the importance of looking at property relations using the term in a broad sense, since they are about “the total distribution of rights and entitlements within the society, of material things and of knowledge and symbols” (Hann 1998: 34). Seen from this perspective, property relations have been described using the metaphor of “bundle of rights”, that is, they entail separable rights and obligations over certain objects, knowledge and symbols, of usage, transfer, ownership and inheritance. Katherine Verdery points out another dimension of property relations and states that “a property regime entails determining *who* (what kind of actor) *should* have what kind of access (through what sorts of relations) to what sets of values and how these ‘shoulds’ are to be enforced” (Verdery 2000: 96; italics in original). In other words, property regimes are about people and relations among them; about values and norms and their enforcement.

The complexity of property relations and the problems of methodology in analysing property relations have been elucidated among others by Franz and Keebet von Benda-Beckmann (1999). They draw attention to the fact that the existing categories in social, economic and legal studies used for the analysis of property are inherently “connected to specific social and economic functions”, and that these categories assume the supremacy of the economic function of property. This cannot be generalised for all societies. Since property relations “become manifest in different kinds of social phenomena” (F. and K. von Benda-Beckmann 1999: 20ff), the authors suggest analysing them using four analytical categories: “cultural ideals and ideologies, more concrete normative and institutional regulation, social property relationships, and social practices” (ibid: 22, 29-35).

In his extensive study of property relations within economic anthropology, Robert Hunt has already indicated an important shortcoming of the common framework used for understanding property: “Our folk system of thinking about property is anchored in the peace of the jural system: the jural system is about peaceful resolution of disputes. Violence is defined as disorder. In consequence we are not usually attuned to thinking about property in the context of violence” (Hunt 1998: 16). The specific question we raise in this paper, hence, is what happens to property regimes in a situation of war and forced displacement? Wars may be considered “forms of domination”, as some have argued (Reyna 1994), or they may be inherently interconnected with economies, as others have proposed (Lutz and Nonini 1999), yet all those actors, relations, norms and values which are part of a social system and a political economy and are articulated in property relations among others will be largely

ruptured if subjected to a war situation. In situations of war the ‘whos’ and ‘shoulds’ as well as the social practices mentioned by Verdery and the von Benda-Beckmanns above would all be redefined and the property regimes would ultimately be recast. Our working hypothesis, therefore, is: In a war situation property regimes are restructured in a consistent manner. The consistency we primarily seek in the ways war and displacement relate to the differentiated treatment of the rights over property, and to the development of differentiated discourses and interpretation of territory and land. Furthermore we will look if there is consistency in the ways in which losers and winners in war relate to property and if so, to which types of property. By comparing three different countries, therefore, we hope to see if the way(s) property regimes are affected by war situations can be generalised.

In our comparative and explorative analysis dealing with property regimes in conflicts, war situations and post-displacement, where we have to consider violent ruptures and contestations as well as norms and social practices, the four layers of analysis suggested by the von Benda-Beckmanns (1999: 22) are incorporated into the first two headings with which we chose to proceed our discussion:

- I. States and the Localities of Displacement
- II. Society and Political Economy
- III. Scales and Types of Violence, Destruction and Conflict
- IV. Emerging Property Regimes

The first two headings are meant to cover the ethnographic background and a selection of topics from the cases under study. The next two headings address the comparative issues. From the layers suggested by the von Benda-Beckmanns, we discuss “cultural ideals and ideologies” and “normative and institutional regulations” under the heading “States and the localities of displacement”, and “social property relations” and “social practices” under the heading “Society and political economy”. Such a modification of analysis is necessary in order to account for the rupture through violence and to assess the emerging character of property regimes. The aim remains, following the von Benda-Beckmanns, to show how these layers are interwoven into one another, to what degrees the layers are harmoniously related or opposed to one another (*ibid.*) but also to show how they are disrupted by violent conflict and displacement.

The cases we will discuss are from Chad (Andrea Behrends), Croatia (Carolin Leutloff-Grandits) and Azerbaijan (Lale Yalçın-Heckmann). In some ways these cases differ immensely from one another: Chad is one of the world’s poorest states, is and has long been a “Third World” country; it has been experiencing natural disasters and violence for decades

and in a sense much longer, if one includes pre-colonial raiding and slave trading.³ Croatia, as part of former Yugoslavia, and Azerbaijan, as a Republic of the former Soviet Union, were part of the socialist “Second World” and as such each had a self-image of being a part of the “developed World”, and being even in competition with the “capitalist West” in terms of development and civilisation. Socialist Yugoslavia again shared many similarities with Western European states and societies, with industrialised, even if dependent, economies and with relative stability until the end of the Cold War. In other ways, however, in all these countries the people have shared similar significant and dramatic experiences of violence and war, internal and external flight, economic decline, especially since the 1990s, and dependency on external actors. Even if these cases may be difficult to compare in their details, we are encouraged by the path followed by other scholars such as Pauline Peters (2003) who strongly recommends such comparative approaches across continents and different political regimes going beyond the local embeddedness of property regimes.⁴

The case studies we compare here are based on studies of regions not necessarily typical of the countries they are part of; nor are the conflicts the three countries have been experiencing easily reducible to a single model. Moreover, we are comparing two predominantly rural (in Chad and Azerbaijan) and one primarily urban region (in Croatia). That is why, for instance, even if we compare property regimes in general, the subject matter in Croatia is more one of housing property and access to this type of property while in Azerbaijan and Chad the access to land for agriculture and pasture is more important. Nevertheless, despite the regional focus and the differences in terms of the significance of one type of property over the others, the cases are useful for focusing on the theoretical issue of the meaning of property as territory and as an economic resource in war situations. The fact that land is not only a factor in production and the economy (as argued in capitalist and socialist theories) but also has symbolic and non-economic meaning as territory has been emphasised in studies on localities, space, identities, state formations and war. We would like to refer to both of these debates, i.e. land as an economic factor and land as territory, without necessarily assuming an inherent

³ The long term natural and manmade disasters in Africa have been described, for instance, by Benjaminsen and Lund as causing deeply embedded uncertainties, affecting the notion of and attitudes towards property: “Uncertainty is a key feature when people engage in efforts to organise power and authority, when they negotiate property and when they invest labour, skills and capital in production” (Benjaminsen and Lund 2001: 10).

⁴ Pauline Peters, in a paper presented at the conference on “Changing Properties of Property” at the MPI for Social Anthropology in Halle/S. (July 2003) titled “Beyond Embeddedness: A Challenge Raised by a Comparison of the Struggles over Land in African and Postsocialist Countries” encouraged anthropologists to engage in debates with economists, political scientists and area specialists over questions dealing with property regimes by emphasising not only the “contingency, flexibility and negotiability” of embedded cases but also by bringing forth similarities beyond differences of history, culture, climate and types of production, especially by focusing on the winners and losers of property regimes and showing the processes that limit the negotiability and flexibility in these systems. See also Peters (2002) and other contributions to the volume edited by Juul and Lund (2002), which deals with the possibilities and limits of “negotiating property in Africa”.

opposition between the symbolic and economic values of land. More specifically, we concentrate on those instances when and where the symbolic meaning (territory) seems to carry more weight than the economic value (land). In cases of displacement and loss of land, where, when and for whom does the symbolic value of land seem to prevail over its economic value? And what does this say about the meaning of land in property regimes in general?

