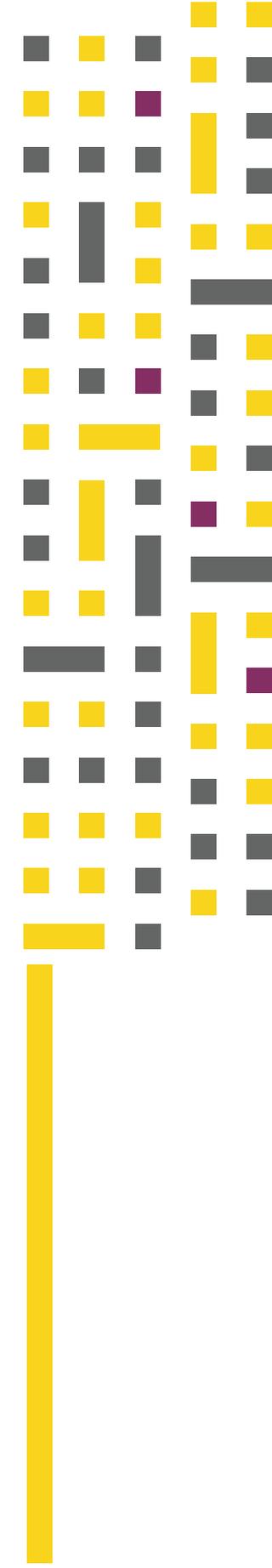
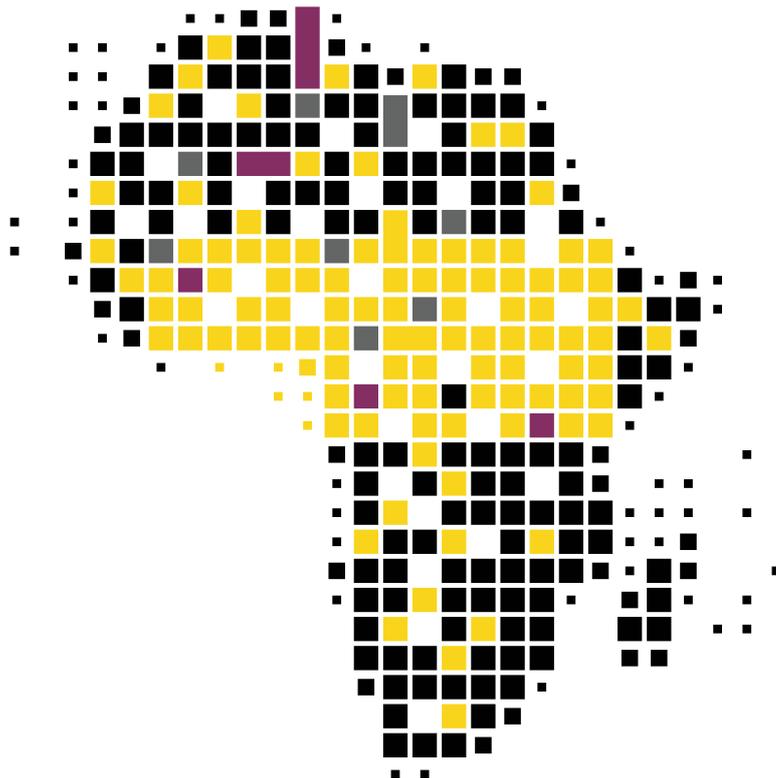




United Nations
Economic Commission for Africa

SYNTHESIS REPORT
LAND, ETHNICITY AND
CONFLICT IN AFRICA
IMPLICATIONS FOR
AFRICAN LAND POLICY
INITIATIVES





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First printing April 2020

ISBN: 978-99944-68-39-3

Material in this publication may be freely quoted or reprinted. Acknowledgement is requested, together with a copy of the publication.

Designed and printed by the ECA Documents Publishing Unit. ISO 14001:2004 certified.

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Acknowledgements

The study featured in this report was carried out under the general direction of Joan Kagwanja, Chief of the African Land Policy Centre (ALPC), formerly known as the Land Policy Initiative, of the African Union Commission. The African Development Bank (AfDB) and the Economic Commission for Africa (ECA) also participated, in collaboration with Belay Demissie, Economic Affairs Officer at ALPC. The report was drafted by a team of three consultants: Dr. Melvis Ndiloseh Mbinohonyui (Cameroon), Professor Kimani Njogu (Kenya) and Professor Sabelo Ndlovu-Gatsheni (South Africa). The process was coordinated by Professor Kimani Njogu, and the report was endorsed at a Land Policy Initiative expert group meeting held on 13 and 14 June 2017 in Addis Ababa, Ethiopia.

The African Union Commission, ECA, AfDB and ALPC wish to express their appreciation for the work of the consultants, and the input of respondents in the Democratic Republic of the Congo, Kenya and Zimbabwe, who provided important insights during the collection of primary data. In addition, we wish to thank Professor Mohamed Salih for the useful comments he provided at the initial stages of the study, and all the stakeholders that participated in the data collection and drafting stages, including government officials, academics and civil society actors. We appreciate the critical input of participants at the expert group meeting for their guidance during the finalization of the report, which we hope will advance land policy reforms in Africa.

Abbreviations

AfDB	African Development Bank
ALPC	African Land Policy Centre
ECA	Economic Commission for Africa
ECOWAS	Economic Community of West African States
IDP	internally displaced person

Executive summary

A. Introduction

This report draws on the findings of a comprehensive research study on the relationship between land, ethnicity and conflict in Africa. The importance of this topic became clear during a regional consultation and reflection process initiated in 2006 by ECA, the African Union Commission and AfDB. That process and its outcomes encouraged the dissemination of relevant knowledge to support land policy development and the implementation of those land use policies. This report aims to support efforts by ALPC to generate and disseminate knowledge to promote effective land governance in Africa, and underscores that an understanding of land-related ethnic conflict must lie at the core of land policy development and implementation, as well as efforts to foster peace and security. It also emphasizes that resolving land-related conflicts in Africa can provide a strong foundation for economic growth and sustainable development.

The study outlined in this report looked in detail at the issue of ethnic identity in Africa, and sought to map various ethnic groups and ethnically-based claims. It provided an overview of ethnic diversity within contemporary African societies and ways in which that diversity could be harnessed to promote socioeconomic development. The study examined a number of the conflicts in Africa, and assessed the extent to which those conflicts were caused by ethnic tensions, and by struggles to control and access land and resources. The study analysed the political and social drivers of politicized ethnicity in Africa and their linkages to land, while simultaneously analysing the impact of ethnic conflict over land on livelihood stability and productivity. The report concludes by looking at lessons learned, with examples of best practices regarding how ethnic diversity in Africa can be used as a tool for peacebuilding and the promotion of social harmony. Recommendations are made regarding land policy formulation in the light of ethnic diversity and sustainable socioeconomic and livelihood development objectives. The authors of this report hope that it will help relevant stakeholders identify and address root causes of conflict, and develop land policies that will enhance productivity and secure livelihoods, in line with the equity and equality principles set forth in the African Union Framework and Guidelines on Land Policy in Africa (African Union, AfDB and ECA, 2010).

B. Key considerations in ethnic conflicts over land

Land-related conflicts that feature an ethnic component are a consequence of multiple factors, most of which are structural and institutional. Often, those conflicts are triggered by prolonged droughts, disagreement over community land boundaries, contested access to land-based resources, elections and the struggle for political power. It is therefore vital that land policy initiatives pay particular attention to the root causes of ethno-land conflicts, in order to foster sustainable peace and secure the livelihoods of communities. Key drivers of conflict include:

- (a). Competition for land, ethnicity and power struggles: The study illustrated that land-related conflicts may arise not only because of competition for land and its resources, and insecurity surrounding land tenure, but also as a result of local power struggles, poor governance and leadership that exploits a number of factors and resources, including land, ethnicity, gender, class and location, to consolidate power and advance a non-inclusive political agenda. When leaders politicize ethnicity and instrumentalize it as a prerequisite for obtaining power and land, they

- create a vicious cycle of inequitable access to land and other natural resources that can trigger uncontrolled conflict.
- (b). The convergence of political power and authority over land: This is the cause of much ethnic tension and violent conflict across the continent. This is because land lies at the heart of political, social and economic development in Africa, and much of the population relies heavily on agriculture and natural resources for their livelihoods. The study showed that land reforms carried out to promote the broader interests of the population were more inclusive and sustainable, because they enjoyed the support of communities. Such reforms can help deter violent conflict over land and resources.
- (c). Inequitable access to and control of land resources: While conflicts in many parts of Africa may be related to factors surrounding political exclusion, they can also be linked to the following: climate change; inequitable access to and control of land resources and the extractive industry, including oil, gas and minerals; and the way that social, economic and cultural concerns are addressed by political leaders and policymakers. Conflict may arise as a manifestation of grievances surrounding land tenure and governance, and can lead to deaths, psychological trauma, the destruction of property and infrastructure, and the displacement of communities and populations. Abandoned land is occupied by those who remain, and this is sometimes the result of a wider strategy to change the ethnic composition of territory. Institutions are weakened and the population's confidence in State institutions decreases. Cycles of conflict may occur if land tenure and governance concerns are not addressed in a sustainable manner.
- (d). The entrenchment of ethnic identities: Control over and access to land are often a key factor in people's lives, and concerns related to control over, access to and competition for land-based resources are often strongly correlated with existing perceptions of inequality. This can strengthen group identities and provide a catalyst for ethnic hostility. This phenomenon can be further fuelled by poor or weak leadership in both informal and formal institutions, and weak resource management systems, which can weaken the rule of law and exacerbate poverty and inequality. Although some of these phenomena existed in pre-colonial Africa, and contributed to inter-ethnic tensions and conflict, local mechanisms for conflict resolution existed at that time. Those local mechanisms, which were devised and implemented by local councils of elders and spiritual leaders, were undermined by colonial Governments because of the power that those councils wielded in communities. In contemporary Africa, such problems could be ameliorated through committed, inclusive and proactive leadership at the continental, regional and national levels. This would also require the establishment of community-centred conflict prevention, mitigation and reconciliation mechanisms, and effective land governance institutions, policies and practices.
- (e). Competition among numerous ethnic groups: Africa is multi-ethnic and some African countries have as many as 400 ethnic groups living within their borders. This diversity is part of the social and cultural make-up of the continent. Over the past five decades, almost every region of the continent has experienced land-related conflicts with an ethnic component. Whereas some conflicts have engulfed entire nations, as was the case in Burundi and Rwanda, in other countries – such as Côte d'Ivoire, the eastern part of the Democratic Republic of the Congo, Ethiopia, Kenya, northern Mali, Somalia and the Sudan – conflicts have been more localized. In all cases, however, conflict has resulted in loss of life, the destruction of property, community displacement, the disruption of people's livelihoods, increased suffering among women and children, and entrenched ethnic mistrust. Land policy reform can no longer ignore ethnicity as a component of identity

and belonging. Land policy development and reform must seriously and sustainably consider community-based mechanisms in the prevention and mitigation of resource-related conflicts. Policies should also address claims of land-related historical injustices, especially among minority communities and indigenous peoples.

C. The report

This report outlines the results of a study of land-related conflicts and their relationship to ethnicity. It provides a historical background of ethnic identity in Africa, its manifestations and potential strengths and weakness, and – following an overview of the nature of ethnic identity in contemporary Africa – reviews a number of conflicts on the continent and the extent to which ethnicity and control over and access to land resources have either caused or sustained those conflicts. An analysis of the political and social roots of politicized ethnicity in Africa, and their links to land, is also provided.

Violent conflicts have devastating effects on livelihood stability and productivity. The study therefore explored some of those effects, and the report reviews lessons that can be learned in that regard, and makes recommendations on how land policies can become a catalyst for peacebuilding and social harmony within Africa.

The study used both primary and secondary data obtained through an in-depth desk analysis and a review of relevant literature. The consultants also conducted field visits to certain countries to interview key stakeholders and develop detailed case studies.

D. Key findings

The ethnic and geographic diversity of the African continent makes it difficult to draw generalizations about the intersection of land, ethnicity and conflict. However, the study revealed several cross-cutting factors that are critical to our understanding of land-related conflicts with a strong ethnic component. These are summarized below.

1. Ethnicity as a factor that promotes a sense of belonging

- (a). Ethnicity is both a real and imagined factor that promotes a sense of belonging, and is characterized by fluidity and malleability. It serves social, cultural and economic functions within communities. The main approaches used to understand ethnic identity are primordialism, constructivism and instrumentalism, and each approach has its own areas of emphasis. Whereas primordialists view ethnicity as fixed, ascribed and ancestral, constructionists understand it as a social construct that is immutable. Instrumentalists consider ethnicity to be a social tool that may be used to achieve certain political goals. The study adopted an integrationist approach, which facilitates efforts to highlight linkages between stability and changes in the identity formation process. For example, because colonialists imagined that all African communities carried fixed, ancestral identities, certain communities and groups, including the Luhya people in Kenya, appropriated that understanding and created identities that they could then assume in order to negotiate land rights. The study also showed that ethnicity was a fluid, social and cultural marker that, in certain contexts, could undermine nation-building processes.
- (b). Ethnic belonging is not gender blind. Women are accorded a different status from men within ethnic groups due to differences in gender perceptions. The experiences of women within an ethnic group are shaped by that group's social and cultural structures, which are often patriarchal

in nature, while women's marital status, religion, age and economic position determine how they are treated within the group. Furthermore, because patrilocal residence patterns require women to relocate to their husbands' villages at the time of marriage, women are viewed as "temporary residents" in their villages of birth, and as "outsiders" or "strangers" in the villages where they establish their marital households.

- (c). This view of women as outsiders constrains their rights to land because they are viewed as being "in transition", both within their communities of origin and in the communities into which they marry. In situations where customary land usage by the local population is assured, the individualization of land ownership further complicates the issue of women's land rights, since women tend to have relatively weaker economic clout than men. Therefore, to understand the nature of ethnic identity in Africa, one must examine the status of women within specific ethnic groups.

2. Ethnic mobilization and accommodation in pre-colonial Africa

Inter-ethnic and intra-ethnic conflicts over strategic resources, including those pertaining to land, took place between established "first-comers" and "new immigrants" in pre-colonial Africa. However, across the continent, legitimate traditional conflict resolution institutions and practices were often established, which provided for the full incorporation, assimilation and accommodation of defeated communities, and allowed victorious pre-colonial leaders to distribute strategic resources to assimilated communities. Because pre-colonial Africa was characterized by the mixing of ethnicities, African societies could often absorb and assimilate so-called strangers and make land available to them. While the past should not be romanticized, it is important to learn from historical situations such as these.

3. Politicization of ethnicity

Ethnic identity can be politicized in order to gain access to land-based resources and political power. The study uncovered several cross-cutting factors behind the politicization of ethnicity in Africa. First, pre-colonial empire-building, nation-building and State formation – which involved the conquest and annexation of territory, the construction of political power structures and the demarcation of territories – set the stage for the politicization of ethnicity. Ethnic identities – including those of the Ndebele, Sotho and Zulu in Southern Africa and the Ngoni in the United Republic of Tanzania – emerged within the context of violent empire-building, nation-building and State formation in the nineteenth century, which was led by African leaders, including Mzilikazi kaMashobana, Moshweshwe and Shaka kaSenzangakhona. Secondly, the slave trade and mercantilism in West and Central Africa heightened competition among pre-colonial African societies, eroded trust and increased insecurity (Eldredge, 2014, 2015). Thirdly, the competition over territory and subsequent partition of Africa, as endorsed at the Berlin Conference of 1884–1885, resulted in the continent being artificially divided by borders that had a very negative impact on numerous ethnic groups. Those artificial divides meant that communities which shared a common ethnic identity were divided across new national boundaries. Fourthly, colonial practices undermined traditional pre-colonial land tenure systems and resulted in the dispossession and displacement of huge numbers of indigenous Africans, the establishment of "native reserves", the forced creation of peasant and proletariat classes, the instigation of migrant labour practices and the introduction of colonial Eurocentric jurisprudence. Dispossession and displacement were particularly acute in areas that experienced white settler colonialism, including Algeria in Northern Africa; Kenya in Eastern Africa; and Angola, Mozambique, Namibia, South Africa and Zimbabwe in Southern Africa. Fifthly, African nationalism, which was expected to create African nations comprised of various ethnic groups, emerged in parallel with ethnic movements that were predicated on ethnic mobilization. Lastly, the use of ethnicity as a source of self-affirmation and collective agitation in the protection of community rights during the colonial period

and the liberation struggles that followed resulted in the politicization of ethnicity. However, just as political independence was being achieved and when the common grievances that had united diverse ethnic groups to create mass nationalist movements lost relevance, most nationalist leaders reverted to the mobilization of ethnicity by amplifying distinctions between the “self” and the “other”. Ethnic identity became a central focus in those leaders’ pursuit of power and land-based resources, and this undermined the nationalist agenda in many African countries.