I. States and the Localities of Displacement

In the following section we provide background information on the regions of study in Chad, Croatia and Azerbaijan. The themes covered range from a general introduction to the history and politics of the respective states, the general demographic and socio-ethnic structures of and change in the region, to a synopsis of the development of property regimes in these countries and regions.

Dar Masalit, Chad

The History of the Region

The research site of Andrea Behrends lies in Central Africa, in the Chad-Sudanese border region of Dar Masalit, around the border town of Adré. In her research on ethnic conflict and integration, she concentrates on emergent power relations and social change after recent refugee movements from the Sudan into Chad. Historically, this particular region was characterised by its position as a buffer zone between two powerful sultanates: Darfur, today in the Sudan, and Ouaddaï, today in Chad. The people who originally inhabited this region, the Masalit, a sedentary farming group, kept shifting their loyalties between these two powerful neighbours. Even today, they regard the border less as a barrier between the two nation-states, than an opportunity for gaining safety during the continuing upheavals, rebellions and fighting which have been taking place on either side of the border over the last decades.

In the colonial period of the late 19th and early 20th centuries, the situation in Dar Masalit was influenced by the population's struggle against the French; by international agreement the region of the Sultanate of Dar Masalit was assigned to the British after 1912. It was then that the fourth Sultan of the Masalit ceded the western part of his country to Chad, which was at that time under French rule.

The border region between Chad and the Sudan has been controlled by Chadian and Sudanese military under changing regimes since independence from British-Egyptian and

French colonial rule (1953 in the Sudan and 1960 in Chad). But the local people have continued to cross the border back and forth looking for work during the dry season or in cases of famine and violent conflict. Although nominally democratic, Chad has remained under the control of the state military forces, which consist almost entirely out of soldiers from the president's own ethnic group. The Sudan is characterised by its fierce racist politics and policies of Arabisation, which led to civil wars. Today there exist separatist groups in the south and there is an urgent need for international involvement to deal with the Sudanese state's neglect of the west of the country. The neighbouring states of Chad and Sudan and their respective national governments are and have been connected by political interests, as well as local border trade, which is regulated by military forces, traders and rebel groups.

Local, national and international actors have taken interest and participated actively in the political and economic processes of this border region. International agencies such as the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) first intervened in the region during the drought and famine periods of the early 1980s. Famine as well as violence instigated by the military caused large population movements from Chad into the Sudan during the late 1980s. In 1990 today's president of Chad, Idriss Déby, initiated a coup d'état from Western Darfur in the Sudan via this border area down to the Chadian capital of N'Djamena about 1000 kilometres to the west. Thereafter, the situation in Chad more or less stabilised, and the UNHCR returned to the region in 1998, this time working on the Chadian side to help refugees fleeing the violence and war on the Sudanese side of the border.

The Social and Ethnic Groups in the Region

The refugee movements were caused by continuing clashes in the border region, which probably have their origins in conflicts between farmers and herders over wells and grazing/farming land, but which have been aggravated, as many observers state, by the present Sudanese government's policies. The latter favour the Arabs over the autochthonous groups such as the Masalit, the Fur, the Zaghawa and others in local politics in matters of access to political office and distribution of land, among other aspects. The three main groups of actors in the Western Darfurian conflict are a) the autochthonous "African", primarily sedentary and farming groups; b) the "Arab" settlers, who began inhabiting the area some fifty years ago due to droughts in their home area further to the north and who are still primarily cattle and camel herders; and c) Arab "militia", armed gangs of nomadic horsemen. The militia are not from the region they attack and are thus not familiar to the people of the region. The Masalit stated that the attackers were brothers of those Arabs living in their

neighbourhood, but came from further up north. Still, no-one could say where they actually came from. As the central Sudanese state could not control problematic areas of the country with its own military forces alone, the militia originally had the backing of the state, which equipped them with horses and guns. Later, however, they seem also to have begun acting more independently. Although the Masalit of the border region know that their settled Arab neighbours were not themselves the aggressors, they still have the impression that the Arabs hosted and helped the militia. Thus when the Masalit retaliated against the aggression of the militia, this was directed mainly at the settled Arab herders, forcing them to flee across the border as well. As a result, formerly cordial relationships between the Arab settlers and the autochthonous groups have come to an end.

These groups vary in their relationship to the national states of Chad and the Sudan. The Masalit and other autochthonous groups in Western Darfur feel unwanted and hence a target of the Sudanese politics of Arabisation. Unlike the Sudanese regime, the present Chadian regime is not openly racist, but the Masalit still have a difficult position because of their assumed attachment to the former Chadian dictator Hissein Habré, who was ousted by the present president Idriss Déby in the 1990 coup d'état. The Arabs are favoured on the Sudanese side by the national and local government. In Chad they gained easier access to the local government, which, like the military, is made up mainly of ethnic Zaghawa, possibly because of their indirect support of the coup d'état, when they fought the forces of the former president Habré.⁵ Today, banditry and armed conflicts are still frequent in the region and arms are traded back and forth across the border. The strong military presence on both sides of the border makes this very rural and seemingly peripheral region an area of central concern to both governments in terms of national security.

Rights to Land and Water

Land ownership in Chad today seems to be based on the principle of "first come, first served". The colonial practice during the British-Egyptian era in the Sudan did not influence the then existing forms of ownership and inheritance; while in Chad, almost no signs of clanship, nobility or other former class structures are still visible today. There, at least in rural areas and villages, land ownership goes back to the founders of a village who then passed the land on to their children or gave it to new settlers. The land is used almost entirely for farming and housing, more rarely for herding cattle and goats. Farming is divided into millet farming on the sandy land of the country and dry season gardening in the riverbeds (*wadis*). These have

⁵ The Arabs fought Habré's troops not in order to help Déby, but because of conflicts between Habré's soldiers stationed in the area and their own people.

water near the surface even in the dry season. Land in the *wadi* and land close to a village is generally of higher value than land farther away where the harvest can only be carried back to the village with much difficulty. It can be observed that the better allotments of land belong to the children of the first settlers and founders of a village; the land distributed to more recent settlers is mostly that which is further away. This was also the case for those refugees who came more recently to Chad from the Sudan and needed a place to stay. They went to the village chief or to the imam of the village and were given space for houses and fields.

The Masalit have clear ideas about what land belongs to whom. Fields and houses are demarcated by trees or bushes; hills and valleys of the sandy savannah landscape also serve as markers of delineation. The land that was originally owned exclusively by the farming population of the Masalit has recently been contested by incoming, formerly nomadic groups. About fifty years ago, a large number of Arab groups, who in the past came only during the dry season to the Masalit region, started to settle in close vicinity of the Masalit villages. They were given space for their houses,⁶ small fields, and most of all, shared access to watering holes for the cattle they brought along. This land was further away from the best farming land and from the fertile riverbed gardens, on the sandy hills and dry plains which the Masalit did not value much for farming. Masalit and Arabs have been living together thus without the latter claiming any ownership rights to the land; they have been content with their use-rights. The Masalit said that they always knew who was living on their land, and if the Arabs left, the use-rights land would automatically revert back to them. Recently this implicit agreement was contested, when, after a new outbreak of violence in 1995, the Arabs had the ruling sub-prefect declare the land on which they were settled as belonging to them. The Masalit do not regard this declaration as valid, but this conflict has as of yet not broken out openly.