4. Ethnic identity and autochthony

- (a). Colonial rulers believed that Africans belonged to well-defined ethnic groups, just as Europeans belonged to nations. Due to the prevailing belief at the time that social identities were fixed and immutable, colonial rulers demanded that Africans define themselves in accordance with (or be assigned) a fixed identity that could then be codified. Furthermore, colonialists sought to confine ethnicities to specific geographical areas in order to control the people living within those areas more effectively, limit migration and create efficiency in the management of labour. In the process, the social construction of ethnic identity was developed and the notion of autochthony and the insider/outsider dichotomy over land and resource ownership became entrenched. The creation of the Bantustans of Bophuthatswana, Gazankulu, Transkei, Venda and Zululand by the apartheid regime in South Africa, and the ethnic reserves created within the borders of Kenya, typified the colonial belief that African ethnicities were fixed and unchanging.
- (b). As competition for land resources increased, communities themselves took on the social construct of ethnicity as a tool with which they could promote their political agendas. To achieve their goals, Africans appropriated the terminology of ethnic identity to advance their claims to land. In other words, autochthony claims were appropriated at that time and they continue to be used to promote political and social mobilization, and safeguard common interests. The autochthonous grievances of minority communities, including the Batwa, Khoisan, Maasai, Ogiek and San, must not be ignored and should be incorporated fully in all land policy reform agendas.

5. Ethnicity, land governance and conflict

As drivers of conflict, land governance and ethnicity issues overlap in multiple areas. Two of the most important of those issues are outlined below:

- (a). Legal pluralism in Africa: Legal pluralism is the norm in most of Africa and is often a cause of conflict between those with competing interests. Customary tenure is largely unwritten and based on community land use norms. Such tenure oversight mechanisms are flexible and governed by culturally-agreed practices. Legal pluralism is a legitimate practice, and ensures that all members of the community have access to land-based resources. Statutory tenure, however, is based on written laws, regulations and documents generated by government institutions, and provides for the issuance of documents such as certificates of ownership and title deeds. There is often de jure State ownership of land and de facto authority over that land exercised through traditional institutions. These two tenure systems in Africa often overlap and conflict with one another, especially when coordination between these two legal regimes is weak, as seen in countries such as the Democratic Republic of the Congo, Kenya, Nigeria, Somalia, the Sudan and Zimbabwe.
- (b). Tenure insecurity, ethnic militarization and communal war: When communities become frustrated by the State’s inability to provide security, local insurgencies and ethnic armed groups and militia may emerge. Drawing on high levels of youth unemployment and poverty, local leaders mobi-

lize resources and provide alternative centres of power and security. The ongoing conflicts in the eastern part of the Democratic Republic of the Congo, in which numerous warlords continue to hold sway, provide very vivid examples of ethnic militarization and communal warfare. Similarly, conflicts have broken out in Burundi, Somalia, the Darfur region of Sudan and northern Uganda, as a result of competing land claims and competition over other resources.

6. Impact of land-related ethnic conflict on livelihood stability and productivity

- (a). Loss of life and property: The impact of conflicts triggered or sustained by a variety of land and ethnic-related grievances has been significant, especially on livelihood stability and productivity. Recent conflicts have claimed the lives of millions of people in Africa, including in Burkina Faso, Burundi, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia, Mali, Nigeria, Rwanda, Sierra Leone, Somalia and the Sudan.
- (b). Land dispossession and displacement: Land-related ethnic conflicts and subsequent internal displacement have led to massive land dispossession among rural populations. In 2006, a staggering 42 per cent of global internally displaced persons (IDPs) were displaced in nine African countries: Burundi, the Central African Republic, Chad, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Somalia, the Sudan and Uganda. Rural populations depend largely on land for their survival. Land dispossession is therefore a worst case scenario for these populations. In addition, the people displaced by land-related conflicts are often accommodated in unsafe villages or refugee camps. This relocation of large numbers of people leads to the overuse and degradation of land, and has a severe impact on the quality and quantity of crop production in affected areas. For farmers, the most common outcome of intercommunity violence, due to land-related or climate issues or because of general conflicts between farming and herding communities, has been land dispossession (temporary or permanent), agricultural underproduction, food scarcity, an increase in the prices of scarce consumer goods, poverty, malnutrition, lower standards of living, and increasingly prevalent disease. For herders, the effect of conflict is directly felt in the loss of cattle. Ethnic conflict due to conflicts over natural resources results in land degradation and impedes productivity.
- (c). Recruitment of children and young people: The recruitment of children and young people into ethnically-based armed militias in order to maintain control over community land and resources can cause the deaths of a significant number of those children and young people. This has repercussions for the future, in terms of leadership within affected communities, regions and countries.
- (d). Threats to the livelihoods of indigenous forest peoples: Land-related ethnic conflicts stemming from huge land and forest concessions awarded by States are particularly threatening to the livelihoods of the indigenous forest peoples in the Congo Basin, who rely almost exclusively on the forest for their livelihoods. The long-term impact of those concessions includes deforestation and climate change, and they pose a direct existential threat to forest peoples themselves.
- (e). Gender-specific impacts: Women, who constitute an overwhelming majority of local land users across all regions in Africa, are disproportionately affected by conflict over land. Conflicts always exacerbate pre-existing tenure insecurity and the exclusion of women as a result of structural economic, social and cultural constraints. Conflicts may also result in the physical and emotional violation of women through sexual assault and displacement, and may deprive them of their sources of livelihood and land rights.

E. Recommendations

1. Develop policy guidelines for addressing land, ethnicity and conflict

ALPC should develop guidelines on land, ethnicity and conflict for policymakers and land reform institutions for use during boundary demarcation and land registration. The guidelines would address, among other issues, the ethnic dimensions of land use, ways to mitigate the impact of various types of conflict, and best practices for securing community land rights. The guidelines would also deal with cross-cutting issues such as women's land rights, traditional land governance mechanisms, the use of information technology in land governance, mapping, registration, collection and analysis of data, early warning and conflict monitoring, and the implementation of subregional, African and international protocols on land rights. They would also provide input on how ethnic diversity can be harnessed to resolve societal challenges.

2. Recognize legal pluralism

African countries should draw on community experiences with a view to adopting innovative, hybrid, decentralized approaches that combine best practices in community and statutory land oversight systems, in order to strengthen customary land rights while ensuring that the rights of women and other marginalized groups are respected. These community-based solutions should include processes for mapping, demarcation and registration of land rights and claims at the community level. In addition to granting legal recognition to customary law on women's land rights, in line with countries' constitutional and statutory safeguards, it is vital to take deliberate and systematic steps to incorporate gender-responsive provisions into countries' statutory frameworks on customary law to ensure that the application of customary law and practices is in line with constitutional and other safeguards relating to women's land rights.

3. Secure collective tenure rights of ethnic communities

The outcomes of the study underscored the importance of securing and protecting the collective land rights of communities. Where communally owned land is not adjudicated or registered, it tends to be appropriated by State agencies, economic and political elites, land speculators and foreign investors. Securing community land rights should be prioritized, monitored and evaluated across the continent. It is encouraging that several countries have developed policies to accelerate mapping, adjudication and registration of communally owned lands; strengthen land tenure pluralism; protect women's land rights; and secure the rights of smallholder producers and communities. In all cases, however, the participation of community members in the implementation of these policies is crucial. Lessons learned regarding collective tenure rights from the implementation of the Plan Foncier Rural (Rural Landholding Plan) in Benin, Burkina Faso and Côte d'Ivoire should be further explored.

4. Secure the land rights of disadvantaged groups

The current practice of titling and individualizing land in many African countries while paying little attention to secondary users – such as women, refugees and IDPs, young people and members of pastoral communities and minority groups – is unsustainable and is a constant cause of conflict over boundaries and denial of user rights. Governments should take urgent steps to protect the land rights of all users. In addition, Governments should take action to secure collective land rights over contested forests, wetlands and grazing land.

5. Address ethnicity, State legitimacy and nation-building

The resolution of land-related conflicts will succeed only if leaders pay attention to the root causes of land problems in Africa. Many of these problems can be traced back to the colonial period and to State formation and nation-building processes. Ideally, national loyalty ought to converge with State loyalty so that the State gains legitimacy and enjoys political authority across the various ethnic groups. Regrettably, however, ethnic heterogeneity has rarely been harnessed to build cohesive nation-States, and ethnic loyalty often takes precedence over State loyalty. Inclusive governance practices and meaningful public participation in local and national decision-making institutions, including land administration boards, are vital in mitigating conflict. African Governments should build political systems that protect the land rights of all citizens.

6. Address land inequities

The study showed that, in certain African countries, land distribution is inequitable. Ethnic, political and economic elites exercise control over large areas of land, while many communities are left to occupy only very small land areas or become landless. For example, while the Fast Track Land Reform Programme, launched in Zimbabwe in 2000, resulted in the allocation of land to landless black people, it also resulted in land appropriation by elites closely associated with the ruling party, who were able to gain ownership of multiple farms. There is an urgent need to address such situations through depoliticized and inclusive land redistribution mechanisms. If implemented effectively, land redistribution can help resolve conflicts that are fuelled, at least in part, by competition over land, and can achieve more equitable access to land, reduce poverty and landlessness, and advance rural development by raising agricultural production. Governments should therefore give serious consideration to land redistribution strategies and consider how such strategies can be implemented effectively and in a sustainable manner. As for gender-based disparities in relation to land, the African Union has recommended that its member States allocate at least 30 per cent of documented land rights to women and further strengthen their rights through legislative and other mechanisms. That recommendation should be rigorously pursued by all Member States.

7. Establish local, national and regional dispute resolution mechanisms

The prevention of violent conflict, promotion of inter-ethnic reconciliation and restoration of peace and security are not the responsibility of national Governments alone. Intergovernmental organizations should therefore take a proactive role in monitoring early warning signs of conflict. In addition, Governments should consider strengthening legitimate community-based dispute resolution systems, many of which were undermined under colonialism. In particular, they should seek to ensure inclusive governance through the effective representation and participation of women. Moreover, the use of traditional dispute resolution mechanisms and alternative dispute resolution approaches, including those that make use of mediation and arbitration mechanisms, should be encouraged and incorporated into judicial systems, but in a manner that protects the land rights of women and minority groups.

8. Support civil society organizations

Civil society organizations play an important role in safeguarding the land rights of communities. Governments and funding agencies should view civil society organizations as providing a critical link between the State and communities, and as entities that create spaces for civic engagement.

9. Address weaknesses in land institutions and authorities

Citizens will view land institutions and authorities as legitimate if they can provide them with essential services. If they fail to do so, citizens will view them as entities that fail to protect their interests. Other centres of power, including criminal gangs, may emerge to support local communities and provide services in return for the payment of protection “taxes”. To reduce that tendency, African leaders must take urgent steps to decentralize power, eradicate corruption in service delivery, and end impunity among individuals and groups who violate the land rights of citizens. In addition, Governments should explore how best to develop governance structures that provide for decentralization and/or devolution to create local centres of power that can be held accountable by citizens on land-related matters.

10. Incorporate land governance in constitutional reform agendas

Many African countries are reviewing their constitutions, and others are amending them, to address key national land concerns. While many of those countries are seeking to promote the equitable distribution of land, some communities within their borders have put forward autochthonous claims and demands with secessionist dimensions, including the Lozi (Barotse) in Zambia, Namibia and Angola. Those secessionist aspirations are fuelled by a combination of pre-colonial, colonial and post-colonial migrations and settlement patterns, problematic colonial boundaries, the failure of post-colonial nation-building projects, and by ongoing inequitable land distribution patterns. Furthermore, across the continent, pastoral communities are raising autochthonous-based grievances, including those related to the declining quality of their grazing lands. A holistic approach to address those grievances that involves constitutional and legislative reform could significantly reduce tensions and the likelihood of conflict.

11. Enhance the performance of the judiciary by assigning cases involving land-related bodies to other tribunals

The judiciary should recognize that traditional dispute resolution mechanisms and alternative dispute resolution systems can successfully arbitrate disputes over land and should establish specialized courts to adjudicate land disputes only in cases in which those mechanisms and systems are unable to resolve disputes and deliver justice. Furthermore, given the many ongoing land-related disputes across the continent, action should be taken to enhance judicial capacities and ensure that the long backlogs of land cases are cleared. This will require setting time limits for the completion of all land cases before the courts. In all cases, African Union member States should build trust in the formal justice system in order to discourage parties to disputes from resorting to violence or other illegal means in order to settle those disputes.

12. Build capacity in land governance

There is an urgent need for capacity development in land governance that truly serves the needs of the continent. The capacities of selected academic institutions across Africa should be strengthened so that they can successfully train fully competent land experts. Similarly, there is need to foster exchange programmes, joint research projects and knowledge-sharing among these institutions.

13. Implement the recommendations

Effective implementation and follow-up mechanisms for the aforementioned recommendations are needed, and steps must be taken to mobilize the necessary financial resources to achieve that objective.

I. Introduction

A. Background and rationale of the study

The study on the intersection between land, ethnicity and conflict aimed to generate and disseminate knowledge on land governance in Africa. It advanced the mandate of ALPC, a joint initiative of the African Union Commission, ECA and AfDB that was launched in 2006. During its first phase, from 2006 to 2009, ALPC, which was then called the Land Policy Initiative, successfully developed the Framework and Guidelines on Land Policy in Africa (African Union, AfDB and ECA, 2010), which was adopted by African ministers responsible for land in April 2009 and endorsed by African Heads of State and Government in the Declaration on Land Issues and Challenges in Africa during the Thirteenth Ordinary Session of the Assembly of the African Union in July 2009. The Framework and Guidelines, which were developed through a rigorous series of activities, including regional assessment studies and regional consultations on land policy, aim to facilitate the development and implementation of national land policies that strengthen land tenure rights and security, and enhance productivity and economic growth, with a view to combating poverty, while ensuring sustainable livelihood development.

Implementation of the African Union Declaration on Land Issues and Challenges in Africa started in 2010 and marked the beginning of the second phase of the Land Policy Initiative. The goal of the second phase is to assist African Union member States in the implementation of the Declaration, in accordance with the Framework and Guidelines, and to promote social and economic development, peace and security, and environmental sustainability.

To enhance knowledge generation and dissemination, raise awareness and build evidence-based land policy formulation and implementation, a series of studies on land issues has been spearheaded by ALPC. There is growing understanding among relevant stakeholders that resolving land-related ethnic conflicts is key to fostering peace and security in Africa. Moreover, conflict resolution can have a significant positive impact on economic growth and sustainable development. Without peace and security, social harmony among Africans is at risk, and social and economic development will remain extremely limited. It is hoped that the findings of the study will support efforts to address the root causes of conflict through the development of equitable land policies in line with the Framework and Guidelines.

The study demonstrated that land-related conflicts are not only based on competition for scarce resources and the insecurity of tenure rights, but are also a result of poor governance. Indeed, such conflicts often arrive when political leaders exploit ethnicity to advance narrow political agendas and limit access to land by communities with limited political capital. When leaders use ethnicity as a tool of governance, they create a vicious cycle of inequitable access to land and other natural resources that can trigger uncontrolled conflict that hinders social and economic development, and disrupts the livelihoods of ordinary people.

Land lies at the heart of the political, social and economic development of African States, and most African populations rely heavily on agriculture and the exploitation of natural resources for much of their livelihoods. While conflicts and violence in many parts of Africa may be related to political issues, they can also be linked to the inability of people to meet their basic needs for survival, inequitable access to land resources and the ways in which social, economic and cultural issues are addressed by local leaders and policymakers. What emerges poignantly from research is that control of, access to and competition for land resources dovetail with existing perceptions of inequality. This can reinforce group identities and

provide a catalyst for open hostility and conflict. Poor and weak leadership in both informal and formal oversight bodies only exacerbates that situation.

Contemporary social organization and mobilization mechanisms in Africa – particularly those based on socioeconomic class, ethnic identity and nationality – may shape access to and control over land. Those mechanisms can give rise to a complex cycle of claims and counterclaims over land resources.

B. Objectives of the study

The overall objective of the study was to conduct a comprehensive assessment of land-related conflicts, and enhance understanding of the relationship between land, ethnicity and conflict in Africa.

The specific objectives of the study were to:

- (a). Provide a historical context to ethnic identity in Africa, ethnically-based claims, and the challenges and opportunities that can arise in ethnically diverse African societies;
- (b). Provide a broad overview of the nature of ethnic identity in contemporary Africa;
- (c). Review a number of conflicts in Africa and the extent to which ethnicity and control over and access to land resources have given rise to those conflicts;
- (d). Analyse the political and social roots of politicized ethnicity in Africa and the links between politicized ethnicity and land;
- (e). Identify and analyse the impact of land-based ethnic conflicts on livelihood stability and productivity;
- (f). Provide lessons learned and draw best practices on how ethnic diversity in Africa can be used as a tool for peacebuilding and the promotion of social harmony;
- (g). Make recommendations on best practices in land policy formulation, with a view to harnessing countries' ethnic diversity to promote sustainable social, economic and livelihood development.

C. Methodology

The study used both primary and secondary data elicited through in-depth desk study, a review of relevant literature and country field visits. Relevant publications, strategy documents, legal regimes and reports on a broad range of issues regarding the interplay of land, ethnicity and conflict were reviewed. These included: ECA regional assessments on land policy in Africa; national land regimes of case study countries; the African Union Framework and Guidelines on Land Policy in Africa (African Union, AfDB and ECA, 2010); the African Union Declaration on Land Issues and Challenges in Africa; and World Bank and AfDB reports on land, agriculture, ethnicity and conflict in Africa. Desk study research informed broad sampling of countries that have experienced serious land-based conflict with an ethnic component.