The sub-prefect is the governmental authority responsible in matters of conflict over ownership or use-rights of land. Local land matters normally do not reach an authority higher than the level of the prefecture. But if a conflict does reach these authorities, the central government becomes immediately alert, since the situation on the international border makes the area sensitive to central politics. Any rebel movement or trade in arms is a potential threat to the regime, and thus political instances ruling the region are particularly close to the

⁶ Both the Masalit and Arabs live in houses made of branches and millet straw; the Arabs also use branches and plastic covers for their temporary houses. They all build their houses, which do not cost much, themselves. The land for building the house is usually given within the community, without discrimination of one group or the other. The Masalit tend to live in compact settlements, but on larger plots of land. The Arabs live more closely together, but as segregated groups according to family and clan. They need and have more space around their houses in accordance with their pastoral economy and tradition of animal husbandry. From the outside the houses of the two groups are hard to distinguish, but inside the Arabs display all their wealth, while the Masalit' houses are rather functional. Although houses are definitely for individual property, Behrends has not come across a case in Dar Masalit where this ownership was contested, except maybe in cases of internal family conflicts.

president and his lineage. This became obvious when the first prefect of the recently installed prefecture of Asounga, to which Dar Masalit belongs, tried to settle a land dispute between a Masalit and a Zaghawa. Being himself Masalit, the prefect was immediately transferred to a prefecture close to the Chadian capital N'Djamena, and replaced by a Zaghawa. Now both the prefect and sub-prefect are Zaghawa. The Masalit perceived this move as impinging substantially on their rights as Chadian citizens and they turned to international agencies active in the region for better protection. The Arabs, on the other hand, do not approach international agencies in the same way as the Masalit do; they continue to have faith in the sub-prefecture.

Knin, Croatia

The Region after the End of the Socialist Era and during the Yugoslav War

After the collapse of socialist Yugoslavia in 1990 and the declaration of Croatia's independence in 1991, the Republic of Croatia, by its constitution a parliamentary democracy, was ruled by the Christian Democratic Union (HDZ) with the authoritarian president Franjo Tudjman at its head until 1999. Croatia's independence coincides with an ethnic war between Croats and Serbs, which primarily affected the ethnically mixed regions of Croatia and lasted from 1991 to 1995. Carolin Leutloff-Grandits' research took place in the region around Knin, which today falls within the boundaries of the new Croatian state. In 1990, extremist Serbs in the region of Knin started to revolt against the newly elected nationalist Croatian government and in 1991, with the increasing help of the Yugoslav National Army, established the (internationally never recognised) "Republic of Serbian Krajina" in this ethnically mixed region with Knin as its capital.

Serbian militia and private individuals violently expelled the Croatian population from the region and looted and destroyed much of the Croatian housing and property. At the same time, many Serbs were forced to flee from the Croatian held territories; their houses being destroyed or occupied. In August 1995 the situation changed drastically when a Croatian military offensive prompted the flight of some 200 000 Croatian Serbs – almost the entire population of the so-called Serbian Krajina – to Yugoslavia or the Serbian Republic in Bosnia. Hence, the Krajina was reintegrated into the territory of the Croatian state.

Under the nationalist government of Tudjman in post-war Croatia, corruption spread and an economic crisis developed. The economic and social problems were especially severe in the former war regions. Nearly all factories and shops in Knin and the surrounding area had been closed down or destroyed. In 2000, over 60 percent of all the inhabitants of Knin were

officially registered as unemployed and dependent on welfare payments. The social and economic problems throughout Croatia were among the main reasons why the HDZ lost credibility. After the death of the autocratic president in 1999, the nationalist Croatian Democratic Union lost the election the following year, being defeated by a coalition led by the former communist party (SDP).

Property under the Socialist and Postsocialist Regimes

During the socialist period, Serbs and Croats in the region of Knin as elsewhere in the Socialist Republic of Croatia enjoyed the same citizenship and property rights. Compared to other socialist countries, private property was far more widespread in the Yugoslav republics. Collectivisation of land was not as widespread and most land remained in private ownership. Beside the categories of private and state property there existed a category of “socially owned property” (*drustveno vlasnistvo*). This category was unique to socialist Yugoslavia and tightly interwoven with the right to self management (*samouprava*) of firms and factories. Socially owned property was very important for such firms and factories, which included apartment blocks in urban areas used by the workers of the respective enterprises. During the socialist period, access to use-rights for such flats was bound to the workplace. Although people never received full ownership rights, the use-rights to these flats were extensive, long-term and could even be inherited. In rural areas socially owned property was rather marginal. Most housing property was privately owned despite the fact that socially owned property was ideologically more acceptable.

After the dissolution of socialist Yugoslavia and the outbreak of war in Croatia, private houses, socially owned flats, land and other forms of property became highly contested objects of violent conflict between Serbs and Croats all over Croatia.

After the reintegration of the Krajina into the Croatian state in 1995, the region continued to be devastated by acts of violence, mainly directed against Serbian property and against the few ethnic Serbs who did not flee. Many houses were set on fire or were bombed and even more were looted. In the repatriation action, about 70 percent of the Serbian property in the former Serbian held territories was damaged by Croats in acts of revenge. At the same time, the Croatian nationalist government passed laws on housing rights, granting Croats temporary use-rights to abandoned private Serbian houses and socially owned flats. In order to “diminish the consequences of war”, to “ease the rapid return of Croats who were expelled between 1993 and 1995” as well as to “ease the new settlement of Croats” in the former Serb occupied regions, the Croatian state encouraged different groups of citizens from the Republic of Croatia to settle in the area (cf. Narodne Novine. Official Gazette of the Republic of Croatia

4471996, pp. 1616-1622). These were experts from all regions and professions, who were to contribute to the rapid economic development and reconstruction of the region, unemployed citizens, citizens who wanted to solve their own housing situation, Croatian immigrants and returnees from abroad and Croats from Serbia, Montenegro and Bosnia-Herzegovina who decided of their own free will to settle in Croatia (expecting that they would receive Croatian citizenship). Media campaigns were launched to encourage Croats to move into the former war regions. Soon after, many young Croatian families, notably war refugees from Bosnia-Herzegovina, moved in great numbers to Knin. Altogether about 20 000 houses (some with land) were occupied in the former Serbian held territories by the Croats from other regions. This meant Serbs hardly had any possibility of returning.

The new Croatian government was put under international pressure and finally committed itself to economic reforms and the return of Serbs to their home-regions in southern Croatia. The repossession of property and the revitalisation of the local economy were key factors in this process. Mainly due to this pressure by international organisations, a return programme for Serbs was launched in 1997. This programme entailed the revocation of the laws mentioned above and included procedures through which Serbian property could be returned to its owners while Croatian settlers would receive alternative accommodation. However, implementation was still slow; neither the national nor the local government showed any political will to act against the unlawful occupation and destruction of Serbian property as of 2000. Moreover, alternative accommodation for Croatian settlers remained in short supply.

The State and Internally Displaced Persons (IDPs) in Azerbaijan

Postsocialist Azerbaijan and War during the first Decade of Independence

The former Soviet Republic of Azerbaijan declared its sovereignty in 1991. Since then, with the exception of Elçibey, the leader of the national-democratic Popular Front, who was elected president in relatively free elections and held office for one year, all heads of state have had their roots in the Communist Party of the Soviet Union. Heydar Aliyev, a former member of the Soviet Politburo, became president in 1993. His ruling party, New Azerbaijan, has kept a tight reign on the country ever since. It is predicted that the authoritarian rule will continue under the new president Ilham Aliyev, the son of Heydar, who took power in October 2003 in elections that have been declared unfair and rigged by foreign observers.

The slow economic and political transformation in postsocialist Azerbaijan is due to various factors. The democratic transition process was precipitated by changes in the political arena associated with the break-up of the Soviet Union, like the formation of the Popular Front led

by Elçibey and the conflict and outright war with Armenia and Armenians of Nagorno-Karabagh over the status of the Nagorno-Karabagh Autonomous Region, an enclave within the territory of Azerbaijan inhabited predominantly by Armenians. The war, which continued from 1992 to 1994, had far-reaching negative effects on the political and economic development of the newly independent state of Azerbaijan; it resulted in more than 18 000 casualties and more than a million refugees and internally displaced persons (IDPs) on both the Armenian and Azerbaijani sides. Despite many efforts at international mediation of the conflict, there appears to be no solution in sight, and the current status quo is based on the ceasefire agreement from 1994 and not on any formal peace agreement.

Polity and Economy in Independent Azerbaijan

Considering the rule of law and state power, “Azerbaijan shares similarities with other post-Soviet states, in that the executive branch unmistakably dominates at the constitutional level, while on a normative and real level, the president and his apparatus play the principal role. Parliament is limited in exercising its monitoring function as afforded by the constitution, owing to the dubious election processes and the utter domination of forces close to the president” (Motika 2002). The authoritarian nature of the government allows for little articulation of political opinion and although there are numerous and established political parties and NGOs, their influence remains negligible or minimal. Moreover, although the majority of the population on the whole accepts and wants a democratic system, in day-to-day political life, many tend to favour an authoritarian style of politics, which is perpetuated in the politics concerning the IDPs. Their status, rights and demands are articulated and implemented in an authoritarian style, through presidential decrees and with appeals to the president and the presidential apparatus.

Political and bureaucratic corruption remains a severe problem, is recognised as such and is widely criticised within Azerbaijani society as well as the international community. “Transparency International, 1999-2000 ranks Azerbaijan as the fourth most corrupt country worldwide. (...) Only in rare cases is corruption fought effectively by way of a court ruling. Prosecution of corruption is also utilised to authorise the dismissal of high-ranking government officials, without affording them proper legal recourse” (Motika 2002).

Like other postsocialist countries, Azerbaijan has been transforming its economy from the Soviet (command economy) to a capitalist (free market) system. With the collapse of the large enterprises that dominated the Soviet era, some small and medium-sized enterprises in the trade and service sectors have emerged. While transition and privatisation have been proceeding with different degrees of success and with various consequences, the

implementation of economic and legislative reforms has been especially problematic. Economic development is “almost entirely confined to the energy sector (more than 30% of GDP 2001)” (ibid.). The energy sector thus gets all the attention, whereas agricultural production and productivity – despite the radical privatisation of land – have become marginal issues. International assessors such as the EBRD (European Bank for Reconstruction and Development) and the World Bank point to the income polarisation and poverty in the country: “According to official data in 2001, 49 percent of the population lived in poverty (unofficial data estimate up to 80 percent)” (EBRD, *Strategy for Azerbaijan. December 2002*, p. 4, cited in Motika 2002). Within this group, the IDPs are disproportionately represented. The deterioration of the social security system has aggravated the situation. On the whole and by regional standards, Azerbaijan had a reasonably extensive social safety net during the Soviet period. Presently it suffers from considerable under-funding and can fulfil its obligations in only a handful of areas. Healthcare is inadequate, at least for the poorer parts of the population – e.g. the IDPs – and pensions do not cover living expenses (ibid.). The privatisation of education and the underpayment or exclusion of women from certain sectors of the economy all add to the decline of social security standards in the country (Heyat 2002).

Although it could be contended that the rural population is much less affected by poverty than the urban population, since it can find refuge in the largely privatised agricultural sector, the agricultural economy has changed from cash crop to mere subsistence production, and accumulation is not possible without family networks and money transfers from family members working abroad, for rural and urban population alike. “Equal opportunities exist in theory and are the normative role model owing to the egalitarian attitudes within the population. In practice, however, considerable restrictions do exist due to informal networks (nepotism), financial restrictions of access to education and widespread corruption” (Motika 2002). Transition problems like high unemployment, disappearing social security systems and decline in production combined with dire living conditions have resulted in high (labour) migration. According to some estimates, between 1-1.5 million Azerbaijanis live as temporary or permanent emigrants abroad, mostly in Russia and other former Soviet countries.

Property Relations and the Research Site

The war over the Nagorno-Karabagh region and the resulting occupation of 17 percent of Azerbaijani territories by Armenia causes problems of sovereignty and citizenship for the population that had to flee these regions. In theory, all citizens enjoy equal civic rights; however, IDPs are excluded from certain rights to privatised property to which all citizens and residents have been entitled since the privatisation reforms in 1996. In the course of these

reforms, almost all agricultural land that was organised in *sovkhozy* (state farms) and *kolkhozy* (collective farms) was privatised and distributed to the rural residents. Privatisation measures could not be carried out in the occupied regions; the IDPs from these territories are still to receive their privatised land shares after and if they go back to their home region.

In Lale Yalçın-Heckmann's fieldwork site Pazar in the district of Ismayilli, in the north of the country, IDPs are told they will receive land and property when their homelands are regained. Some IDPs in this settlement have been living there for over ten years. They lived in IDP settlements in other parts of the country immediately after the war and displacement and then arrived in this region for its mountain climate and their own familiarity with pastoral economy and with herding of sheep, goats and cattle. They were strongly dependent on international and national relief aid initially, supplementing their reduced aid payments through agriculture and herding, mostly on rented land and pastures later. The central state has allocated them land for building their very modest IDP houses and the local government allowed them access to pastures for their animals, some of which for a fee to be paid to the local community or to private owners. As the number of IDPs increased in the last ten years after displacement and the prospect of return has been weakening, the IDPs in Pazar have started looking for additional means of subsistence. Their status in the region as temporary residents does not enable them to claim rights to privatised agricultural land; the land around their settlement in fact belongs – after the reforms – to other village settlements and their residents. Yet the IDPs have occupied illegally some of the agricultural land around their settlement and divided it among themselves.

Corruption in the whole system affects the IDPs: they are its victims and at the same time its benefactors. Some corrupt bureaucrats confiscate or channel aid money away from them, as was the case with money from international organisations which was intended for building IDP. Others, however, look the other way when land has been appropriated by the IDPs without official sanction. In the case of the IDPs in Pazar who occupied the fields around their settlement, they are tolerated by the local governor, who does not want to risk possible conflicts among the IDPs and attracting political attention from the media and the central government. The latter uses the unsettled conflict over Nagorno-Karabagh and the “fate of the IDPs and veterans” as political capital for arousing nationalist sentiments and for calls of national unity against the enemy. In the national political arena the IDPs are often seen as strong supporters of the authoritarian presidential regime who expect support through presidential decrees. In this way, IDP affairs bypass the new property regimes of the market economy and privatisation.