Primary sources were also used and field visits were undertaken to conduct interviews with key stakeholders and community groups. These included land administration authorities, ethnic communities that have been particularly affected by conflicts over land, traditional leaders, civil society organizations, women's groups, victims of land expropriations, indigenous peoples, academics and lawyers. The three

researchers made field visits to three countries: the Democratic Republic of the Congo, Kenya and Zimbabwe. Those three countries are grappling with land reform and conflicts stemming from inequitable resource management. The case studies covered key regions of Central, East and Southern Africa. During the visits, the researchers conducted in-depth research on the history of ethnic identity and its construction, conflicts over land, the impact of those conflicts on livelihoods, peacebuilding efforts, and on how ethnic diversity can be harnessed for the common good. The field visits helped the research team consider critical contextual issues, identify best practices, and generate goal-oriented recommendations on initial steps to be taken and follow-up actions.

Data analysis and synthesis adhered to the broad thematic framework set forth in the study's terms of reference. The researchers constantly reviewed and mainstreamed input provided by relevant experts.

D. Towards a conceptual framework

The study underscored that the relationship between land, ethnicity and conflict was exceedingly complex. Firstly, ethnicity as a phenomenon must be explained rather than simply deployed as a unit of analysis of a particular conflict. This is necessary because ethnicity is largely an expression of hidden structural and agential issues. Conflicts arise because of the interplay of a number of socioeconomic, political and environmental factors, including climate change; droughts; migration; competition over power, space and resources; realities and perceptions of exclusion; desertification; the imposition by the State of unfair land tenure systems; and entrenched poverty. The study made clear that ethnic identity is often used as a mobilization tool in the pursuit of solutions to these issues.

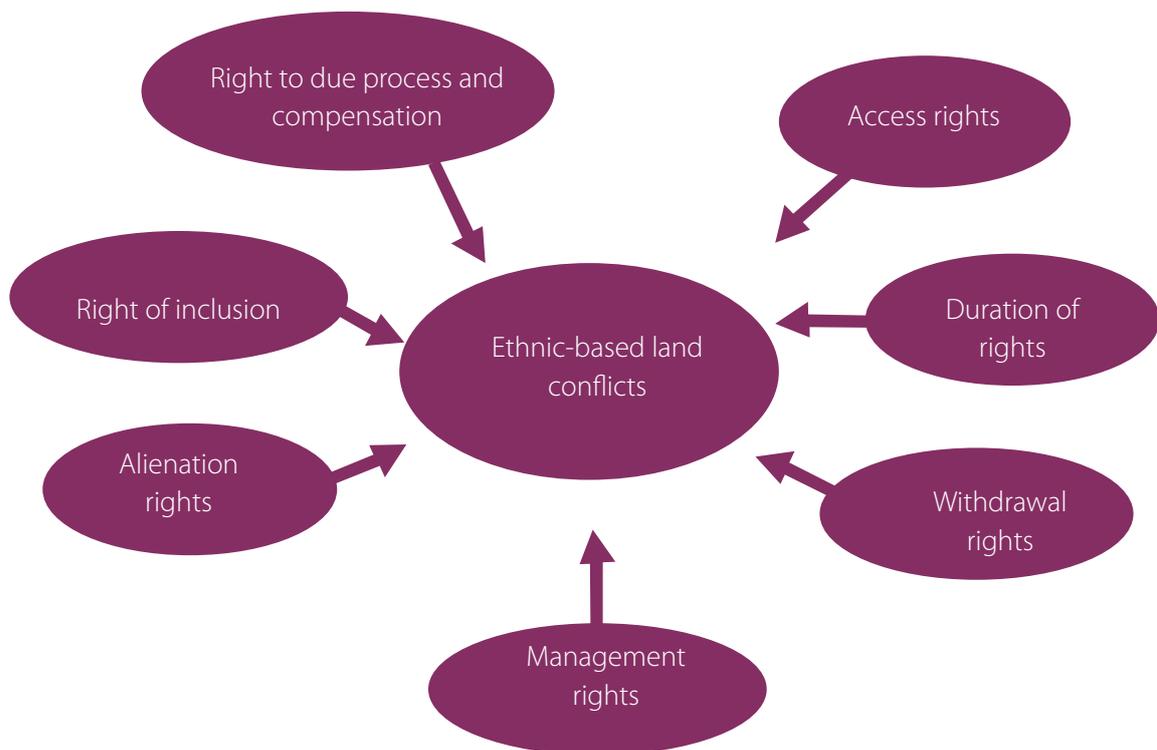
This study showed that ethnicity itself is not a cause of conflict, but rather comes into play during the mobilization phase of conflicts. To a large extent, Blagojevic (2009, p. 1) is correct in positing that "ethnic conflict occurs when a particular set of factors and conditions converge: a major structural crisis; presence of historical memories of inter-ethnic grievances; institutional factors that promote ethnic intolerance; manipulation of historical memories by political entrepreneurs to evoke emotions such as fear, resentment and hate towards the 'other'; and an inter-ethnic competition over resources and rights". The study therefore considered the following: historical factors from pre-colonial times to the present; structural processes such as enslavement, border/boundary making, colonialism, nationalism, post-colonial nation-building, urbanization and migration; institutional factors, including the role of the State and land policies, and approaches to governance; environmental factors, such as desertification, droughts, and famine; and such factors as poverty and unemployment. Such an analysis makes clear that ethnicity is intertwined with numerous other factors in conflicts over land.

Thus – as a factor that helps peoples establish their identities and sense of their history, culture, geography, ancestry, descent and affiliation – ethnicity is not a problem per se and, as a social phenomenon that expresses attachment to particular land areas and belief systems, does not necessarily cause conflict. As a sociocultural phenomenon, ethnicity can be flexible, malleable and accommodative of strangers. The linkage between ethnicity and land dates to time immemorial, when land was plentiful and when rigid boundaries and borders had not yet been established. Migration was one way of avoiding conflict over land and other resources, even though migration often meant that migrants encroached on other people's lands. For example, in Southern Africa, the Mfecane period disputes over water and land in the nineteenth century provoked the large-scale migration of a number of peoples, including the Ndebele, who settled in Zimbabwe, and the Ngoni, who settled in Malawi and areas of modern-day United Republic of Tanzania (Ndlovu-Gatsheni, 2009; Eldredge, 2014, 2015).

Ethnicity becomes dangerous when it is politicized, militarized and instrumentalized in a fundamentalist paradigm of difference, and then used as a tool of inclusion and exclusion. Ethnicity can become associated with a particular political identity and manifest itself in autochthonous, nativist, secessionist, supremacist, xenophobic and racial forms. The Rwandan genocide of 1994 embodied the dangers of politicized ethnicity in Africa. The study looked at various forms of conflict in Africa, including intercommunal conflicts, cross-border conflicts, secessionist conflicts, autochthonous conflicts, ethnic competition for power, urban-based conflicts over space and jobs, conflicts over citizenship and conflicts induced by environmental factors.

Ethnic conflicts over land are often the result of a failure to uphold land rights and perceptions of exclusion in land governance decision-making processes (see Boone, 2014). Rules of tenure define how property rights are allocated within a society, and access rights, alienation rights, management rights, withdrawal rights, the duration of rights and the rights to due process and compensation are often intricately linked to tenure arrangements.

Figure 1 Conflicts, land rights violations and ethnicity



Source: Consultants/authors of the report.

Access to land is governed through land tenure systems, and rules of tenure establish property rights in land allocation processes. For example, alienation rights relate to the right to sell and transfer land, while withdrawal rights relate to the removal of particular areas of public land for special uses. Land rights are highly emotive and when violated or perceived to be violated, communities can be mobilized on the basis of their ethnicity to take action to ensure that those rights are upheld. The protection of rights holders and minimizing the number of rights violations through policy formulation and implementation can help reduce the likelihood of conflict.

II. Overview of land, ethnicity and conflict in Africa

A. Nature of ethnicity in Africa

1. Ethnicity as an identity marker

Ethnicity is a form of identity and a state of consciousness driven by material, cultural, social, and historical forces, as well as boundaries of exclusion and inclusion (Ake, 1993, pp. 1–2). It is, therefore, both real and constructed. An ethnic group is a descent-based affiliation or a common belonging determined by a combination of cultural, linguistic and physical attributes. Ethnicity is also a marker of difference that distinguishes one group from another based on socially and culturally accepted criteria. Those criteria could be stable or shifting, depending on context. In addition, ethnicity is an identity that is the product of the human mind and an interpretation of the social environment with the purpose of organizing the world and its peoples.

Ethnicity has both subjective and objective attributes. At the subjective level, individuals are assigned (or assign themselves) identifications and affiliations to groups based on an interpretation of perceived common features. At the objective level, ethnicity is based on certain “objective characteristics and is constructed by social forces and power relations” (Yang, 2000, p. 40). In Europe, for example, ethnicity is often linked to language and regional location, while in Latin America and the Caribbean, it is often associated with regional location and racial distinctions. In Africa, ethnicity is associated with identity based on ancestry, shared culture, historical experience, regional location and language. But the experiences of Rwanda and Somalia have shown that these attributes may be contested. The Hutu and Tutsi speak Kinyarwanda, they occupy the same geographical space and have shared historical and cultural experiences. Yet, the world was shocked when the Hutu and Tutsi identities, consolidated under colonialism, were instrumentalized for violence during the 1994 genocide in Rwanda. Equally, the Somali people share culture, history and language, but have been sharply divided over the last 25 years on the basis of clan divisions. Without doubt, governance practices and power dynamics in politics are also at play in the expression of ethnicity.

Throughout history, ethnic identity has both threatened and reinforced processes of State and nation formation. In pre-colonial Africa, for example, less powerful political formations of ethnic groups would be conquered and made subservient to the more powerful. This occurred during the Mfecane period, which has been dubbed by historians as “the time of trouble”, because it was a period of intense inter-ethnic conflict and nation-building in Southern Africa. Indeed, the collapse of ethnic formations and nations, including the Mthethwa of Dingiswayo and the Ndwandwe of Zwide kaLanga, resulted in the emergence of a number of powerful kingdoms, including the Zulu under King Shaka kaSenzangakhona, the Ndebele under Mzilikazi Khumalo, the Ngoni under Zwangendaba Jele, and the Gaza under Soshangane Nxumalo (Eldredge, 2014, 2015). In the post-colonial era, ethnic identity, which has at times been expressed through clan divisions, has sometimes weakened and led to the collapse of States. Somalia, which appears to be an ethnically homogeneous society on account of its shared history, language and religion, has become an arena for inter-clan violence and clan-based politics that have rendered the country extremely unstable and have seriously undermined State- and nation-building processes.

While scholars such as Horowitz (1985), Easterly (2001), Easterly and Levine (1997), and Collier (2009) have blamed ethnicity for political instability, national mistrust, violent conflict and weak national identity, Ake (1993) has challenged that long-held negative understanding of ethnicity. For Ake, ethnic identity has a positive role to play in post-colonial social transformation. In his view, ethnicity is part of the undeniable social plurality of Africa on which political pluralism should be based. He argues that “no project of social transformation can succeed by ignoring it” (ibid., p. 9). Ethnic identity is a bearer of culture which enables the African person not to be dissolved “into the abstraction of the legal subject” (ibid., p. 10). Therefore, ethnic formations have played an important “countervailing force to State power, as well as the best defence of a separate space against the totalizing tendencies of the post-colonial State” (ibid., p. 7). Ethnic formations, even though they operate from rather narrow confines of membership, have contributed to the defence of human rights and have helped strengthen resistance to land dispossession. Ethnic formations are, potentially, a key factor that can spur social and economic transformation (Njogu et al., 2010).

2. Ethnic heterogeneity and diversity

The arguments outlined above must be taken seriously in Africa, which is more ethnically heterogeneous than most other parts of the world. Most States in Africa are characterized by ethnic fragmentation, if ethnicity is defined mainly on the basis of shared cultural and linguistic traits (Alesina, 2003). Despite Africa’s heterogeneity, variations in ethnic plurality are evident across the continent. Botswana, Lesotho and Eswatini are examples of countries with relatively homogenous ethnicities. At the opposite end are States whose borders encompass more than 40 different ethnicities. However, estimates vary as to how many ethnic groups live in each country. For example, estimates of the number of ethnic groups in Angola range from 8 to 100; estimates for the Democratic Republic of the Congo and Nigeria range from 4 to 360 groups; and estimates for the number of ethnic groups in Ghana range from 10 to 75 groups (see Englebert and Dunn, 2013, pp. 65–68).

There are at least two reasons for this variation. First, there is the issue of aggregation resulting from the nuances and fluidity of cultural features, linguistic marking and historical experiences, especially among closely related communities. Given the denseness of sociocultural proximities, where does a specific ethnic group begin and where does it end? Furthermore, how should clan differentiation be categorized? For example, prior to the collapse of the Siad Barre regime in 1991, Somalia was viewed as ethnically homogenous because of its linguistic (Somali) and religious (Islamic) composition. But soon after the overthrow of Siad Barre, the clan emerged as a significant unit of ethnic differentiation, and came to represent a specific political and cultural position. Similarly, certain accounts of ethnic diversity in the Democratic Republic of the Congo list 365 ethnic groups (Ndaywel e Nziem, 1998: 256–257), yet some of these could be viewed as offshoots of the Kikongo, Lingala, Swahili and Tshiluba linguistic groups.

The other challenge relates to the perspective adopted when defining the term “ethnicity”. One could, for example, define ethnicity as an unchanging, fixed, primordial form of belonging aggregated through cultural and linguistic particularities, including “self-identification”. In that case, ethnic identities resulting from the colonial encounter and post-colonial alignments would not be accounted for because these are more recent. In contrast, ethnicity could be viewed as a malleable and flexible sense of belonging, which coexists with other forms of identity and can be emphasized by communities to achieve certain goals. The salience of ethnic identity in this latter perspective depends on its instrumentalization to achieve social, economic or political objectives. Therefore, being a member of the Zanaki, Digo or Chagga ethnic group in the United Republic of Tanzania might be important at one point but of less importance at another, when a person’s national Tanzanian identity may be viewed as more important. Equally, being a black South African might be more salient than being a member of the Xhosa, Zulu, Ndebele, and Sotho ethnic group within certain contexts. But if languages and culture are constructed through interaction

and in “making life meaningful” (Tomlinson, 1999), then it is conceivable that individuals start acquiring an ethnic identity at birth and that the process of “becoming” a member of a specific ethnic group is strengthened through socialization. The perspective adopted in defining ethnicity has implications for policy formulation and stakeholders’ understanding of how land, ethnicity and conflict are interconnected.

Several factors could be advanced to explain the high levels of ethnic diversity in Africa. Five key factors are outlined below: latitude and temperature; the Bantu migrations and the slave trade; colonialism; urbanization and forced labour migrations (Green, 2013).

(a). Latitude and temperature

Populations tend to be dense in warm tropical environments, which are prevalent in certain parts of the continent. These environments are ideal for food production and, in pre-colonial times, inhabitants tended to settle in those environments instead of migrating to other areas. In that process, communities with shared languages, cultures and histories emerged and became distinct because of their isolation from other communities. Lifestyles emerged on the basis of ecology, with drier areas being favoured by pastoral communities and areas with abundant rainfall attracting agricultural communities. The emergence of successful political and economic systems promoted co-existence, resource-sharing, and the stability and well-being of communities.

(b). Bantu migrations and the slave trade

The earliest recorded endogenous human expansion in Africa took the form of what has become known as the Bantu migrations, which shaped pre-colonial settlement patterns. However, the advent of the slave trade disrupted those settlement patterns. The Atlantic slave trade unfolded as part of the rise of mercantilism in the fifteenth century, and Western expansionism into overseas markets. The Atlantic slave trade contributed to the underdevelopment of West Africa in at least five ways. First, strong young people who would have advanced commerce, agriculture and culture were shipped away. Secondly, it intensified competition among African kingdoms and impeded agricultural and commercial activity, leading to the disintegration of the kingdoms of Benin, Dahomey, Oyo and Yoruba. Thirdly, it increased mistrust between coastal and hinterland communities, because the coastal communities, such as the Fante and Swahili, were actively recruited as guides for the slave traders. Fourthly, some kingdoms (such as Dahomey) sought to join the trade and built powerful armies, which disrupted settlement patterns and increased community dispersals. Fifthly, some empires (such as the Oyo Empire) expanded their territories and paved the way for British expansion in the nineteenth century. The dispersal of communities during the slave trade also took place in East Africa. In the Indian Ocean trade, slaves were captured in East, Central and Southern Africa and sold to Arabia, Brazil, China, India, Iraq and Mauritius, to work in sugar plantations. The slave trade significantly weakened ties, and increased mistrust among African communities (Nunn, 2008).

(c). Colonialism

Ethnic fractionalization initiated by the slave trade became entrenched with the advent of colonialism. Colonial regimes in Africa promoted and politicized ethnicity by adopting a “divide and rule” approach, and by providing incentives to cultural leaders to promote ethnic differences. Moreover, to reduce bureaucracy, the colonial powers created large States that encompassed a wide range of communities that had not previously interacted with each other. However, the net effect of this consolidation of communities was the development of States that were ethnically diverse. It is not surprising that smaller

States – such as Burundi, Djibouti and Rwanda – have lower levels of ethnic diversity than larger ones, such as the Democratic Republic of the Congo, Nigeria, the Sudan and the United Republic of Tanzania.

In addition, colonial Governments drew arbitrary boundaries and split ethnic groups between countries. The new borders failed to take into consideration pre-existing sociopolitical formations. Indeed, at least 177 ethnic groups were split across two or more countries when Africa’s borders were redrawn at the Berlin Conference of 1884–1885. Therefore, the Digo, Kuria, Luo and Maasai communities are found in Kenya and the United Republic of Tanzania, while the Somali are found in Ethiopia, Djibouti, Kenya and Somalia. In West Africa, the Malinke, who are among the most partitioned people on the continent, are split across six different countries: Côte d’Ivoire, the Gambia, Guinea, Guinea-Bissau, Mali and Senegal. Other formerly homogenous ethnic groups that were arbitrarily separated across borders by colonial boundaries in the region include: the Ewe, between Togo and Ghana; the Vai, between Liberia and Sierra Leone; and the Hausa, between Nigeria and the Niger.

Colonial Governments also created supposedly homogenous geographical locations, called “reserves”, in Kenya, South Africa and Zimbabwe, and in certain cases imposed leaders on communities. New ethnic identities were created with the geographical splits and imposition of new chiefs. Moreover, internal migrations were restricted, except where such migrations were deemed necessary to ensure an adequate supply of cheap labour.

(d). Urbanization

Although approximately 60 per cent of Africans live in rural areas, the populations of certain cities are extremely high (see table 1). The growth of cities and the emergence of new settlement patterns have created new forms of urban ethnic diversity. For example, the Swahili identity emerged with the growth of cities in East Africa and the resulting interactions among different ethnicities from Africa, Asia and the Middle East. This gave rise to a hybrid identity shared by many people living on the East African coast and even in urban centres further inland (Mazrui, 2007). High population growth and the increasing scarcity of land in rural areas mean that the pace of urbanization is accelerating, and new ethnicities are forming, as urban migrants find commonalities among themselves, especially in informal settlements. The emergence of “sheng”-speaking communities in Kenya, for example, illustrates this trend.

Table 1 Populations of selected African cities^a

Region	West Africa	North Africa	Central Africa	Southern Africa	East Africa
City	Lagos, Nigeria	Cairo, Egypt	Kinshasa, the Democratic Republic of the Congo	Luanda, Angola	Nairobi, Kenya
Population	21 million	20.4 million	13.3 million	6.5 million	3.5 million

^a 2014 estimates.

Source: *Worldatlas*, 2019.

(e). Forced labour migrations

Colonial economies were established on the basis of the forced appropriation of land and the dispossession of its native inhabitants, together with the forced creation of peasant and proletariat classes. Those inimical colonial practices provoked labour migrations and the employment of Africans in plantations, mines and factories. Although most labour migrations took place within regions that suffered intensive

settler colonialism, land appropriation and forced displacement – including Kenya, South Africa and Zimbabwe – certain other regions, including West Africa, were also turned into peasant trade colonies, with the native inhabitants of those regions forced to take up employment in plantations. Indeed, the advent of the capitalist market economy not only disrupted existing social structures, but also created new market-determined identities among landless people, including mine workers, farm labourers and domestic workers. Forced labour also brought people of diverse ethnic identities into contact with each other in the mines, farms and factories where they worked.

B. The tenacity of ethnic identity

Ethnic identities are tenacious. At independence, many African leaders advocated for a pan-African agenda and deliberately suppressed ethnically-based subnationalisms because ethnic diversity was seen as a hindrance to the consolidation of the State and the creation of a national identity. National integration was the preferred route towards national development. Inspired by the spirit of the inter-ethnic liberation struggle against colonialism and buoyed by Marxist and modernist theories, which had argued that ethnicity was a “false consciousness” and would disappear or fade with industrialization, modernization and urbanization, the political leaders of the 1960s invested, at least in the initial stages, in building national identity as a layer of identification. But at every stage, ethnic identity seemed to gain in importance as struggles arose over land and resource extraction.

Currently, ethnicity remains a vital part of the contemporary world as individuals and communities angle for space, self-interest and opportunity. This is happening not only in Africa, but also in other parts of the world. In the United States, for example, ethnicity continues to drive politics, economics and social norms. Ethnic identity is also a potent force in Europe, as witnessed by the collapse of the Soviet Union and the ethnic divisions that emerged in Yugoslavia. Indeed, the politics of separation and ethnic polarization are on the rise across the globe. Clifford Geertz (1973) stressed the enduring nature of communal and particularistic attachments to local languages, cultural symbols and ethnic identity, and argued that an accommodative, rather than an oppressive, approach to ethnicity was preferable.

C. Approaches to ethnicity in Africa

There are a number of approaches that can be adopted by stakeholders seeking to understand the genesis and importance of ethnic identity. The most important of those approaches include primordialism, constructivism and instrumentalism. Following Yang (2000), the study also adopted an integrationist approach. The salient features of those four approaches are outlined below.

1. Primordialist

Three arguments are used to advance primordialism as a way of understanding ethnic identity. First, ethnicity is viewed as an ascribed identity inherited from the past. Thus, it is viewed as a primal, irreducible, non-negotiable part of one’s identity and is linked to one’s ancestral roots. Therefore, if your ancestors are Maasai, you are also a Maasai and cannot be anything else. Secondly, ethnic boundaries are viewed as immutable and fixed. Ethnicity is understood as static; there are no crossovers and you cannot become a member of another ethnic group. According to this approach, no symbolic rituals can transition an ascribed ethnic identity. Thirdly, individuals belong to a particular ethnic group because they share common biological origins and cultural roots with that group. They can trace their origins to a common ancestor and therefore have a familial, kinship affinity that is communicated through shared community narratives. This primordial approach to ethnicity places particular emphasis on ancient factors such as

lineage and cultural ties. According to primordialists, “it is the primordial bonds that give rise and sustain ethnicity” (Geertz, 1973, p. 32).

Two versions of primordialism can be identified: the sociobiological and the culturalist versions. The sociobiological version advanced by Van den Berghe (1981) argues that ethnicity is actually a form of kinship that originates from the nuclear family. As the number of extended family members increases, an ethnic group is formed. In the light of their blood ties, high levels of trust and strong bonds are likely to exist among members of that group. Because families and kinship will always be there, ethnicity will persist.

The culturalist version emphasizes that a common culture – expressed, inter alia, through language, food, religion or clothing – exists among members of an ethnic group. Therefore, even when a common ancestor may not exist, a shared culture is sufficient to sustain an ethnic group. Swahili ethnic identity therefore is determined by a shared language, namely Swahili, rather than by a common ancestry. According to this version, the Afrikaners in South Africa would constitute an ethnic group, even though they have no common biological origin.

In the primordial approach, ethnicity largely defines who a person is. Therefore, a person can be Angolan, Nigerian or Tanzanian, but also carry a strong pre-existing identity that shapes that person’s attitudes and behaviour. These received and inherited identities have a strong influence on individuals and communities. Viewed from this perspective, the continent’s ethnic diversity is interpreted as a cause of conflict, because of its tendency to activate ancient mistrusts and hatreds passed down through community narratives. Africans are seen as owing allegiance to their ethnic group or tribe, which protects communal interests, entrenching “the self” against “the other” – the “insider” against “the outsider”. This positioning, therefore, undermines the sense of belonging to the nation-State.

2. Constructivist

Constructivism is based on three fundamental arguments: that ethnicity is a socially constructed identity, that ethnic boundaries are flexible and dynamic, and that ethnicity is a response to changing circumstances in society. For the constructivists, when political, economic and social conditions change, they have a bearing on ethnic consciousness. In other words, shifts in ethnic identity can result from changes in the political, economic or social advantages accruing from belonging to an ethnic group. Ethnic identity is therefore endogenous and can be constructed, deconstructed and reconstructed in line with internal forces, such as the community redefining itself and its boundaries, or because of external dynamics. This malleability of ethnicity suggests that it can be manifested differently in time and space with ethnic groups converging as “communities of interest” – for example, to demand or protect their space, confront particular policies and articulate their position as a collective.

The naming of certain social groups is a social construct that can be traced back to colonial-period struggles for power, economic advancement and social prestige. For example, the Yoruba and Ibo in Nigeria and the Kalenjin, Luhya and Mijikenda in Kenya are ethnic groups that were created under colonialism, when the mobilization of certain groups with linguistic and cultural similarities became necessary (Lynch, 2011). That requirement has continued into the post-colonial period. Globally, cultural identities are stronger than other collective identities, such as class-based identities, and often provide the basis for mobilization and conflict, especially when inequalities and opportunities are skewed and maintained through inequitable public policies and social practices. Access to land and its resources has frequently been used to mobilize particular ethnic groups.

3. Instrumentalist

The instrumentalist approach takes the view that relations of solidarity that emerge over time mean that ethnic identity can be used to advance specific political, economic or social agendas. Ethnic loyalty and affiliation are therefore dependent on the social, material or political benefits accruing from that loyalty or affiliation. Like other identities – including gender, class, regionality, profession and nationality – ethnicity can be a strategic tool for political mobilization. This approach underscores that people are able to calculate rationally the costs and benefits of promoting their political, economic and social positions through ethnic affiliation.

4. Integrationist

All the approaches outlined above are valuable, but have limitations if adopted in isolation. The study therefore adopted an integrative approach and drew on key ideas from the three aforementioned approaches. The researchers adopted four key positions on ethnicity.

First, ethnic identity is partially ascribed from the past, because of real or imagined ancestral ties that carry certain physical or cultural attributes and territorial origins. No matter how one looks at the workings of ethnicity in society, it is impossible to deny that there is a recurring belief in common descent and ancestry, which is often invoked when communities are defined by others or seek to identify themselves. The belief in shared ancestry determines, to a certain extent, how communities relate to non-kinship members. Even when people are given the opportunity to choose an ethnic category, such as in the context of intermarriage, the choice is not absolute: it is made on the basis of parameters established by society.

Second, ethnic identity is largely a social construct that develops through societal processes, such as the definition of rules of assignment, including rules regarding physical appearance, ancestry or ritual, as determined by the community, either at birth or through symbolic rites of integration and “becoming”. Political, economic or social conditions can, moreover, lead to the creation of new ethnicities, as occurred in numerous African countries under colonialism. For example, the Kalenjin and Luhya ethnic groups in Kenya only came into existence in the 1930s (Lynch, 2011). The same is true of Shona ethnic identity in Zimbabwe, which only emerged in the 1920s as a result of a missionary initiative aimed at developing a standardized “native” language for religious, educational and administrative purposes (Ndlovu-Gatsheni, 2009). Ethnic switching is also possible, as was evidenced among the Swahili during the colonial period. Furthermore, a sense of ethnic consciousness can be heightened through political mobilization and community efforts to gain access to power or resources. Governments’ recognition of and efforts to categorize community identities can further entrench a sense of ethnic consciousness, which can also be promoted by policies of inclusion or exclusion.

Third, ethnic affiliation can sometimes result from individual or group cost–benefit analyses. When individuals or groups are faced with a situation in which they have to make an ethnic choice, they determine which option is best for them through an analysis of the potential outcomes of their decision. The key consideration is often which ethnic affiliation is likely to offer the greatest benefits. During the colonial period in Kenya, for example, the Swahili had to choose between being referred to as Africans or Arabs. Many chose the Arab identity to avoid segregation and taxation. Similarly, under apartheid in South Africa, individuals, particularly those classified as “coloured”, applied to change their official ethnic affiliation so that they could obtain benefits conferred on whites and avoid the restrictions placed on black people. Furthermore, in the Sudan, members of the Fur ethnicity associated with crop farming chose to be identified as Baggara, who were associated with more prestigious and lucrative livestock keeping activities. As O’Brien (1998, pp. 66–67) has stated:

Before the British imposed the system of native administration on rural Sudan, it was not difficult to change tribal or cultural identities. Anthropologists have often been told by Nuer, Gawa'ma'a, Baggara, etc., of members of their community who "used to be" Dinka, Fellata or Fur before they became Nuer, Gawa'ma'a or Baggara. The speakers were not speaking metaphorically: they literally meant that someone who was Fur was now Baggara.

Fourth, ethnic boundaries are flexible, despite their relative stability. Socially sanctioned ethnic parameters take time to shift. They do, nonetheless, morph through expansion to include other groups, contract due to isolation, or disappear after a period of being endangered.

Table 2 provides a summary of the four approaches.

Table 2 Approaches to ethnicity in Africa

Approach	Primordialist	Constructivist	Instrumentalist	Integrationist
Perception about nature of identity	Identity ascribed; ancestral; inherent	Socially constructed and deconstructed	Social tool; activated for certain ends	Identity constructed through ancestral links and society
Perception of ethnic boundaries	Fixed and incontestable	Permanent	Permanent	Stable but changeable and transformable
Claims to basis of identity	Shared ancestry; hereditary	Society	Cost-benefit analysis; rational choice	Shared ancestry and cost-benefit analysis

Source: Adapted from Yang (2000, p. 56).

The integrationist approach therefore views ethnic identity as a socially constructed notion of belonging through claims to ancestry, assessment of self-interest and the nature of the political, economic and social environment. At certain times and places, an ethnic choice may be possible, and a decision by an individual regarding their affiliation to a particular ethnic group is determined on the basis of material and/or affective considerations. The above delineated approaches to ethnicity are bound to impinge on land policy. For example, a primordialist understanding of ethnicity is bound to produce inflexible autochthonous approaches to land tenure. The instrumentalist approach implies that land issues are political, and are closely related to power politics. Indeed, the 1994 Rwandan genocide was partly caused by inflexible autochthonous conceptions of belonging and partly caused by the colonial-era politicization of Hutu and Tutsi identities.

D. Politicization of ethnicity

In many African countries, ethnicity has become politicized due to several factors. First, the processes of empire-building, nation-building and State formation entailed the naming of peoples, the claiming of land, and the articulation of power. For example, as Iliffe (1979) correctly observed, because the British erroneously believed that Africans belonged to fixed ethnic identities, communities in Tanganyika created ethnic groups in order to function within the colonial framework. The formation of ethnicities, entrenched at the onset of colonialism, has served different interests across the continent during the post-colonial period. Secondly, the slave trade and mercantilism in West and Central Africa heightened competition among pre-colonial African societies, eroded trust and increased insecurity. Thirdly, the scramble for and partition of Africa resulted in the drawing of longitudinal and latitudinal lines across ethnic groups, including those presently living in Burkina Faso, Cameroon, Ghana, Nigeria, the Sudan and Togo. Fourthly, certain colonial policies – such as the dispossession and displacement of indigenous Africans, the construction of "native reserves", the forced creation of peasant and proletariat classes, the instigation of migrant labour practices and the introduction of colonial Eurocentric jurisprudence – seriously undermined traditional pre-colonial land tenure systems. Africans of different ethnicities found

themselves competing for a limited number of jobs and for space in urban areas. The creation in South African and Kenyan hostels and estates for particular ethnic groups was just one example of the violent urban ethnic landscape created by colonialist regimes. Fifthly, African nationalism, which was expected to create African nations out of various ethnic groups, emerged primarily in the form of ethnic movements predicated on ethnic mobilization. The Kenya Land and Freedom Army, for example, was predominantly a Kikuyu, Embu, and Meru movement. Because the rise of anti-colonial African nationalism entailed taking power from white colonialists, it inevitably provoked ethnic competition rather than promote a pan-ethnic national identity. Post-colonial nation-building projects – including those in Algeria, the Democratic Republic of the Congo, Kenya, Mali, Mauritania, Nigeria and Zimbabwe – were thus compromised by their failure to translate anti-colonial nationalism into pan-ethnic patriotism.

Denying minorities access to resources and political power has often politicized ethnicity and given rise to secessionist movements, including the unsuccessful movements in Katanga in the Democratic Republic of the Congo and Biafra in Nigeria, as well as the successful secession movements that led to the independence of Eritrea from Ethiopia and South Sudan from the Sudan. The denial of access to resources and political power also explains the secessionist movements in Matebeleland in Zimbabwe, Lozi in Zambia, the Caprivi Strip in Namibia, and Kabinda in Angola. Furthermore, at independence in Kenya, as in many other African countries, land ownership shifted hands from white minority colonialists to the political elite and the dominant ethnic groups in charge of the post-colonial State. The secessionist aspirations of coastal Kenya and autochthonous claims in the Rift Valley that have led to conflict are a consequence of a strong belief that community land rights have been and continue to be violated.

The politicization and codification of ethnic identity (through naming, registration and fixing community boundaries) to enable colonial governability, particularly as part of a “divide and rule” strategy, has continued to increase mistrust and create tensions between ethnic groups in Africa. Where ethnicity became especially politicized under colonialism – such as in Burundi, Chad, Kenya, Rwanda and Sierra Leone – the effects of that politicization are felt to this day. Communities that were co-opted by colonial rulers tended to benefit from infrastructural development, education, military recruitment and access to political power. Other groups were marginalized and denied resources and a political voice.

The Belgian native policy in Burundi, the Democratic Republic of the Congo and Rwanda entrenched the ethnic boundaries between the Tutsi and Hutu, and consequently impaired the ethnic identity of these groups, thereby deepening ethnic rivalry between them after independence. This antagonism, coupled with the high population density in those overwhelmingly agricultural countries, paved the way for the worst form of ethnic rivalry yet experienced in Africa, the 1994 genocide in Rwanda, and the subsequent conflicts in the eastern part of the Democratic Republic of the Congo.