II. Society and Political Economy

In this section we move away from the general discussion of the historical and political setting of our research sites and from the more normative, institutional and ideological aspects of property regimes in these countries to a discussion of social property relations and social practices of property within our respective research sites. The focus will be more on local economy and the actual and differentiated practices of property relations, which may not all follow the normative and state or supra-state level institutional structures, but rather local reactions to change, displacement, lived violence and loss of property.

Ways of Making a Living in Dar Masalit

Farmers, Herders, Traders, Young and Old

Economically, the Masalit region is marginal if not poorer than the regions closer to large cities or those with better conditions for farming and herding. The land is dry, the brief rainy season enables the people to harvest and find water, but life is harsh, and most young men try to find work elsewhere. They migrate to the Sudan, to Libya or even further away to Saudi Arabia, to bring back desired material goods for their family. This is especially the case for young unmarried men; older men stay in the region and work their fields to support the family. Young people in the villages are, on the whole, not well educated due to an almost complete lack of schools. Not very many young men, however, would have a chance at finding employment elsewhere that is better than farming in the region, so some stay and start farming as their fathers and mothers have been doing. Family and kinship group form the basis of social security among the Masalit. With hardly any national form of social security,⁷ people depend largely on their families' or neighbours' support to start trading, to acquire a field to farm, a parcel to build a house or to be cared for in old age.

Masalit farmers live off the fruits of their fields, mainly millet, but also sugarcane, peanuts, okra or – in the *wadis* – tomatoes, onions, melons and the like. They trade their goods on the market, usually in Adré, the small border and garrison town, but preferably in El Geneina, the largest city in the area, thirty kilometres into Sudanese territory. The Arab settlers direct all their attention to the market of El Geneina, where they trade cattle, dairy products, salt, sugar and other items, with the exception of farming produce. Since the outbreak of the new

⁷ Behrends met only a few old men who received old age pensions from the Chadian state as “*ancien combattants*”, a practice surviving from the colonial period, and there have been a few actions by World Food Programme distributing food and money to all the refugees coming from the Sudan in the 1980s and again in the 1990s. Otherwise, there is no continuous state support in old age or for the disabled.

conflicts on the Sudanese side in the mid 1990s which continue with increasing ferocity to date, trading in El Geneina has become too dangerous for most Masalit, and they no longer go to this market. Too often, traders and farmers were attacked; their earnings were stolen and some were killed on the way back from the El Geneina market. Among the Arabs, these new threats have not had the same consequences. They still go to the market, among them mostly women with their small children, often to come back late at night in the darkness, when they can try to sneak goods across the border without registration by customs. Thus, the Arab settlers of the region are on the whole wealthier than the farming population of the Masalit, who feel cut off from this economic possibility.

The Refugees and their Property and Economic Relations on both Sides of the Border

Similarly, the Masalit refugees fled with almost nothing to the Chadian side of the border, while the Arab refugees apparently had the possibility of bringing most of their belongings with them when they moved to the Arab settlements in Chad. With their mobile goods and cattle, their chances to start anew on the other side of the border were better. The Masalit refugees not only lost their houses, but also their fields in the Sudan, which formed the basis of their existence. Some of them went back to harvest on the land where their houses used to stand before they were burnt in the attacks, if only to demonstrate their enduring claims on land.

The Masalit, in an overall insecure atmosphere of violent conflict, droughts and flight since the late 1970s, have lost faith in the central government and turned to international organisations, which circumvent national government institutions and concentrate their activities in the villages directly. These NGOs formed labour cooperatives, where refugees and local villagers contributed parts of their fields and worked on them collectively. AfriCare, an American NGO, for instance, first initiated projects in the region in the late 1990s. This NGO did not take profit directly from the agricultural surplus in the villages, but supported the villagers first, and if the harvest from the collective fields was successful, the NGO helped by building a granary, a well or whatever the villagers needed. Despite this support, they also caused tension among villagers and between villages, since after an initial phase of orientation they selected only a few villages in which to develop their programme. When others saw their success, they wanted to participate as well, competing thus with their neighbours, with newcomers, and with the refugees, who saw the best chances in getting involved with NGOs and were particularly active in the programmes. Thus the NGOs with their specific involvement in agricultural production and organisation of labour and surplus contributed to

the economic value of land in Dar Masalit, but did not help to further integration and mutual support among the villagers.

Economy, Houses and Property in Post-war Knin

Pre-war and Post-war Economy and Property in Knin

Until the 1960s, the Knin region was basically a poor, rural area inhabited by a Serb ethnic majority and a large Croat minority of Serbs, but also by a considerable number of Croats. With the construction of socially owned factories, this began to change as most people, both Serbs and Croats, found employment in the new local industrial sector. Still, as most of the agricultural land remained private property, agriculture never fully lost its meaning and, in fact, became a secondary source of income. Private agriculture was carried out traditionally on very fragmented land parcels on a family basis and was never officially promoted by the socialist state. With growing wealth, people started to invest in building new houses on private property and in educating their children instead of investing in land and agricultural equipment (even if private ownership of tractors was also becoming common). Hence, acquiring one of the socially owned flats in Knin built after the 1960s was very attractive for many people. Through war, extensive forced migration and (re-)settlement, the economic basis of the region and the community structure were largely destroyed. This had severe effects on the post-war social and economic situation of the population.

Population Structure and Access to Housing and Land in Knin

Despite the difficulties in implementing the above mentioned return programme for Serbs introduced in 1997, Serbs started to return to their home-region. They mainly occupied older houses in the countryside that had not been occupied by Croats because of their bad state of repair or their remote location. Others circumvented the lengthy and ineffective administrative procedures and paid up to a few thousand Euros to the Croatian occupants to repossess their property. In this way, an unofficial housing market between Croatian occupants and Serbian owners developed.

Altogether, the return of local Croats, the settlement of refugee Croats and the return of an increasing number of Serbs changed the population structure severely between 1995 and 2000. While in 1995 Serbs made up less than four percent of the population in the Knin area, in 2000 they made up about 30 percent, settled mainly in rural areas. From 1995 onwards, the town of Knin itself was inhabited almost exclusively by Croats, among whom the new settler Croats outnumbered local ones.

In the Knin region the population shows significant differences in the age structure of Croatian immigrants, Croatian returnees and Serbian returnees. Until 2000, the average age of Serbian returnees was about 60 years. Young people rarely returned home. The average age of Croatian returnees was only slightly lower. The Croatian immigrants, however, often came as families, without the grandparent-generation but with many children. Thanks to them, Knin soon became the youngest town in Croatia.

This divergent population development shows clearly that more than access to a house must be at stake. Young Serbs do not return because they experienced discrimination at the hands of Croatian authorities at the political and economic levels. Elderly Serbs, who are not looking for jobs and do not have to send their children to school, are less affected by these factors. Many of them receive pensions, which provide them with a stable (but small) income. The main motive for return is linked to their strong emotional attachment to the land and the region where their forefathers have often been living for centuries. Similar to local Croats, they work on their own land for subsistence and are proud of their homemade products like *prsut* (ham), wine and *rakija* (schnapps). These products have a strong social as well as an economic meaning. They are partly consumed or offered to others in the village and partly sent to relatives still living in exile, or sold on the local market. In this way, elderly Serbs who returned “home” can re-establish community ties, support themselves and contribute to the well-being of the family abroad. If they would have stayed in exile, they would instead have been a burden to their children. Nevertheless, despite all these advantages of returning to their own property and home region, they often feel lonely without the young generation. Due to the experienced discrimination against Serbs in the region of Knin, many Serbs do not consider themselves as being in their “homeland” (*domovina*, a term which is often used by Croats and express their emotional relations to the Croatian state as well as the Croatian national territory), even if they feel at home in their own house and region (see also Leutloff-Grandits 2002).

Croatian immigrants most often moved to the region because accommodation was free. In fact, before the war broke out in the early 1990s, many of them had access to houses or flats in Bosnia that were either destroyed or occupied during and shortly after the war. Others did not own a house at all and cannot afford the extremely high rent in Croatian towns outside the former war region. Occupying a house in the region of Knin was thus a social security strategy. Given the economic difficulties, people had at least a roof over their heads, even if they had no stable income. Again, others who have a house in Bosnia, where in principle they could even return, want to live in Croatia for political and emotional reasons, as they belong to the discriminated minority in Bosnia and/or experienced violence and fled their homes. In

their claims legitimising their occupation of Serbian property, they make reference to living in their Croatian homeland, arguing that Serbs have lost their rights to their property through war and should find shelter in their own national homeland (i.e. Serbia). Since many settler Croats intend to live permanently in Knin, they have invested in the houses by making repairs.

Local Croats did not occupy Serbian private houses but returned to their own private houses. While they respected the private property rights of Serbs, some, especially young families employed in the town of Knin, have moved into the formerly socially owned flats previously used by Serbs. Like the majority of Serbs, the Serbian inhabitants of these apartments left in 1995 before the advancing Croatian army and found shelter in Yugoslavia or the Serbian Republic of Bosnia.

Due to the lack of economic possibilities in the region of Knin, houses became the main economic asset after the war. However, with growing economic crisis, the value of the houses diminished for all population groups and many people started thinking again about leaving the area. In contrast to Serbian and Croatian returnees who used agriculture to cope with the crisis, settlers had many difficulties in starting agricultural production. Living mainly in urban areas, they did not have easy access to land, although much land was still unused. Furthermore, they were not granted long-term rights to land, which is very important for the larger investments necessary to start farming. They also could not take out a loan for investments because they were legal users but not legal owners of property in Croatia. Thus, they were unable to acquire a mortgage, lacking the collateral necessary in a capitalist system. Furthermore, economic competition for state jobs between settlers and local people (both Croatian and Serbian returnees) grew.

Political Economy and the IDPs in Postsocialist Azerbaijan

As indicated above, almost all state and collective agricultural enterprises have been abolished in Azerbaijan and their property privatised and distributed at no cost to local rural residents. However, even if private property rights and the acquisition of private property are formally well defined, without sufficient resources for agricultural inputs, agricultural production has dropped and changed from export oriented cash-crop production (of products such as wine, cotton, tea and tobacco) to production (mostly of wheat and potatoes) for national markets.

The IDPs settled in rural regions do not have rights to the ownership of agricultural land, although they can, in principle, be allocated use-rights from the development funds of the newly established local administrative bodies, the *belediyyes*, until they return to their homelands. This was the case for the IDPs from Laçın in Pazar for instance, where the

majority of the IDPs had been involved in agriculture and primarily in herding in the Soviet style *sovkhozy* and *kolkhozy* in their now occupied home region.

The IDPs in Pazar are part of the local rural economy in the sense that they sell some of their produce at the local market in the regional capital of Ismayilli and sell sheep and goats when they incur expenses for ritual and lifecycle ceremonies, such as weddings, funerals, circumcision parties and the like. Nevertheless, they practice primarily a subsistence economy and their market activities are limited. The family and extended kinship group composed of patrilineal kin form the basis of their social security network. The settlement as an administrative unit has some elected bodies and functionaries, but as these bodies hardly have any financial resources, their ability to solve the problems of the IDPs is very limited. The IDPs thus resort to the central governmental IDP administration for all needs and services they require for their settlement. When the only artesian well broke down after two or three years of use, they needed to apply for the funds for its repair in Baku, paying many visits to the capital as groups of delegates as well as mobilising their local representative in Ismayilli. The well was not repaired for at least four years, and the 65 households had to carry water from one functioning water tap in the settlement.

The IDP settlement has a relatively young population, with many children of school age. There is, however, little out-migration from the settlement, mainly because of the high unemployment in Azerbaijan on the whole and the high costs of initial investment needed for labour migration to Russia or other former Soviet countries. The IDPs are below the economic level of such labour mobility. Moreover, if they want to continue benefiting from the limited resources and state support available to them (such as monthly payments for food, exemption from various taxes and bonuses for state employees like the teachers in IDP settlements) they need remain registered as IDPs and report regularly to their place of registration. IDPs, for instance, who have moved to the larger cities or to Baku and have occupied unused former state buildings such as schools or hospitals, have lost this state support if they left without the consent of the central IDP administration.

III. Scales and Types of Violence, Destruction and Conflict

In the following section we discuss the relationship between the scale and type of violence and property regimes. Certain characteristics of violence such as recurrence and duration, together with the existing political systems for coping with disasters and conflict are considered together with specific forms of property relations. In this comparative exercise, one striking quality of the conflict in Chad is the duration and the repetitive character of the

conflict in Dar Masalit and the surrounding region. Especially the conflict at the border region where the Masalit live has been unsettled for at least three decades. Many people have had to flee more than once. We argue that the time factor affects local social and individual coping strategies, reactions to violent conflict and the uncertainty of property regimes. Moreover, the lasting and recurring character of violence in Dar Masalit seems to blur recollections of the reasons for the armed conflict. The recent intensification of the armed conflict, which prompted the Masalit on the Sudanese side to take refuge in Chad, has on the one hand a character of the typical farmer-herder conflict, but on the other hand, it also has shades of the larger conflicts in the Sudan and Chad.

Another characteristic of the armed conflict in this region of Chad relates to its unfinished and random lawless character and the role played by armed gangs and bandits. By comparison, the violence in Azerbaijan and in Croatia has been mostly – but, in the case of Croatia, not exclusively – the work of regular armies and these have come to an end. The randomness of violence as well as the irregularity of the parties using violence is bound to affect the degree of uncertainty in property regimes.

In the compared cases, war is only one of the violent forces causing destruction and displacement. Natural disasters, such as drought, in addition to destroying natural resources and forcing population movement, also implicate certain structures of dependency and international intervention. In this comparative respect, the degree to which the population is affected by natural disasters and violent conflicts, and the degree to which these countries are dependent on international aid and intervention vary. Socialist Croatia and Azerbaijan were economically and politically more developed and hence better able to cope with such disasters whereas Dar Masalit has been a dependent region for a long time, on colonial powers, on local power holders and for more than two decades on international organisations. Azerbaijan and Croatia were both part of federal socialist states, yet they were less dependent on outside aid than Chad has been for its entire history. Nevertheless, they still (at least for the case of Azerbaijan) functioned in dependent and command economies. In the case of Azerbaijan, the dependency on Russia continued into the postsocialist era; the war Azerbaijan waged against Armenia over Karabagh was greatly affected by the dependency of both parties on Russian diplomatic and military support and by Russian geopolitical interests in the whole region. Only after the end of the war – with a ceasefire agreement – did the international community, through the OSCE (Organisation for Security and Cooperation in Europe), become active in mediating between the conflicting parties. As for Croatia, during the war and post-war era the intermediary effects of international organisations seem to have had a stronger impact on the fate of returnees and settlers than in the cases of Chad or Azerbaijan. The engagement of

European countries as mediators in resolving the conflict has in general been stronger for the Croatian case as well.