Furthermore, in line with its goal of transforming its African colonies into “France overseas”, France administered parts of Cameroon, the Central African Republic, the Congo and Gabon by direct rule, and sought to promote integration of those colonies with France. This was implemented through a policy of assimilation, by which Africans who had received a Western education (*les assimilés*) were granted French citizenship and the legal rights of Frenchmen, including participation in elections to urban councils and the French Parliament. The unassimilated majority was subjected to harsher treatments and punishment under traditional law. Assimilated traditional rulers and their subjects were given preferential treatment, while unassimilated rulers were deposed. Assimilé elites were also given almost exclusive access to government positions. This practice of creating group status, or favouring one ethnic or cultural group over others, reconfigured power dynamics and increased intergroup tensions. Favoured groups also enjoyed direct access to or control over important resources, including land, which allowed them to enrich their group members at the expense of non-members, and to formulate policies that promoted their interests.

The legacy of that strategy and its impact on State-building following independence largely explains the politics of patronage, the politicization of ethnic groups and frequent outbreaks of violence that have occurred in the former French colonies in Central Africa. Similarly, the hostility often expressed against the Baganda in Uganda can be traced back to the preferential treatment that group received under British rule.

The politics of exclusion was also felt by pastoral communities across Africa. Because colonial rule was driven by resource extraction in agriculture and mining along the routes of railway lines, unsettled and non-urban pastoralist communities were denied access to education and economic opportunities. This exclusion continued even after independence. Currently, pastoralists in many countries on the continent are among the least educated, and therefore do not occupy positions of national leadership and are unable to provide crucial input when Governments draw up and implement land-use policies.

Lastly, the use of ethnicity as a source of self-affirmation and collective agitation in the protection of community rights during the colonial period and liberation struggles was tantamount to ethnic politicization. However, following independence, when the common grievances that had united diverse ethnic groups into mass nationalist movements lost relevance, most nationalist leaders sought to consolidate their power by mobilizing ethnicity and amplifying “self–other” distinctions. In the process, the nationalist agenda was undermined in many African countries. In some cases, such as in the United Republic of Tanzania under President Julius Nyerere, leaders consciously repressed ethnic consciousness in favour of a national identity (Weber, 2009). Ethnic groups, particularly in rural Africa, have continued to utilize ethnic consciousness as a basis for the establishment of social welfare organizations, as well as solidarity networks that have effectively resisted attempts by both colonial and post-colonial elites to seize land from its inhabitants.

E. Ethnicity and settlement patterns

Colonialism introduced the concepts of African reserves, squatters and autochthonous claims to land, and invented migrant labour by introducing taxation regimes, mining and cash crop farming (Kanogo, 1987; Njogu, 2015). Economic activities under colonialism led to the demarcation of ethnic territories and fragmentation of ethnicities, as Africans became sources of cheap labour on settler farms and mines. In South Africa, the apartheid regime enhanced its control by promoting the use of migrant labour from “reserved” areas, known as Bantustans or Homelands (Mamdani, 1996; Ndlovu-Gatsheni, 2009; Eldredge, 2014, 2015). In Algeria, Angola, Kenya, Mozambique, South Africa and Zimbabwe, a combination of dispossession and displacement, and the introduction of taxation, led to in-migrations and laid the basis of the modern urban squatter phenomenon. A system of official passes was used to limit labour circulation and inter-ethnic contact. Some countries that were less endowed with natural resources – such as Lesotho, Malawi and Swaziland (now known as Eswatini) – became labour reservoirs for farms, mines and factories in South Africa and Southern Rhodesia (now known as Zimbabwe). Migrant labour and its relation to land in the host communities remain major concerns, especially within the context of autochthonous claims to land and the rise of xenophobia and insider/outsider dichotomies (see Nyamnjoh, 2006; Wolmer, 2007; Ndlovu-Gatsheni, 2009; Neocosmos, 2010).

In East Africa, the Marxist-oriented Derg regime in Ethiopia implemented involuntary resettlement programmes in which ethnic communities from the highlands of central and northern regions of the country were relocated to lowlands in the south and south-west. The involuntary resettlement of the 1980s was a controversial programme that failed to reduce overpopulation in the densely populated highlands, facilitate environmental rehabilitation or enhance food security. Moreover, settled farming communities increasingly came into conflict with pastoral communities. Indeed, a number of steps taken by the Derg

regime, including ethnically-based decentralization, exacerbated inter-ethnic conflict (Tache and Oba, 2009).

F. Ethnic identity and governance practices

The study underscored the need for a paradigm shift from viewing ethnicity as a “problem” hampering development in post-colonial Africa to viewing it as a factor that can be harnessed to help resolve conflicts. Ethnicity forms a strong basis for solidarity, networking, cooperation and unity among individuals and communities. Most conflicts affect rural populations, where expressions of ethnic identity, and of indigenous cultures and institutions, are most manifest. These expressions of identity can be used to promote social transformation, peacebuilding and social harmony. Because most of the political divisions and fault lines of conflicts manifest themselves along ethnic, gender and regional lines, ethnicity should be viewed as constitutive of the social plurality of Africa, and a legitimate social basis for political pluralism and democracy. Such an approach would ensure that the traditional governance institutions used by communities, and which have legitimacy within specific ethnic groups, are strengthened rather than undermined by States’ constitutions and legislative frameworks.

Moreover, ethnic identity is a core constitutive element of political pluralism in post-colonial Africa to the extent that contemporary ethnic structures offer some of the most effective countervailing forces to hegemonic State power. The study illustrated clearly that ethnic structures have been effective in defending the land and human rights of minorities, even though they have done so only within the narrow confines of their membership. Ethnic identity cannot be wished away in the design of governance systems that advance inclusive development, peace and security on the continent. Political legitimacy through free, fair and credible elections can be effectively institutionalized when the dichotomies between modern and traditional governance mechanisms work symbiotically. Traditional leadership and dispute resolution mechanisms that respect human rights and uphold the rights of women should be strengthened both legally and financially, with a view to minimizing and resolving intra- and inter-ethnic conflict. Policymakers will need to build systems and legal safeguards to limit the abuse of ethnicity by leaders seeking to consolidate their power and control over resources. They must also draw up strategies to ensure that national and ethnic identities can coexist harmoniously.

G. Ethnicity, land governance and conflicts

1. Contextual factors

Land-related ethnic conflicts occur within particular historical, governance, social, economic and environmental contexts defined by territory, language, socioeconomic status and access to land-based resources. For example, where predominantly crop-producing communities live alongside largely grazing communities, conflicts tend to occur between those communities over competition for pasture, crops and water sources. Conflicts can also occur between grazing communities or between farming communities themselves. Young people, women and children are often among those most affected by such conflicts.

Figure II Context of land-related conflict



Source: Consultants/authors.

Legal pluralism – in other words, the coexistence of overlapping systems of partly contradictory customary versus statutory property rights – is the norm in most of Africa, and is often linked to conflict between competing user interests (Boone, 2014, pp. 78–88). Instances of “forum shopping” may occur during a dispute, as those involved seek to increase their chances of gaining an advantage in the dispute. For example, whereas in urban settings the statutory legal framework may enjoy considerable popular support, pastoralist communities may prefer to make use of customary tenure oversight mechanisms. In addition, for women, pluralism in land tenure is intricately linked to property law, as well as to customary, inheritance and family law. Whatever the case, as long as effective coordination among the various legal regimes remains weak or in-existent, plural land tenure regimes will continue to exacerbate land conflicts with ethnic dimensions.

2. Tenure insecurity, ethnic militarization and communal conflicts

When communities become frustrated by the inability of the State to provide adequate protection and security, local insurgencies and ethnically-based armed groups and militias may emerge and exploit local land grievances in order to mobilize material support. Drawing on what are often high levels of youth unemployment and poverty, local leaders can mobilize resources, provide much-needed security and establish alternative centres of power. In Nigeria, for example, prominent ethnic militia groups include: the Oodua People's Congress, the Egbesu Boys of Africa, the Movement for the Sovereign State of Biafra, the Niger Delta People Volunteer Force, the Movement for the Emancipation of the Niger Delta, and the Arewa People's Congress. Other, multi-ethnic, violent extremist groups – such as Al-Shabaab, which mostly operates in Somalia and Kenya, and Boko Haram, which operates primarily in Nigeria – exploit land grievances to recruit and radicalize young people in numerous States. In many cases, violent extremism is driven by ethnic grievances over contested land rights, and this blurs the line between criminality and communal war over land. Clearly, while effective and equitable land policies yield multiple benefits, poorly planned and executed land reforms also generate or perpetuate conflict.

H. Factors in land-related conflicts

To understand the genesis of violent land-related conflicts in Africa, it is critical to examine a number of key factors that can drive conflict, including climate, ecological and environmental change, competition over land and natural resources, identity politics, political transition and struggles for power, entrenched inequality, unchecked criminal activity and corruption, the availability of small arms, weak and unstable political and institutional frameworks, migration, globalization and the historical legacy of colonialism (Francis, 2008). In this section, we highlight a few of these factors.

1. Exercise of arbitrary political power and authority over land

Throughout Africa, land has been at the core of the struggles for political and economic freedom, not only because of the spiritual value attached to it as a connector of humanity and nature, but also because of the “bundles of possibilities” it offers individuals and communities (Njogu, 2015). It is a source of power for leaders and secures the livelihoods of households. Land-related violence can occur at the local level and involve families, clans and ethnicities, as often happens in the coastal Rift Valley and north-eastern regions of Kenya; or can take place at the national level, as illustrated by the Rwandan genocide; and it can target both ethnic insiders and ethnic outsiders (Boone, 2014; Englebert and Dunn, 2013). Given the centrality of land in securing community livelihoods, it is inevitable that control, access to and competition for land resources are linked to perceptions of inequities and inequalities that may entrench group identities and provoke hostilities. Politicized ethnic identity (Lonsdale, 1994) is a crucial asset for claims over land. The more politicized ethnicities become, the more volatile land-related conflicts are likely to be. Political authority translates into authority over land, and patron–client relations emerge between those who wield power and those who are given land for their loyalty.

Although land-related violence often takes on an ethnic dimension, in reality, ethnicity as a form of social and cultural identity is not a root cause of conflict per se. It is activated, marshalled and instrumentalized in response to other social, economic and political factors. As Salih and Markakis (1998, p. 7) have observed, the struggle over resources in Africa is carried out under many banners, including democratization and religion, but ethnicity “has proven to be the most potent force for political mobilization by far”.

As a political tool, ethnic identity can be used to create inequitable access to land and other natural resources among communities, where the rights of communities associated with national leaderships

are viewed as superior to those of communities that are marginalized by those who wield political power. When that happens, communities that feel excluded view any period of political transition as an opportunity to redress what they perceive as unfair discrimination. Thus, the electoral period may trigger violent conflict as communities mobilize in order to gain or retain political power and its associated socioeconomic benefits.

2. Ethnicity and conflicting systems of land tenure

Land in Africa is not only a commodity or a means of subsistence: it has multiple meanings related to production, family and community property, and is also a capital asset and a source of cultural identity and spiritual well-being. This relationship with land, expressed ethnically, evolved over time through the interactions of cultures and environments, and the development of customs and traditions. This meaning of land is passed down through the generations. Due to historical and political factors, communities find themselves with coexisting tenure systems that are based on customary, statutory and even religious law.

The customary tenure system emphasizes that land is owned by the community, that each member of that community enjoys access to that land, and that individuals enjoy only land-use rights rather than outright ownership of that land. It also emphasizes that several groups or individuals collectively enjoy rights over each area of land and, collectively, can use, allocate, transfer and manage that land. There is no absolute freehold in customary land tenure systems, which focus on property rights rather than on land ownership. Pre-colonial indigenous systems of land tenure were thus capable of delivering justice within “the complex web of interlocking communal and individual rights to land, and customary practices of pledging if not outright ‘selling’ of land” (Lentz, 2007, p. 39). For example, the first-comers to a specific region enjoyed “legitimate allodial property rights”, as they were “believed to have established a special relationship with the spirits of the land, ensuring the fertility and well-being of the community” (ibid., p. 40). But latecomers were not denied access to land, and the “first-comer–latecomer” dynamic helped to establish what Carola Lentz (ibid., p. 410) termed “the relative chronology of the foundation of settlements”.

However, the unfolding of Western modernity, accompanied by racially-based capitalism and colonialism, had a major impact on existing land tenure systems (for example, see box 1 for excerpts of land laws in Central Africa). Colonialism introduced statutory law, under which all areas of land were assigned to the State (see box 2 for an example). In this system, land can be owned as private property after registration. The coexistence of these tenure systems is a source of constant conflict on the continent.

Box 1 Excerpts of land laws in Central Africa

- Republic of the Congo: The State Lands and Property Rights Code “confers to the State full and free ownership of the soil, subsoil, and natural resources of the soil and seabed. It organizes the regime applicable to State lands and property rights and regulates the collective and individual users’ rights” (article 7, Law No. 62/83 of 21 April 1983).
- The Democratic Republic of the Congo: Law No. 73-021 of 20 July 1973 governing property rights, land and real estate, and property security, confers exclusive, inalienable and indefeasible ownership of the land to the State. It provides: “On the entire territory of the People’s Republic of Congo, land is the property of the people, represented by the State.” Article 3 of the same law further prescribes that natural or legal persons have only user rights to the land.
- Cameroon: “The State is the custodian of all lands. It may, in this capacity, take appropriate measures with a view to ensuring a rational usage of land resources or in order to take into consideration the need to serve the economic options of the nation” (Order No 74-1 of 6 July 1974 on land regime: article 1).
- Equatorial Guinea: article 2 of the Laws of Mines of the Republic of Equatorial Guinea establishes ownership as such: “All existing deposits of mineral resources and raw materials in the national territory, territorial waters, land surface, continental shelf and islands of the Republic of Equatorial Guinea are the property of the State, and are therefore public property and for public utility. The State may exploit directly, through its self-managing entities, in partnership with other companies or national or foreign entities, or may authorize said exploitation to other individuals or legal entities through mining Contracts, Artisan Exploitation Licenses, Arid Extraction Authorizations or Quarry Material Exploitation Authorizations”.

Links between land and ethnicity are entrenched by differences in belief systems about land and tensions over the tenure regimes in force in the locality. Within customary land regimes, in-migration and settlement in ethnic jurisdictions are organized around “landlord–stranger” relationships. The newcomers are defined as “strangers or outsiders”. As competition over resources increases, the tendency is to restrict outsiders from accessing land-based resources. Ethnic insiders retain the upper hand and subordinate outsiders are subject to dispossession and exclusion. However, outsiders supported by the State may have the upper hand, because they can advance their claims through State instruments and mechanisms. Consequently, ethnic insiders may resent the outsider community, because outsiders are protected by the State. When the Government is dominated by ethnic outsiders, land conflicts become highly politicized along ethnic lines, and ethnic insiders may feel strong resentment towards the State authorities. Access to political power becomes the route for advancing land claims and securing space (Winnie Mitulla, 2017, Professor, Institute of Development Studies, University of Nairobi, personal communication). This partly explains why violent conflicts often occur around the time of general elections in many African countries. The frequent land-related conflicts in Kenya exemplify this issue poignantly.

3. Ethnicity, land scarcity and population pressure

Landholding sizes vary by region, location and household, but many rural areas in Africa suffer from stark land inequalities, declining farm sizes and the underutilization of available land, due by the inability of poor and marginalized farmers to use that land optimally. In Kenya and the United Republic of Tanzania, rural populations are projected to increase by 10 million people from 2010 to 2025. In Uganda, rural populations are expected to increase by 20 million over the same period (Boone, 2014). There is therefore a pressing need to increase agricultural production to meet the needs of the growing population in the region and to reduce ethnic tensions over land.

Without doubt, secure access to land and its resources provides economic opportunities for communities and is crucial to their survival. However, as seen in Somalia, for example, environmental degradation, climate change, the increasing commercialization of agriculture and population growth mean that social coping mechanisms are increasingly coming into play, sometimes leading to violent conflict (Deherez, 2009).

Although the ongoing conflict in the Darfur region in the Sudan is often explained broadly in terms of competing political agendas, economic neglect and climatic variability, Miller (2005) and Osman and others (2013) have shown that there are other local dynamics in play, which have exacerbated social polarization. These include changes in agricultural practices, land use, land rights and seasonal migration patterns. Shifting cultivation has been abandoned over time and replaced by continuous cultivation patterns. Furthermore, the interdependence of crop cultivation and pastoral livestock production, including the connection between crop residues and manuring, has been weakened (Osman and others, 2013). This is important because the process by which cultivators welcomed pastoralists onto their farms just before the cultivation season, and allowed their livestock to feed on post-harvest crop residues within the culturally sanctioned talag system (ibid.), created interdependence, built trusting relationships and reduced the likelihood of conflict. According to these authors: “This interdependence cemented a trusting relationship between the different resource users and enhanced their peaceful cooperation for their mutual benefit from the production process. This relationship, however, has changed from a symbiotic one to a competitive one blended with mistrust, tension and grievances” (ibid, p. 16).

Competition over natural resources, and particularly competition over land and water, has increased significantly since 2003, when conflict broke out in Darfur and a number of armed rebel movements engaged in armed clashes with forces of the Government of the Sudan and its allies. The resultant population displacements resulting from the conflict have put immense pressure on accessible land, as IDPs try to cultivate areas near their camps that their nomadic neighbours require as grazing land for their animals. Land cultivated by IDPs is often appropriated by their nomadic neighbours and IDPs may have to pay to access their crops. In other instances, nomads let their animals loose to feed on food crops being cultivated by IDPs. The long-running conflict between the Government of the Sudan and certain rebel movements has been limited largely to the mountainous Jebel Marrah area in the Darfur region. However, Darfur remains in conflict because the root causes of the intercommunal conflicts in that region remain unresolved. Individual land owner practices restrict use of and access to land, and undermine the system of multiple and overlapping claims to land, and the talag system is no longer assured. Rapid population growth does not improve matters.