The type of dependency hence determines the degree and type of intervention as well as the ways of coping with violent conflict and disaster in the local practices of property regimes. Socialist Croatia and Azerbaijan have been part of authoritarian legal systems where property regimes were articulated in terms of vertical relations and contestations between the political centre and the periphery. This was the case in the socialist era, and even if there was considerable amount of autonomy in administrative matters for the Socialist Yugoslav Republics, they still had to negotiate their power and degree of governance within the federal structure. The authoritarian style of politics and tradition of a strong state still dominates the contemporary post-independence and post-war political scene. The type of dependency and hierarchical relationship between the periphery and the centre still excludes direct intervention from outside, contrary to the case of Chad, where international agencies have been mediating and bargaining with power holders at the centre and the periphery and have even weakened the central state's powers in executing certain decisions. In Dar Masalit the fact that international agencies could interfere in the way land was being used by encouraging certain patterns of agriculture and the fact that they could circumvent national policies through direct local intervention suggests at least the multiplicity of power and of political actors with different stakes in local property regimes.

The ethno-national character of the conflict in the three cases and its effects on property regimes provide for another dimension of comparison. The conflict in the former war areas of Croatia can be described as an ethno-national conflict between Serbs and Croats, accompanied by ethnic cleansing. Within the region of Knin, experiences of violence, death, destruction of houses and property, flight – but also of being both aggressor and victim – were widespread. The destruction and occupation of private and socially owned property became a weapon to prevent others from coming home again and hence reinforced ethnic cleansing campaigns. In this way, houses became national homes and land became national homeland and was seen as territory that could be conquered and occupied. Under the surface however, corruption was widespread and single individuals profited from this regime, while the majority of the population affected by the war lived in poverty and uncertainty. Furthermore, competition between Croatian settlers and Croatian returnees for resources and jobs developed, in which Croatian returnees often took sides with Serbs. Due to these developments, the national conflict was partly transformed into a social conflict, carried out along the lines of local people against newcomers.

Although the conflict in Dar Masalit seems to be mainly between two ethnic groups, the Arabs and the Masalit, this line is often blurred by the fact that the Masalit refugees coming from the Sudan have to compete for resources with both the local Masalit and Arabs. Especially through the intervention of NGOs and of the Chadian state, which was under strong pressure to apply egalitarian policies in dealing with ethnic conflicts, the Arabs and the Masalit seem to have been able to live together without ethnic cleansing. Instead, the scale and character of violence was determined arbitrarily and variably.

As for the Azerbaijani case, the conflict and the displacement broke out at the national level, involving both the Azerbaijanis and the Armenians (living in the states of Azerbaijan, Armenia and the enclave Nagorno Karabagh). Today both Nagorno Karabagh and Azerbaijan are “ethnically cleansed”. Yet the IDPs within Azerbaijan hardly consider or publicly admit that Armenians have also been displaced from their homes in Azerbaijan. Their point of reference, attachment and memory for public and private lamenting are *their* “lost territories” in Laçın and other regions, which have been settled by Armenians. Even if the IDPs do not compare their situation and loss to that of Armenians, they do so with the other Azerbaijanis; they compare their own fate with those of veterans and the families of the soldiers killed in the war but have not been displaced by war, especially when they want to emphasise their different fate and status, differentiated from the veterans, as the *real losers and sufferers* of the war and violence. Their suffering is strongly articulated within the nationalist discourse of losses and losers in war. Their own direct experience of the violence is limited, however, since they fled their homelands in a mass panic before the actual fighting had reached their districts. They were apparently very apprehensive about the scale of possible violence (in the Azerbaijani official language, genocide), which had occurred in war regions prior to their own flight.

IV. Emerging Property Regimes, Discussion and Concluding Remarks

In this final section, we would like to draw concluding comparative points concerning the emerging meanings and practices of property regimes in our three case studies. The intention is to suggest some consistencies in emerging property structures and meanings in reaction to war, violence and displacement. We point out the specific articulation of interaction between norms, legal structures and social practices when violence and displacement have occurred.

Scarcity of Land

In all three cases discussed here, land is a scarce resource, but to differing degrees. Land in Dar Masalit is, on the one hand, an essential resource for farmers and herders and has been fought over by different ethnic groups. It is also a scarce resource due to ecological conditions (e.g. drought) and these strain the scarcity of land even more. On the other hand, the weak nature of the states (Sudan and Chad) and the unsettled nature of the political conflicts in the region allow the Masalit and Arabs to cross the border and look for resources themselves. Thus the limited nature of land is alleviated somewhat by the flexibility of border crossing.

In the Azerbaijani case the situation and the scarcity of land is similar to the Chadian case. Azerbaijan has a shortage of cultivable land and the IDPs from the occupied territories were primarily herders and only secondarily agriculturalists. As they are not entitled to land ownership in areas where they were resettled temporarily, many IDPs have tried in the course of the last ten years to start a new life by moving to the capital Baku, joining many other unemployed migrants from the countryside. Others who have stayed behind in rural settlements have hardly any other means than engaging in agriculture and herding and hence are in need of land for cultivation and pasture. They do not have, however, the flexibility of the Masalit – or rather the flexibility or uncertainty of a legal system that tolerates contradictions in land claims – in terms of being able to move around and occupy land when they find it unused. In the rather exceptional case of the IDPs in Pazar, they reverted to violence themselves and occupied land belonging to others. Otherwise, their residency is strictly controlled and tied to their status as IDPs, Azerbaijan having adopted the Soviet tradition and strong state practice of registration and population control.

In Knin, much land has remained unused after war and can hardly be seen as a scarce resource. However, as land is traditionally very fragmented, it is difficult for individuals to acquire a large, undivided piece on which market oriented agriculture would be possible. In this case then, the type of agricultural economy determines the usage of land, and the emerging scarcity of land as large plots sets limits on productivity and land value.

Land as Economic Resource

When land is a significant economic resource, as in Chad, then at least in social practice the elements in the bundle of rights, i.e. use-rights, transfer-rights, and inheritance-rights to agricultural and grazing lands, seem to be susceptible to being treated separately. In comparison to the other two cases, Dar Masalit has the longest period of refugee movements.

Arab nomads who have settled on Masalit territory were given only use-rights, not ownership rights. This implies that where land is not only an economic asset but additionally territory, ownership rights seem to be more contested, more closely and symbolically protected than use-rights. Where land can be conceived and treated *primarily* or only as an economic asset, then even long-term use-rights could be granted to refugees and new settlers. The latter is also true for Azerbaijani IDPs. They have been given only use-rights, even if the return to their homelands has been an unresolved issue for the last decade. In fact, from the perspective of the state, giving them ownership-rights to privatised and redistributed state lands outside their homelands would be a public declaration of the political failure to recover the territories under occupation and an act of acceptance of the status quo. Perhaps because of this political and legal uncertainty and in order to underline the permanency of their ownership of homes and lands in the lost territories, the IDPs in Pazar have not carried out the most basic acts of settling on land; although some of them have been living in the IDP settlement for over ten years, they have hardly planted a tree, nor have they built any, even modest, houses, partly but not only due to financial difficulties. The ownership of territories under enemy occupation is therefore closely connected to the citizenship status of the IDPs, in the sense that as citizens of Azerbaijan and former residents of the now occupied territories, they could have legal ownership rights only to the privatised state lands under occupation.

In socialist Knin land was not the most crucial economic resource given the local industry prior to the war. After the war, however, land partly regained value for local Serbs and Croats, and once the factories had been closed down, it basically became the only economic resource. Yet, since there is shortage of technical equipment, livestock and labour, i.e. young people to work in the fields, much less agriculture is done than it was the case before the war. Croatian settlers have even more difficulty in starting to work in agriculture, as they do not have secure and lasting rights to land and no possibility of taking out a loan. For them, houses have become *the* most important asset. By occupying Serbian houses and formerly socially owned flats, they find shelter and can save rent that they would have had to pay elsewhere. So, houses have become a contested resource between Croatian settlers and Serbian returnees: when the latter want to re-appropriate their property, the Croatian settlers strongly defend their use-rights. The overall economic difficulties and high prices on the free housing market outside the former war area worsen the situation for many settlers.

Land as Territory

Land as territory plays a role for the Masalit, especially when they challenge the presence of Arabs on their own land, when they claim that the Arabs have been given only temporary use-rights. They are, however, in this case making a counter-claim to those of the Chadian state, which recognises the legitimacy of Arab claims to the Masalit territory. Such practices demonstrate the plurality and negotiability of claiming territory at different levels. Furthermore, the claims of the Masalit to Dar Masalit as their territory do not stop international actors like the UNHCR from implementing a programme of settling Arab and non-Arab refugees (incorporating the settled local farmers as well) by trying to form them into farming cooperatives. International and local NGOs are thus crucial actors in deciding on the respective property regime (especially because they influence local power holders and decision makers, who decide who gets what land and why) and on the limits of claiming land as territory.

For the Azerbaijani IDPs, land as territory is definitely a central part of the state and public discourse. The IDPs have to resort to this discourse when they want to make primarily economic claims to land, by demanding use-rights to certain agricultural or pasture lands. The inevitable link between territory and land is manipulated both by the state and the IDPs, although for different purposes. This is reminiscent of the case described by Deborah James (2003) who indicates the importance of the rights to land as a basic human rights issue in contemporary South Africa. She describes how the debates about land reform in South Africa were enshrined in “a language of ‘land rights’ rather than ‘property/ownership’” (ibid.). In Azerbaijan the ownership rights of non-IDPs, i.e. of normal rural residents and peasants, to privatised state agricultural lands may have priority in state policies, but are subject to much informal critique and local political struggles.

In the former Yugoslav state houses were status symbols for all Serbs and Croats. In Croatia today they have become more than status symbols; like land, they are symbols of belonging and of territory. While Serbs stress their link to the locality, Croatian immigrants view use-rights to housing in the region of Knin as an expression of belonging to the new Croatian state. The problem of use and ownership rights is overshadowed by the fact that the occupation of houses also has a symbolic meaning related to the politically legitimate discourses of suffering and “possessing homeland”.

Emotional Ties to Certain Lands

That people can have ambivalent emotional ties to certain lands has already been mentioned in the case of Serbian returnees in Knin – they feel at home but not to be in their homeland basically due to the discrimination they have experienced at the hands of the local Croat authorities. The will to return to a specific piece of land has been mentioned by those working on refugee issues. Loizos states, for instance, that “older people are often particularly reluctant to leave their homes when a danger threatens” (1981: 201). Similarly, the few Serbs who stayed during the Croatian military offensive, as well as the Serbs who returned to Knin after having fled are mostly elderly people who seem to have a very strong emotional attachment to a specific piece of land and house. These were also the last to leave. Young people do not try to return at any cost, even if they suffer emotionally in exile. Without economic possibilities and with continuing discrimination in their home region in Knin, many do not return permanently. In Azerbaijan, among the IDPs living in refugee settlements, the feelings of being attached to a homeland, to Laçın, was very strong and emphasised the common fate of all IDPs from different ethnic backgrounds. However, beyond the public statements of patriotism and love for one’s country and lamenting the loss of houses, gardens and property in these occupied territories, privately many IDPs admit that they would be ready to settle permanently in another region where they could rebuild their livelihood and existence, if the economic situation were to allow it.

In Dar Masalit, even if people have emotional ties to their land, the struggle for survival and subsistence, the enduring and recurring natural disasters, ethnic violence and displacement do not allow for a clear articulation of these ties. People rather express their concern for subsistence levels and survival strategies, and given the existing problems of poverty and nourishment, many would not hesitate to go to any other place where they could start up a new existence. Only a few elderly people Behrends knew were ready to stay behind on the land, when in 1984 for instance, most of the Masalit fled from Chad to the Sudan because of drought and political pressure. Later, when these Masalit returned, those who had stayed behind were given the right to distribute land to the returnees. The emotional connection of the Masalit people to their land is twofold: on the one hand the notion of Dar Masalit as territory is extremely emotional to its inhabitants because it forms the basis of their self-definition. They are less bound emotionally, however, to the particular stretch of land or the particular locale where they live and farm, because this serves mainly as a means to live, farm and survive in the extremely difficult economic and political situation they are in.

Violence and Legitimacy of Property Regimes

In answer to the question of whether violence can legitimise or challenge changes to existing property regimes, the examples we have discussed here show clearly that ownership rights continue to be significant and valid for groups who suffer violence and displacement. Expulsion from their homes and land surely consolidates the identities of refugees and IDPs as being different from those who may have experienced war and destruction, but were not displaced (see Loizos, 1981: 202-203). The acuteness and degree of violence experienced seem to be alleviated to a certain degree when there are alternatives, such as being given use-rights (as in Azerbaijan and for Croats in Croatia), or being able to cross the border and seek new lands (as in Chad). In none of the cases here, however, have we come across a non-emotional and non-symbolic and purely economic approach to property and a disjunction or disassociation of rights to land from the experience of violence and displacement.

Differences in Property Regimes after Displacement

Finally, we would like to return to the starting point of our comparison and ask whether these three cases show fundamental differences in relation to property after displacement, especially given their socio-economic and historical differences. Although Azerbaijan and Croatia have distinct backgrounds and legacies of idealised socialist property, the legitimacy accorded to non-socialist property in the postsocialist era is surprisingly strong. The local Croats in Knin were ready to accept the private property claims of Serbs, even if the settler Croats had different attitudes about this and accepted their claims only if their own housing needs were met with first. The returning Croats occupied formerly socially owned flats, not because these once had a private property like quality but precisely because they were associated with the socialist past, and hence different from private property. Azerbaijani IDPs too were – at least in private conversation – ready to accept that even their “enemy” Armenian neighbours should retain their rights to land in occupied Laçın. The Arab refugees in Dar Masalit were also acknowledged to have collective rights to remain there, even if they were denied ownership rights. At the level of social practice, long residency and common history of cohabitation seem, on the one hand, to suffice for tolerating the others’ rights to land and resources. On the other hand, when violence has been experienced and displacement has taken place, individual rights to private property seem to give way to discourses of collective (i.e. national or ethnic) claims to a territory and be overrun by the force of the collective, at least

during or in the direct aftermath of war, when the memories of war and violence are still vivid and effective.

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