Box 2 mTenure dualism in Darfur

In Darfur, the land tenure system is characterized by dualism. Under customary law, or Hakura, land is owned communally and access to it is organized on the basis of users’ sociocultural identity. An individual’s right to access land is for use, not ownership. Furthermore, communities have multiple rights, including the right to collectively transfer, allocate and manage land. However, under the statutory land tenure system, all land is owned by the State, and private ownership is secured through registration. The two land tenure systems overlap. This at times results in conflict, especially in situations involving de jure State ownership of land and the de facto authority of traditional institutions over that land. Land ownership and use are intrinsic factors in the sociopolitical dynamics of Darfur.

The State as allocator of land rights

Africa’s land tenure regimes organize rural society along the lines of the ethnic identities that were inscribed during the colonial era and have been recognized by the State. Boone (2014) has argued that neo-customary law tenure regimes, that is to say land regimes that institutionalize State-recognized customary authority over land and the primacy of nativist claims to land, produce and sustain ethnicity. These regimes mean that ethnic identity has become an important political tool.

When the State is responsible for allocating land rights, the political nature of land-related conflict contrasts with the nature of land-related conflicts in areas where customary land tenure regimes hold sway.

Under customary land tenure regimes, lineage heads or chiefs control land allocation and adjudication. But where the State is the primary administer of land regimes, it can control the pace and direction of migration and the settlement of communities. When this happens, a patron–client relationship develops and a situation of political subordination is created between the State or the land-granting authorities and the settling communities. Immigrants to that land see their destiny as tied to the central Government rather than to the “host” community, as is the case in customary land tenure regimes. Land allocation power “constitutes a potent political resource for national rulers” (Boone, 2014, p. 128). African Governments often find themselves having to decide whether to defend the communities considered to be settlers in a land area, or the communities that claim to be the native inhabitants of that area.

The State is a key player in relation to lands used by pastoral communities. These communities lay claim to land, but individual households have free shared access to all communal pastureland and conditional grazing rights on farmlands, due to their mobility in search of water and pasture. The main interest among pastoralists is land use through access to grazing and water. Large tracts of land are needed by pastoralist communities in order to graze what are often very large herds of animals, and those communities are affected directly if insufficient land is made available. Not only are those community land rights being undermined by demographic and climatic changes, they are also under threat because of the State-sponsored trend towards the individualization of land rights. Furthermore, huge areas of land remain unregistered, unsurveyed and undemarcated. In addition, many community lands are only used during certain seasons: the land is not permanently occupied since pastoralists are extremely mobile. These lands are easy to give away for political or economic gain, and the State tends to allocate those lands to certain groups on the basis of their ethnicity.

As illustrated in table 3, there are many root causes of conflict. These include weak, unaccountable and non-transparent governance practices and institutions, as well as exclusionary land governance policies, rampant corruption and economic inequality. At times of significant tension, violent conflict can be triggered by elections, natural phenomena such as sustained drought, boundary disputes and major fluctuations in food prices. As frustrations rise among people who believe that they have been deprived of their land and property rights, they may question the ability of the State to provide them with security and secure livelihoods. As a result, alternative centres of power claiming to offer protection and the provision of services and resources to aggrieved communities may emerge. For example, ethnically-based youth gangs and community vigilante groups in many African countries have arisen in the absence of strong State authority.

Table 3 Summary of root causes of conflict in Africa

Root cause of inter-ethnic conflict	Land as a factor
Weak land governance institutions and authorities, and elites gaining control of the State	Institutions and authorities responsible for land governance are weak and prone to abuse by those who wield power. State machinery in the hands of a minority of citizens since the colonial era. Political authority coincides with authority over land. Elites gain control of large-scale, land-based investments, as well as public and community land. Administration and legal systems are ineffective and lack independence. Lack of title deeds of ownership, landlessness and informal settlements. Examples include Burundi, the Democratic Republic of the Congo, Kenya, pre-1994 Rwanda, Somalia and the Sudan.

Exclusionary land ownership policies	Certain regional and ethnic groups are able to access and acquire land more effectively than other groups because of their greater political capital. Preferential treatment in land governance buys political support. Competition leads to a strong ethnic consciousness that is intricately linked to a certain territory and identity. Displacements build resentment. Militias emerge. Settlement patterns are increasingly along ethnic lines. Examples include Burundi, Ethiopia, Kenya, Somalia and the Sudan.
Ineffective land administration and information systems	Few reliable land documents available. No digitization of titles and fraud is common. Customary land undocumented and therefore open to abuse by political elites. Unplanned expansion of urban areas leading to informal settlements. Boundary disputes between communities in pastoral areas unresolved. Illegal allocation of public and community land leading to tension between private owners and those believing in the community ownership of land. Examples include Burundi, Djibouti, the Democratic Republic of the Congo, Eritrea, Madagascar, Mauritius, Mozambique and Seychelles.
Land scarcity, population pressure, climate change and environmental degradation	Rapid population growth with many young people unable to access land and secure livelihoods. Uncoordinated land acquisitions, unchecked land degradation and depletion of forest cover leading to land hunger in communities. Examples include Algeria, Burkina Faso, the Central African Republic, Chad, Mali, Mauritania and the Niger.
Poverty and inequality	Profound inequality in terms of access to land and security of tenure, coupled with food insecurity and low education levels. Historical discrimination against poor and marginalized communities, especially pastoralists and coastal communities. Examples include Burundi, the Democratic Republic of the Congo, Ethiopia, Kenya, Somalia, South Africa and Uganda.
Legal pluralism	Coexistence of overlapping systems of partly contradictory customary and statutory property rights with ineffective arbitration mechanisms, leading to conflicts between individuals and communities, especially farmers and pastoralists, and between State authorities and communities in peri-urban areas and resource-rich regions. Examples include Cameroon, the Democratic Republic of the Congo, Ghana and Nigeria.
Corruption	When land is acquired through corruption, communities may lose their livelihoods. The struggles between powerful public officials/investors and communities can lead to violent conflict. As more resources are discovered in land owned by communities, further violent conflict is likely to occur. Examples include Burundi, the Democratic Republic of the Congo, Ethiopia, Kenya, Nigeria, the United Republic of Tanzania, Uganda and Zimbabwe.

Source: Consultants/authors of the report.

Several African countries are seeking to address these root causes. To varying degrees of success, several countries have updated their land policies and legal frameworks, and launched tenure and institutional reform programmes to address legal pluralism over land. Tensions resulting from incompatible community and private land rights are most evident in conflicts arising between arable farmers and pastoralists. Competing political elites invoke a discourse of autochthony and belonging (Geschiere, 2009), the authenticity of land claims and post-colonial infringement of community rights, to gain popularity with the electorate as custodians of community interests. Indeed, as Greiner and others (2011, p. 78) attest, “administrative boundaries, exclusive access to land, and attempts to safeguard an ethnically homogenous electoral base have become major issues of contention”, especially during the electoral period. These land and property dynamics have been reactivated by processes of democratization and decentralization that have gained ground on the continent since the 1990s.

Kenya is seeking to address land and environmental conflicts through constitutional provisions, the establishment of a national land commission, and devolution. Many challenges remain, however, as evidenced by ongoing conflicts involving pastoral communities, wildlife conservancies and what are known

as “group ranches”. The group ranch approach to collective rangeland management was implemented in the 1960s to transform the semi-nomadic, subsistence-based Samburu and Maasai communities into settled, market-oriented populations (Hornsby, 2012; Boone, 2014; Kameri-Mbote, 2015). However, minimal attention was given to livelihood systems, social and ecological boundaries or community power structures. Over the years, community lands have been subdivided by elites and privatized. Many pastoral communities in Cameroon, Ethiopia, Kenya, Nigeria, the Sudan and Uganda are experiencing significant transformations in their relationship with land. With the growth of extractive industries, increasing sedentarization, population growth, the privatization of former community lands, large-scale land-based investments, and the expansion of crop farming, pastoral communities find themselves under immense pressure to find grazing land. This is giving rise to increasingly prevalent intra- and inter-ethnic conflict (Greiner et al., 2011).

The 2017 violent clashes over the Laikipia conservancies and group ranches, which involved Kenyans of British origin and members of the Pokot and Samburu communities, illustrate the relevance of this issue.¹ Conservation serves to protect natural resources. However, it may cause increased competition over land and other resources in non-reserved areas, if most land is occupied by national parks and game reserves. In traditional systems, conservation was part of community life and indigenous land management systems. However, colonial conservation policies targeted community land and were implemented, inter alia, through the adoption of laws restricting or totally banning human activity in certain areas. This inhibitive approach to land reserved for conservation is unsustainable and alternative, community-driven approaches are needed. Indeed, recurrent conflicts between governmental authorities and pastoral communities over land areas reserved for conservation in Kenya and the United Republic of Tanzania illustrate the urgent need for alternative conservation policies.

Burundi offers another example of land-related ethnic violence, which occurs because of overlapping and contradictory legal regimes for land management, as well as efforts to address that challenge. In the pre-colonial era, the Burundian king delegated authority to local chiefs, with power shared between the Abahutu and Abatutsi clans. But this power-sharing system was restructured when Burundi was made a United Nations Trust Territory under Belgian administrative authority. Belgium introduced indirect rule and politicized the ethnic identity of the Abahutu and Abatutsi. As the population grew and land became increasingly scarce, power was consolidated and centralized under the ubugabire and ubugererwa system (Ndikumana, 1998; Fouéré, 2006).

Since independence from Belgium in 1962, Burundi has experienced violent inter-ethnic conflicts, the most severe of which occurred in 1965, 1969, 1972, 1988 and 1991. From 1993 to 2005, thousands of people were killed, displaced or went into exile, leaving behind their land, livestock and farms. Demands for land or compensation voiced by returning refugees continue to increase tension because of the scarcity of available land and conflicting land laws (Kironde, 2012).

The Arusha Peace and Reconciliation Agreement for Burundi called for amendments to be made to the 1986 Land Code (essentially a compilation of former colonial laws) in order to resolve land management problems. In 2008, the Government of Burundi adopted a National Land Policy Letter, which identified four national priorities: (a) the amendment of the country’s land legislation and the modernization of its land administration services; (b) the restructuring and modernization of administrative bodies responsi-

¹ For more on the background to the conflict in Laikipia, see The Conversation (2017). Chapter five of the 2010 Constitution of Kenya is entitled “Land and Environment”, and provides for the establishment of the independent National Land Commission, the classification of land as public, community-held or private, and the regulation of land use and property. In 2016, the Kenyan Parliament passed key land-related laws that, if implemented, could reduce the incidence of land-related conflict. Strong political will and broad popular support will be required to ensure implementation of those laws.

ble for land management; (c) the decentralization of land administration; and (d) the completion of an inventory of all State lands. The adoption of those priorities will help to address legal pluralism, which has encouraged “forum shopping” (see Kironde, 2012), in which parties to a dispute over land use competing sources of authority in different contexts.

Other attempts to address legal pluralism in Africa have been made. In Uganda, for example, the country’s land law not only provides for the individualization of land ownership, but also provides for two or more persons, associations, clans or communities to act as “legal entities” to hold and register land. Although certification enhances land security, ascribing ownership to an individual is no longer necessary. This represents a significant break from the past, when registration and titling were intricately linked to the individualization of land ownership. In addition, by stating that land belongs to the citizens of Uganda, the 1995 Constitution effectively revoked the 1975 Land Reform Decree. Furthermore, the Land Act of 1998 recognized customary claims over land, making it possible to record customary land through a simplified procedure at the local level. This minimizes the chances of land being titled without the knowledge of the actual occupants. The 1995 Constitution also addresses the insecurity of tenants on mailo land, by recognizing mailo as one of the four tenure systems in the country (Ansoms and Hilhorst, 2014, p. 106). If effectively implemented, these provisions should reduce the frequency of land-related conflict.

Other efforts at addressing land governance challenges have been made in Rwanda, where land is vested in the State. However, most rural land is held under customary tenure, which is recognized as legal. In 2004, the country adopted the National Land Policy, in accordance with which efforts are now being made to register all land in the country and ensure its rational use (Kironde, 2012).

The study illustrated that African countries are now recognizing the critical role that land governance reforms can play in reducing land-based ethnic conflict. But the pace of addressing the root causes of conflict is slow. Moreover, there is a strong and complex relationship between political power and land, and existing land governance institutions are poorly equipped to mitigate conflict should it occur.

I. Types of land-related ethnic conflict

The nature of land-related ethnic conflict in Africa has evolved over time. The main types of such conflict in contemporary Africa include the following.

1. Conflict over land use, including conflict between farmers and pastoralists

Although often treated as a local issue, farmer–pastoralist conflicts in Africa are said to be “equal in both number and ferocity to those inflicted by the Boko Haram insurgency” (Folami, 2013, p. 33). Such conflict is primarily caused by the survival mechanisms adopted by farmers and pastoralists whose land has been severely affected by climate change, desertification, land appropriations, population growth and migration flows. Among the Orma, Somali and Pokomo communities in the Tana Delta in Kenya, as well as among communities in Burkina Faso, Mali, the Niger and Nigeria, conflicts between farmers and pastoralists are habitual, and at times accentuated by land acquisitions by agribusinesses and mining companies. Violent conflict often occurs during the drought season. Long droughts can also exacerbate conflicts between herders and owners of conservancies, as herders aggressively seek out grazing land for their livestock. Indeed, violent conflict between those groups broke out in Laikipia, Kenya, in 2017. Furthermore, the north-eastern region of Kenya has remained relatively isolated from the rest of the country. As State authorities are largely absent in that region, communities have often questioned their citizenship. Cattle-raiding is common, especially during the dry season, and this leads to revenge attacks and counter raids by communities. No economic initiatives have been launched

in that region and few schools have been established. There have been extremely few development projects on Turkana, Gabbra, Borana and Samburu land. In 1983 and 1984, cattle raids escalated into a full-scale war between the Degodia and Ajuran communities in Wajir District and, to bring the situation under control, government officials authorized an operation which, on 10 February 1984, led to what is often referred to as the Wagalla Massacre (Hornsby, 2012), in which up to 2,000 people were killed by military personnel, further exacerbating widespread resentment against the State. The violence and drought in Somalia around the same period drove many Kenyan Somalis south into the grazing grounds and water points of the Borana, Samburu and Orma communities. Traditional dispute resolution mechanisms are often the most effective means by which such conflicts can be resolved (see box 3).

Box 3 Traditional dispute resolution mechanisms in the Tana Delta of Kenya

Like the north-eastern and Rift Valley regions, the coastal region of Kenya has become increasingly volatile, and land-related conflicts have occurred in recent years in Kwale, Kilifi, Lamu and the Tana Delta. In particular, numerous confrontations have occurred between Pokomo farmers and Orma, Wardei and Somali pastoralists during droughts in the Tana Delta. The violence seems to have been compounded by the expansion of large-scale biofuel, aquaculture and mining projects. In August 2012, violence broke out between the Pokomo and Orma communities over grazing land and access to water points. More than 100 people were killed and considerable property destroyed. Although those communities had previously used traditional dispute resolution mechanisms to address land-use concerns, those mechanisms have weakened over time. Cultural mechanisms such as wakiju and gasa among the Pokomo, and gada and matadeda among the Orma, were once instrumental in forestalling violent conflict. Now, in the absence of effective traditional dispute resolution mechanisms and legitimate sociocultural compensation processes, land-use disputes are more likely than ever to turn violent. However – by reactivating traditional institutions, securing watering points, establishing water corridors for the passage of livestock, and ensuring power-sharing arrangements among communities and clans – violent conflict could be significantly reduced.

2. Conflict over access to and control of land and resources

Africa is endowed with abundant natural resources, including gold, diamonds, uranium, zinc, coltan and petroleum (AfDB, 2007). Access to and control over natural resources is one of the main drivers and sustainers of violent conflict in mineral resource-rich countries across the continent, and has fuelled numerous secessionist movements, including in Biafra, Katanga and Cabinda. Rebel groups also covet access to and control over natural resources, which they can exploit to finance their insurgencies. For example, in Somalia, rebel groups have fought to gain control over the charcoal trade and water-based resources. Indeed, it should be underscored that the National Union for the Total Independence of Angola (UNITA) in Angola, the Revolutionary United Front in Sierra Leone, the violent gangs in Delta State, Nigeria, and the successful rebellions of Laurent Kabila in Zaire (now known as the Democratic Republic of the Congo) and of Denis Sassou-Nguesso in the Congo have all been at least partly financed through the exploitation of natural resources (Alao, 2015).

The people of South Sudan viewed control over land as a critical part of their struggle for independence, while the Government of the Sudan sought to maintain its access to the land and resources located in the South. As a result, land was a key element in the negotiations that led to the signing of the Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement on 9 January 2005. Notwithstanding that Agreement, land-related violent conflicts occurred in 2011 in Pibor, Jonglei State, between the Luo, Nuer and Murle peoples.

In recent years, the Government of Ethiopia has launched two initiatives to expand productive land use: resettlement and long-term leasing to investors. The resettlement initiative was launched in 2004 to encourage farmers from the crowded highlands of the Amhara and Tigray regions to move into the lowlands along the Sudanese border, in order to reduce their food insecurity and improve their liveli-

hoods. The more recent initiative, namely to make “unused” land available on long-term leases to foreign investors, has been controversial and has been a source of conflict.

3. Conflict related to climate change and desertification

Land degradation and desertification have emerged as one of the most significant threats to peace and stability in Africa. There are three main types of ethnically-based conflict over land in Africa that are precipitated by climate change and competition for shrinking agricultural spaces: farmer–pastoralist conflicts, intercommunal violence and terrorism. Intercommunal violence – as seen in Benin, Côte d’Ivoire, Ghana, Guinea, Mali, Mauritania and Nigeria – is often a result of direct confrontations over scarce land resources, while terrorists can establish strongholds in lands that are unoccupied or abandoned as a result of desertification (Serdeczny and others, 2016). Identity plays out in these conflicts in complex ways (see box 4).

Box 4 Identity-based conflict in Mauritania

Mauritania exhibits a very complex identity due to its location and its intricate history of slavery, colonialism, racism, Arabization, Islamization and nomadism. Combined, those factors have resulted in the formation of complex and unstable hierarchical and caste-based social structures. The conflict along the Mauritania/Senegal border that took place from 1989 to 1991 can be traced back not only to changing ecological and environmental conditions resulting from desertification, but also to the complex social structure of inequality, oppression and exploitation in Mauritania, a country where slavery was officially sanctioned until the 1980s. Mauritania has also experienced a number of serious droughts and famines since the 1960s, and a number of particularly severe droughts occurred in the 1980s. Although the El-Hor rebel movement had fought against slavery and for access to land for members of the Haratin community for many years, it was the droughts of the mid-1980s, which pushed Arabs from rural north-eastern areas of the country into the more fertile lands in the Senegal River valley, that precipitated the most recent episodes of violent conflict. The river valley, with its fishing resources and its arable and grazing lands, became a vortex of tensions as desertification intensified. The black communities of the valley felt increasingly marginalized by immigrants from the north. The African Liberation Forces of Mauritania, established in 1983, resisted the marginalization of black Mauritians at the hands of Arabs. The initiative of the Mauritanian Government to construct a hydroelectric power plant to provide electricity and facilitate the irrigation of 400,000 hectares of land in the Senegal River Basin, and the migration of Arabs into the area, were interpreted by the indigenous residents of the valley as attempts to dispossess them of their land. The entry into the area of large-scale agribusinesses only exacerbated that situation. The Government’s deportation in 1989 and 1990 of between 80,000 and 100,000 black Mauritians from the Senegal River Valley to Senegal and Mali further sharpened identity and ethnic tensions. The return of deportees from 2008 to 2012 provoked further land-related conflicts, as deportees found that their lands had been occupied by newcomers. The Mauritanian Parliament attempted to resolve the crisis by outlawing slavery and declaring the country a multi-ethnic society in 2012. It is yet to be seen whether those steps will be enough to resolve the ongoing conflict.

Another form of violent conflict over the competitive use of scarce land and water resources is taking place in the area around Lake Turkana. That conflict involves multiple borders, namely a communal boundary between the Turkana and Daasanach peoples, the poorly demarcated border between Kenya and Ethiopia, and a livelihoods boundary involving fishing areas in the marshlands where the River Omo flows into Lake Turkana.² As the lake shrinks, conflicts are arising in the marshlands that are primarily found on the Kenyan side of the border. Whereas the Turkana people invoke sovereignty and citizenship rights to argue for fishing rights in the marshland, the Daasanach affirm that the marshland is theirs, notwithstanding the lake’s shrinking size. The ambiguity of border demarcation does not help matters. Some Daasanach argue that they live on both sides of the border, and have both Kenyan and Ethiopian identities.³ Moreover, due to the appropriation of a large portion of riverine land for agricultural initiatives, there is considerable pressure on communities living along the Omo River. The two ethnic groups also clash over pasture, watering holes, rite of passage killings and cattle raiding.

² The Gibe III Dam in Ethiopia is also likely to increase conflict through its impact on the Omo River and Lake Turkana.

³ The 2009 Kenya National Bureau of Statistics reported that there were 12,530 Dessenach in Kenya.

4. Conflict caused by large forest concessions and illegal logging, and conflicts with forest peoples

African forests are home to a significant proportion of the continent's ethnic minorities, including pygmy groups. Pygmies are distributed discontinuously across nine African countries – Burundi, Cameroon, the Central African Republic, the Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Uganda – and live in numerous distinct ethnic groups that reside primarily in the forests and survive as hunter-gathers. In Central Africa, over 40 million people live in and rely on forests. As such, any large-scale forest concession awarded by a Government is extremely likely to raise tensions between that Government and the companies awarded the concession on the one hand, and indigenous forest peoples on the other. Moreover, logging title review processes are often flawed and opaque, because of weak forest management mechanisms. This encourages illegal logging and fuels grievances among forest communities. In East Africa, a number of minority ethnic groups whose livelihoods depend on forest resources – including the Ogiek, Ilchamus and Batwa – have often found themselves at loggerheads with State authorities.

5. Conflict caused by migration and population displacement

Africa has been described as a continent on the move due to the constant movement of people for various socioeconomic and political reasons. Immigrants to an area often compete with receiving communities for scarce land resources. The result, as seen in Côte d'Ivoire (see box 5) and in eastern parts of the Democratic Republic of the Congo, has been fierce resentment among various communities and numerous violent land disputes. Conflict and insecurity are among the main drivers of migration in Africa, both within and across national borders, and millions of individuals and communities have been uprooted by conflicts across the continent. Moreover, as the Sahara Desert advances southwards, many ethnic groups are being forced to migrate further south, where they often come into conflict with established communities. To make matters even worse, IDPs and refugees often lose their land when they leave their original areas, and are unable to reclaim it upon their return.

Box 5 The Ivorian crises

The First Ivorian Civil War, which lasted from 2002 to 2007, began as a series of ethnic clashes between immigrant owners of lands and their host communities, particularly between the Bété and the Baoulé, and the Bété and the Lobi peoples. After independence from France in 1960, and in a bid both to enhance agricultural development in Côte d'Ivoire and to relieve population pressure in densely settled areas, President Houphouët-Boigny encouraged his Baoulé ethnic kin to move into the south-west of the country, promising them rights to land that they could cultivate. In 1967, the Government decreed that, "land belongs to the person who cultivates it" (Kurti, 2005). As the Baoulé (along with the Senufo in the north) were reputed to be the country's best farmers, Baoulé migration was widely associated with rising agricultural production and hence national economic growth. Years later, the Bété became resentful of the success of the Baoulé farmers, leading to heightened tensions, which were mostly suppressed under the strong leadership of Houphouët-Boigny.

Another category of settlers was foreign immigrants from other parts of Africa, who were attracted to Côte d'Ivoire by its booming economy and relative political stability. By 1998, immigrants represented approximately 26 per cent of the population. Some 56 per cent of those immigrants were from Burkina Faso. These immigrants settled primarily in the north of the country and were constantly in conflict with local/host communities over access to and control of land. In 1995, for example, ethnic tensions turned violent when numerous Burkinabés working in agricultural plantations in Tabou Department were killed. As racial tensions increased, Houphouët-Boigny's policy of granting nationality to Burkinabés resident in Côte d'Ivoire was perceived as a political ploy. Upon Houphouët-Boigny's death, Côte d'Ivoire adopted legislation that excluded most immigrants from political power. This stoked ethnic tension further and conflict erupted, particularly as the new laws excluded from power Alassane Ouattara, who represented the interests of the predominantly Muslim north of the country, including, in particular, poor immigrant workers from Mali and Burkina Faso employed on coffee and cocoa plantations. Those workers had hoped that, if a Northerner assumed power, that person would be granted greater access to and control over land. The First Ivorian Civil War broke out on 19 September 2002, when troops, many of whom were from the north of the country, mutinied and launched attacks in several areas of the country, as well as in the country's economic capital, Abidjan.

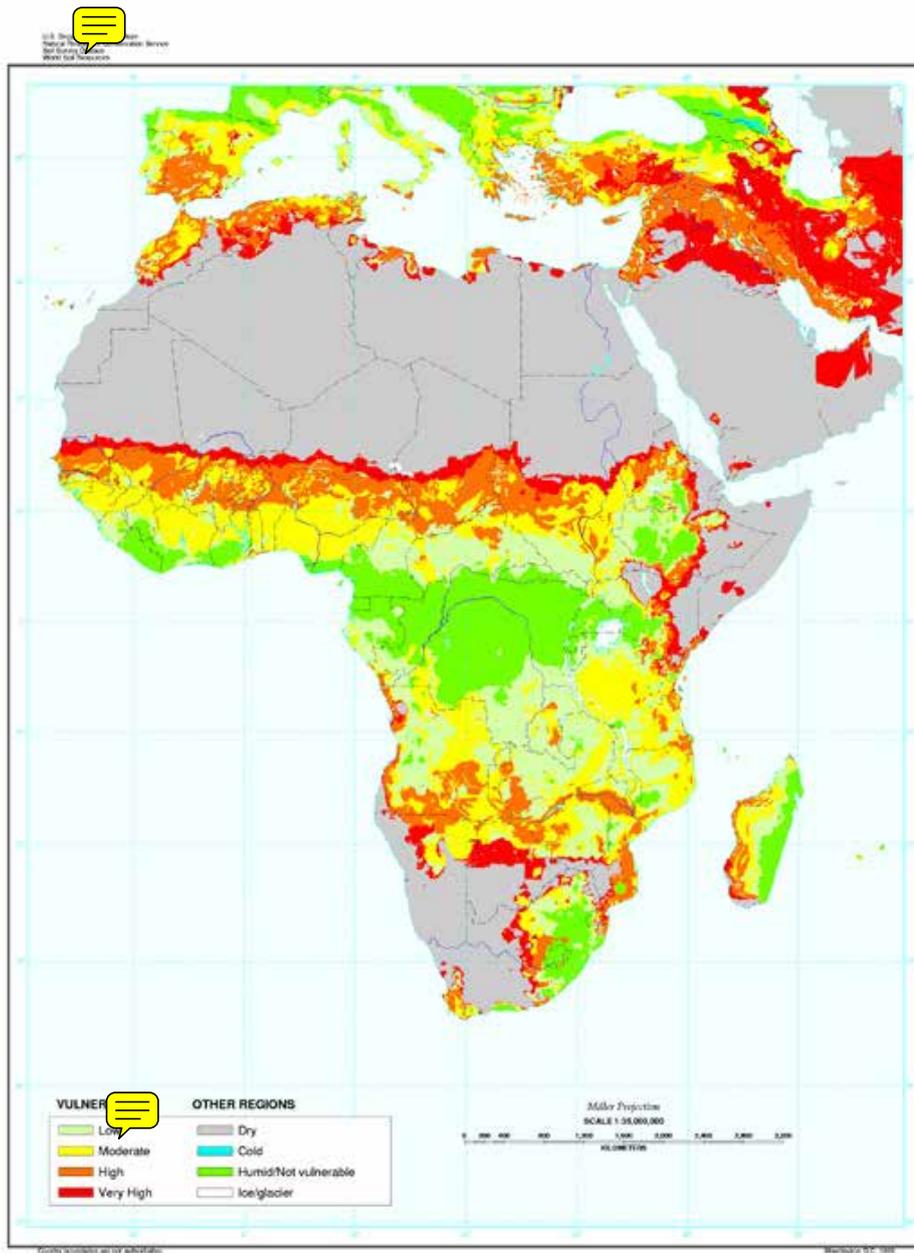
During the five-year war, which claimed several thousand lives, the south-west of the country emerged as a hotspot of tension, as Bété indigenes clashed with Baoulé migrants. That subconflict was completely unrelated to the country's north-south and Muslim-Christian divides. In 2005, some 120 people died in clashes. Writing for the *Christian Science Monitor* in 2005, Daniel Balint Kurti painted a vivid picture of the situation:

"Village official Stefan Kouassi talks of a "persistent tension" between his settler community of Yaokro and the indigenous villagers from Briéhoua. Yaokro was established in 1967 by 30 families from the Baoulé ethnic group who had migrated from central Ivory Coast. But Briéhoua's people are from the Bété tribe and see themselves as the ultimate owners of the land, on the basis of centuries-old ancestral tradition. Celine Koukou Ahou, an ethnic Baoulé from Yaokro, says she can no longer sell food in the main local market because of harassment. 'They [the Bétés] say the land is theirs – that we should go back to where we came from.' ... Bétés throughout their southwestern home region echo the anti-settler sentiment. 'The foreigners didn't even ask permission from anyone' to take farmland, says Oubon Andre Okrou, the chief of nearby Gra-Zie village. 'Now there are youths here who don't have anywhere to farm'. In the southwest, the term 'foreigner' is used for anyone outside of the region – whether Ivorian or not".

Even though the area in question, namely the cocoa-rich south-west, is far south of the military fault line that divided the country from 2002 to 2007, small-scale fighting over land in that area helped fuel the civil war. Casualties and internal displacements occurred as many people were forced to return to their native villages which, in turn, intensified local ethnic struggles. This amply demonstrates the interplay between land and ethnicity as a source and sustainer of conflict. Even after international intervention and the official end of the First Ivorian Civil War, native-settler feuds have persisted, and even the 2011 post-electoral crisis can be said to be the result of outstanding native-settler grievances.

Climate change, which has led to declining rainfall and desertification in Africa (see figure III), has exacerbated food insecurity and the migration of populations in search of water and pasture. Climate change is likely to lead to further land-related ethnic conflicts.

Figure III Vulnerability of land in Africa to desertification



In the light of ongoing climate change and desertification in Africa, it is crucial that Governments design sustainable land governance approaches that minimize land-related ethnic conflict.

J. Impact of conflict on livelihoods and productivity

Livelihoods are the means through which households obtain and maintain the physical, human, natural, social, financial or political resources necessary for their individual and collective survival. As illustrated in table 4, violent conflict triggered or sustained by a blend of land and ethnic grievances has a significant negative impact on livelihood stability and productivity.

Table 4 Impact of land-related ethnic conflict on livelihood stability and productivity

Conflict type	Main victims	Short-term impact	Long-term impact
Intercommunal violence	Young people, women and children, wider communities	Decrease in the size of the working population Loss of land/landed property and tenure rights Loss of place of habitual residence Interruption of children's education Loss of jobs and other means of subsistence Weak family and social cohesion	Increase in number of households headed by children Higher State expenditures Tenure insecurity Cycle of violence due to land pressure in new host communities or when new occupants of land come into conflict with returning refugees or IDPs Rise in unemployment and criminal activity
Urban land conflict			
Farmer–pastoralist conflict	Farmers, pastoralists and their families	Loss of land (their main means of subsistence) due to displacements Loss of cattle and crops Interruption of agricultural activity Hunger, malnutrition and disease	Weakened purchasing power Increase in poverty Land abandonment, uncontrolled spaces and rise of terrorism Falling agricultural production, commodity scarcity and price inflation
State and foreign companies versus local communities	Pygmies/forest and indigenous peoples	Loss of natural habitat Loss of means of subsistence (hunting sites) Land dispossession	Deforestation Climate change Threatened rights to existence and identity
Access to, and use and control of, natural resources	Villages, women and children, entire communities, State institutions	Humanitarian crises (IDPs and refugees) Psychosocial trauma Land dispossession Resource diversion Exacerbation of hardship	Tenure insecurity Entrenchment of social inequality Land degradation

Source: Consultants/authors of the report.

Livelihood failure can also contribute to further conflict because institutions that would ordinarily mitigate tensions and violence are weakened and community safety nets are undermined. Increasingly vulnerable communities can often be mobilized for violence by individuals seeking political, economic or social power. For example, white commercial farmers in Zimbabwe were disenfranchised when the Government amended the country's citizenship law in 2001 to require those with a possible claim to another citizenship to renounce it under both the relevant foreign law and under Zimbabwean law (see Manby, 2009; Moyo and Yeros, 2013). That amendment affected not only the white commercial farming minority, but also more than 2 million farm workers from Malawi, Mozambique and Zambia, who suddenly found themselves without either employment or citizenship (Chambati, 2013). As Manby (2009, p. 39) stated: "Yet those worst affected by efforts to denationalize the 'former oppressors' have not been white Zimbabweans but rather the African migrants from neighbouring countries who have travelled to Zimbabwe in search of economic opportunities".⁴

4 The late Sam Moyo's exhaustive work on land reform, land tenure and agrarian reform in Zimbabwe, while very useful, was deeply informed by the neo-Marxist political economy paradigm, which privileged class analysis over other forms of analysis. Thus, while race and class issues are well treated in Moyo's work, his analysis of the impact of religion, regionalism and ethnicity are relatively weak (see his major works: Moyo, 2008; Moyo and Yeros, 2005; Moyo and Yeros, 2011).

Conflicts in Africa in recent decades have claimed the lives of millions. In the Democratic Republic of the Congo, for example, the conflict that began in 1996 has caused the deaths of almost 4 million civilians, making it the world's deadliest conflict since World War II (Coghlan et al., 2006). Such heavy death tolls, especially among young people and women, invariably exacerbate livelihood instability for those who survive the conflict.

Violent conflict, moreover, negatively affects the physical, human, natural, financial and social assets of communities (see table 5). Restoring and rebuilding destroyed assets take time and divert resources away from critical public services.

Table 5 Impact of violent conflict on assets

Asset type	Effect of conflict on asset
Physical assets: Schools, homes, livestock, farm equipment, vehicles, bridges, roads, railway lines, banks	Destruction or looting
Human assets: Young people, women, labour power in households, skills	Death, trauma, reduced productivity, disability, school and workplace closures, inter-ethnic mistrust and hatred, sexual violence, eviction of skilled workers
Natural assets: Land, water sources, food, forests	Destruction, loss of access, displacement, insecure tenure due to loss of ownership documents, overexploitation of forests, minerals and other resources
Financial assets: Wages, savings, access to credit	Weakening of banking systems, loans unpaid, records destroyed, increased unemployment, loss of income, heightened poverty
Social assets: Family and ethnic networks, religious groups, professional associations, neighbourhood groups, cultural institutions	Growing mistrust, displacement, family dispersal, weakening of cultural institutions, low productivity, breakdown of law and order, increase in informal settlements

Source: Adapted from USAID (2005).

K. Conclusion

Ethnicity is a form of belonging and does not in itself cause problems. Indeed, ethnicity can be used as an instrument to promote social cohesion and group identities. Nonetheless, it can also be instrumentalized to promote narrow political agendas that are based on an "insider–outsider" or "self–other" dynamic. In periods of heightened political or economic tension, the mobilization of communities on the basis of their ethnic identity can lead to violent conflict. Considering the central role that land plays in people's lives, land-related problems can be exploited to that end.

Land-related conflicts do not take place in a linear fashion. Rather, they are cyclic and characterized by phases of insecurity and relative stability. They may start with general grievances related to land issues, and move on to isolated acts of insecurity and violent conflict. These may, in turn, lead to negotiation and peacebuilding efforts, which may include the adoption of reforms to promote stability.

To resolve violent land-related conflicts, leaders should pay close attention to the root causes of land disputes in Africa. Many of those disputes can be traced back to policies adopted during the colonial and State formation periods. Regrettably, ethnic heterogeneity has rarely been harnessed to build cohesive nation-States. As a result, ethnic loyalty often takes precedence over loyalty to State authorities. Inclusive governance practices and meaningful public participation in local and national decision-making institutions, including land administration boards, are vital in mitigating conflict.

Of equal importance is the legitimacy of the State. Citizens will view State authorities as legitimate if those authorities provide them with essential services, including security, health care and education services. If they fail to do so, citizens will view those authorities as having failed to protect their interests. Other centres of power, including criminal gangs, may emerge to support local communities and provide services in return for the payment of protection “taxes”. Governments should utilize traditional dispute resolution mechanisms that are viewed as legitimate by communities, and should work closely with regional intergovernmental organizations to enhance peace and security.

III. Lessons learned and policy recommendations

ALPC is mandated by the African Union to advise States on policy development in accordance with the African Union Framework and Guidelines on Land Policy in Africa (African Union, AfDB and ECA, 2010). ALPC has also developed the Guiding Principles on Large Scale Land Based Investments⁵ and other crucial guidelines on land governance in Africa. The implementation of the Guiding Principles – in tandem with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security which were endorsed in 2012 by the Committee on World Food Security⁶ – will reduce conflict between investors and communities. It is within the power of ALPC to guide States and regional economic communities on how best to address the intersection of land, ethnicity and conflict.

The study reviewed ethnic land-based conflicts in Southern, West, Central, North and East Africa, enabling the three researchers to provide an overview of the relationship among land, ethnicity and conflict on the continent. It also enabled the team to draw broad lessons for land policy development and implementation. Furthermore, the researchers were able to reflect on best practices for harnessing ethnic diversity with a view to fostering peace and social harmony in post-colonial Africa.

A. Best practices and lessons learned

Certain communities and countries have achieved significant normative, institutional and strategic progress in their efforts to address land-related ethnic conflict and leverage ethnic diversity for peacebuilding and social harmony. Some of their achievements are outlined below.

1. Normative developments

In Nigeria, the Kaduna State Government enacted the Farmers and Herdsmen (Prevention and Settlement of Disputes) Edict 1996, which provides for leaders of both farming and pastoralist communities to participate effectively in dispute resolution mechanisms.

Nigeria has also documented and mapped 415 grazing reserves in a bid to curb cattle encroachments on farmlands. Furthermore, the National Commission for Nomadic Education and the Millennium Development Goals office in the Office of the Presidency has developed an education strategy for children of pastoralists in Nigeria with the objective of transforming the pastoralist and the livestock sectors without causing significant social upheaval.

At the regional level, the Economic Community of West African States (ECOWAS) recognizes transhumance as a mode of livestock production that promotes self-sufficiency in food production, food security, and economic and political stability. Decision A/DEC.5/10/98 relating to the regulations on transhumance between ECOWAS member States and Regulation C/REG.3/01/03 relating to the implementation of the regulations on transhumance between ECOWAS member States seek to ensure that herd movements are regulated and take place along corridors established by States. ECOWAS has also developed

⁵ Available at www.uneca.org/publications/guiding-principles-large-scale-land-based-investments-africa (accessed on 16 September 2019).

⁶ Available at www.fao.org/cfs/home/activities/vggt/en/ (accessed on 16 September 2019).

a strategic action plan for livestock in West Africa and, in collaboration with the Food and Agriculture Organization of the United Nations, an action plan for transhumance livestock breeding in West Africa.

2. Institutional developments: non-State dispute resolution mechanisms

A number of countries in Central Africa favour strengthening informal dispute resolution mechanisms. In the north-west of Cameroon, for example, where farmer–pastoralist conflicts are common, the Government has appointed local community conflict mediators. This has both facilitated dispute resolution and significantly reduced the frequency of disputes

Similarly, in East Africa, some countries have integrated traditional dispute resolution mechanisms and alternative dispute resolution systems into legal statutes. Other countries are developing land policies and establishing national land commissions to systematically address land governance concerns. When these institutions are allowed to work without political interference, they can significantly reduce land-related ethnic conflict.

3. Strategic best practices

The United Republic of Tanzania and Zambia, under the leadership of Julius Nyerere and Kenneth Kaunda, respectively, provide examples of successful nation-building processes that successfully mitigated ethnic tensions. Kaunda's nation-building policy was predicated on the concept of "One Zambia, One Nation", a slogan that was coined in 1964, and the "Zambian humanism" political ideology. With these two approaches, Kaunda successfully unified Zambia's ethno-linguistic groups into a unified nation-State in which all citizens identified themselves as Zambian. At the political level, Kaunda pursued an active policy of appointing Zambians from different ethnic groups to political, cabinet and government positions. Thus, although Zambia is home to more than 70 ethnic groups, ethnic tensions never became a major obstacle for the country, although some minor issues have arisen in the country's modern history. These include the Lozi/Barotse secession movement, which emerged as a strong force once Kaunda had left office, and the displacement of the Tonga people from the Zambezi region to other parts of Zambia and to Zimbabwe, following the construction of the Kariba Dam in the 1950s. The aforementioned minority groups still express grievances over their loss of land, which was subsequently used for large agricultural projects that failed to take their interests into account. However, it may be argued that the plight of the Tonga-speaking people in Zambia is not necessarily a result of Kaunda's failure to create a multi-ethnic nation, but rather the legacy of an authoritarian and colonialist development agenda.

In the United Republic of Tanzania, the Nyerere-led Government supported nation-building by promoting Kiswahili as the language of liberation and national unity. The promotion of Kiswahili had the effect of reducing significant differences between those with different ethnic identities and fostering inter-ethnic trust. However, as we have learned from the strife in Somalia, a national language by itself is insufficient for the creation of a national identity. Rather, a national language must be supported by the principles of good governance espoused by Julius Nyerere in his Ujamaa philosophy.

B. Policy recommendations

1. Adequate attention should be given to ethnic identity in the formulation of land governance policies

Highly centralized governance structures, many of which were established under colonialism, continue to play a major role in the continent's identity politics and violence. Those structures were originally

sustained by dictatorial colonial practices and often retained when countries in Africa gained their independence. Even after independence, many States failed to effectively address community grievances over ownership and access to land. The study illustrated that land-related conflicts are rooted in governance policies and practices, and may be resolved through the implementation of accountable, transparent and community-centred reforms. However, most post-colonial Governments in Africa refused to acknowledge that ethnicity is a defining social characteristic, while other Governments have made ethnicity a taboo subject, even while they simultaneously exploit ethnic differences to advance their political agendas and consolidate power. By reforming land governance policies and practices, addressing ethnic identity issues and making the interests of communities a focal point, it is possible to reduce violent conflict. The study showed that ethnicity is both an invention and a real phenomenon, and those two aspects of ethnicity must be considered in the formulation of all land policies.

2. Land policies should address legal pluralism

Legal pluralism is the norm in Africa, and legal systems usually encompass both customary and statutory regimes. In certain cases, religious laws also coexist with those legal regimes. As a general rule, land tenure regimes are not static, but are continuously in flux. Policymakers should examine neo-customary and static land tenure regimes, and assess the strengths and weaknesses of each. In order to develop progressive and inclusive land policies, Governments must bear in mind this legal pluralism and the respective advantages of each regime. While several countries have already developed appropriate policies to address this pluralism, others have yet to do so, and best practice demands that policies be developed before laws are enacted. When laws are passed without a policy framework to guide them, it is more likely that they will be problematic and lack popular support. The land reform process could include the following steps:

- (a). Consultations and identification of challenges;
- (b). Formulation of national land policy;
- (c). Rationalization and formulation of land laws;
- (d). Appraisal of institutional and financial options;
- (e). Rationalization of institutional responsibilities in policy implementation;
- (f). Public education, training and capacity development of key actors.

Although the process of formulating a land policy can be lengthy, it is a worthwhile undertaking. After formulating a policy, requisite legislation should be adopted to ensure that the policy is implemented effectively.

3. Steps should be taken to facilitate inclusive land registration

The registration of land is critical for securing the land rights of all relevant stakeholders. However, the current practice of titling and individualizing land while paying little attention to disadvantaged groups – including women, IDPs, young people and pastoralists – is unsustainable. Governments urgently need to ensure that the land rights of women, pastoralists and other minority groups are protected. In addition, action must be taken to secure collective land rights, including in areas such as forests, wetlands and pastures.

4. Ethnic diversity should be viewed as a resource

Ethnic groups in Africa have used ethnic consciousness to establish social welfare organizations and solidarity networks that have effectively resisted land dispossession by both colonial and post-colonial elites. The case studies illustrate, moreover, that it is important not to confuse development challenges with challenges related to ethnicity. Ethnic consciousness is not a problem per se, but must be fully understood rather than simplistically dismissed as a problem that impedes Africa's social transformation and development.

5. Ethnic identity should be viewed as a foundation for innovative governance practices

Ethnic diversity can enhance the political, economic, social and cultural pluralism of States. Diversity can serve as a tool for social transformation, peacebuilding and the promotion of social harmony. The case studies of Algeria, the Democratic Republic of the Congo, Kenya, Mali and Zimbabwe showed that most political divisions and conflicts are along ethnic and regional lines. African Governments must acknowledge that ethnicity is intertwined with peoples' identities and their collective consciousness. By recognizing ethnicity as part of the social plurality of Africa and a legitimate basis for political pluralism and democracy, it can be integrated into national social and economic development agendas. In so doing, Governments will gain greater political legitimacy among their citizens.

Policymakers must recognize that ethnicity has been a major element in political pluralism within post-colonial Africa. In fact, ethnic alliances have provided some of the most effective opposition to hegemonic State power, and can bolster community resistance to State encroachment on community rights. Ethnic alliances have been particularly effective in defending the land and human rights of minorities.

6. Policymakers should acknowledge that political power coincides with authority over land

The study illustrated that post-colonial authoritarianism is not only predicated on personal rule, but also on an ethnic sociopolitical base. Power is acquired by leaders through the support of an ethnic group or a coalition of ethnic groups, and land reform often means the discriminatory transfer of land to members of the leader's ethnic group or to power brokers affiliated with the Government. General elections may become a trigger for a violent response by populations to what they perceive as land-related injustice. Exclusionary practices in ethnic-based politics may lead to the formation and mobilization of counter identities. Those counter identities, which are assumed by marginalized individuals or groups, are formed, at least in part, to resist policies enacted by dominant ethnic groups. No post-colonial social transformation, including land reform, can succeed without serious consideration being given to ethnicity by policymakers, who must work with traditional and cultural leaders, and establish independent national land commissions that are responsive to community and ethnic interests.

7. Land governance should be addressed in constitutional reform agendas

Land governance and land equity concerns must be addressed effectively in constitutional and legislative reforms. This will have considerable government policy implications. Throughout Africa, autochthonous claims to land are being made by minority ethnic groups, including the Batwa, Digo, Khoisan, Ogiek and San. In some cases, the perceptions of certain groups of widespread exclusion and marginalization have given rise to secessionist movements. Those movements are fuelled by a combination of pre-colonial, colonial and post-colonial migration and settlement patterns, problematic colonial boundaries, the fail-



ure of post-colonial nation-building projects, and ongoing problems surrounding the unfair distribution of land.

Widely ignored autochthonous-based grievances of pastoral communities regarding a decline in available watering points and land for grazing are a major cause of incessant conflict, especially during droughts. A holistic approach, incorporating constitutional and legislative reforms to address the aforementioned land-related challenges, would help to reduce tensions. Furthermore, national constitutions and legal frameworks should be revised to accommodate a wide range of community-based traditional dispute resolution mechanisms, and those frameworks should respect fundamental human rights and women's land rights. By reviving and strengthening these traditional governance systems, policymakers will ensure that statutory provisions exist to support women and vulnerable groups, since it is those groups who often suffer due to patriarchal decisions and practices. All land-related dispute resolution mechanisms should be independent, accountable, democratic and cost-effective.

8. Adequate attention should be given to women's land rights and how those rights are affected by conflict

Women are disproportionately affected by conflict. In conflict situations, women's land rights are frequently violated, and women and girls suffer displacement and are often subjected to physical violence and sexual assault. Governments must ensure that the causes of violence identified in the study are addressed in a gender-appropriate manner.

Guaranteeing the rights of women to own and enjoy access to land remains an ongoing challenge in Africa. Although women are the primary users of land for livelihood purposes, land tenure systems often deprive them of ownership rights. Statistics show that women in rural areas generate as much as 50 per cent of agricultural production in Africa, and up to 75 per cent of production in subsistence economies. Women are also the most likely to survive conflicts, and once hostilities cease they require land in order to rebuild their livelihoods. However, customary laws often disenfranchise women from land ownership. Therefore, inclusive land policies that strengthen the rights of women to own and use land should be developed and implemented across the continent. In an attempt to address gender-based disparities in land use and ownership, the African Union has recommended that member States allocate at least 30 per cent of documented land rights to women, and that the land rights of women be strengthened through legislation and other mechanisms.

9. Steps should be taken to align land tenure regimes

When coordination among countries' multiple land tenure regimes remains weak, violent conflicts are more likely to occur. During disputes, there are instances of "forum shopping", as disputants seek to increase their chances of gaining the upper hand in the dispute by resorting to resolution mechanisms that are more likely to uphold their interests. Whereas national statutory systems may be popular in urban environments, pastoral communities often prefer to use customary tenure regimes. Enhancing the alignment of countries' land tenure regimes would significantly reduce the prevalence of land-related conflict in Africa.

10. Steps should be taken to strengthen democracy and good governance

The likelihood of conflict decreases when national Governments are democratic and support public participation in the economic, political and social spheres. This enhances government legitimacy and supports development, because political systems that are open and participatory are less likely to experience

violent conflict over land. Open political systems are better able to create conflict mitigation mechanisms and pursue land reforms that empower all citizens. In such systems, access to land is less likely to be determined on the basis of ethnicity or political loyalties.

11. Steps should be taken to strengthen the judicial system

Judicial systems should establish specialized courts to adjudicate land disputes and to intervene in arbitration only when traditional dispute resolution systems are unable to resolve conflicts and deliver justice. Furthermore, given the large number of land dispute cases across the continent, action should be taken to enhance countries' judicial capacities and ensure that the backlog of land dispute cases is cleared. In order to accomplish those two objectives, time limits for the resolution of land cases before the courts will need to be established. African Union member States should work towards building public trust in the formal justice system in order to discourage citizens from resorting to violence or taking other illegal action to settle land disputes.

12. Steps should be taken to facilitate access by young people to land

African Union member States should create incentives for young people to help them access land and pursue farming and other productive activities. States should also ensure that young people can participate in land governance mechanisms and that their voices are heard. Additionally, young people should be trained in the skills necessary for agriculture and agribusiness activities, and financial resources should be made available for that purpose. Parents should be encouraged to transfer land to their children while they are still young, as that would support food production, create employment and reduce the incidence of land-related conflict.

13. ALPC should develop guidelines on land, ethnicity and conflict

ALPC should develop guidelines regarding land, ethnicity and conflict that could be utilized by policymakers and land reform institutions. Those guidelines should address conflict impact assessments, the different types of conflict, early warning signs and ways to mitigate conflicts through land reform. Land-related violent conflicts are expressions of political disaffection that arise from strong feelings of disenfranchisement by local populations. Therefore, any guidelines that are developed should indicate how inclusive land governance practices should address power relationships between communities and the State, communities and investors, and communities and mediators.

In many African countries, the individualization of tenure, a disregard for existing customary tenure mechanisms and community institutions, and a lack of support for agricultural smallholders has undermined livelihood stability and reduced productivity. By taking into account local community land use norms and practices, and by protecting the interests of communities, the continent can minimize land-related conflict and improve overall agricultural production. The guidelines should reaffirm that land tenure security is critical for boosting agricultural investment and production.

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