



NELGA GOOD PRACTICES:

Land Conflicts and Reparations for Peacebuilding and Livelihood Sustainability in Africa

The Network of Excellence on Land Governance in Africa (NELGA) is a partnership of leading African universities and research institutions with proven leadership in education, training and research on land governance. Currently NELGA has more than **70 partner institutions** in over 40 countries and is organized in 6 regional and 1 technical nodes supported by a Secretariat.



Background




Land conflicts in Africa are deeply linked to the colonial histories that established unequal patterns of land distribution and ownership. These colonial legacies have created complex land-related challenges that continue to affect many countries across the continent. Despite significant progress in social, economic, and political development since independence, land remains central to the livelihoods, wealth creation, and cultural identity of many Africans. With over 40% of the African population now living in urban areas, the importance of land persists as a critical concern for both rural and urban communities.

Outstanding land-related challenges in Africa include inequitable land redistribution, unclear tenure systems, adverse political and economic effects on natural resources, racial segregation, a backlog of unresolved land restitution claims, competition for resources between farmers and pastoralists, continued struggles with poverty, and ethnic tensions, to mention just a few.

Addressing these challenges is essential for realizing the African Union's Agenda 2063 and the United Nations Sustainable Development Goals (SDGs), as well as for promoting responsible land governance practices across the continent.

This research focuses on land conflicts in Africa and explores reparations strategies for peacebuilding. The beneficiaries of the research include local communities and indigenous groups, displaced populations and returnees, traditional leaders, women and youth—especially marginalized groups—government authorities and local leaders, academic and research institutions, and other stakeholders responsible for formulating and implementing policies related to land conflicts, responsible land governance, reconstruction, and peacebuilding.

The objectives of the research are threefold:

-  To examine land conflicts in Africa stemming from colonial issues
-  To assess existing peacebuilding and reconstruction strategies
-  To identify best practices for effective land governance

This document specifically investigates land conflicts in five African nations: Zimbabwe, South Africa, Tanzania, Kenya, and Uganda. It highlights how colonial legacies contribute to these conflicts and emphasizes the need for resolution to foster sustainable development.

Implementation

The formulation of this good practice document involved a multi-faceted approach that combined case studies, policy analysis, and interviews with field experts, government officials, and academics with expertise in the subject matter.

Case studies explored real-world examples of land conflicts in countries across Africa, including Zimbabwe, South Africa, Tanzania, Kenya, Uganda, Rwanda, Botswana, and South Sudan. Examples from these selected countries provided valuable insights into the challenges faced by communities and governments.

Although policy analysis and existing literature have assessed the effectiveness of land governance frameworks, they have only partially addressed some of the ongoing conflicts and disputes. This document, therefore, fills those gaps by examining the persistent colonial causes of land conflicts and providing best practices for peacebuilding and reconstruction in Africa.

Results and discussion

Critical analysis of case studies conducted on land conflict and dispute resolution in Zimbabwe, South Africa, Tanzania, Kenya and Uganda, demonstrates the severity of land-related issues primarily stemming from colonialism, important lessons, and successful practices that can be embraced in Africa.



Case study of Zimbabwe

Land conflicts in Zimbabwe are primarily rooted in colonial policies that favored white settlers, leading to significant inequities in land ownership. The Fast Track Land Reform Program (FTLRP), initiated in 2000 to redistribute land from white farmers to black Zimbabweans, aimed to rectify these historical injustices but resulted in widespread violence and economic instability. Present key challenges include inequitable land redistribution, where land often benefits political elites rather than the intended

beneficiaries, ongoing communal land disputes due to unclear tenure systems, and the adverse political and economic effects on natural resources. These issues continue to create tensions and impede progress toward sustainable land governance in the country.

Reparations: Currently, the government has called for reparations, restorations and an apology for the injustices inflicted upon individual black Zimbabweans; the government is leading the initiatives to compensate affected farmers and enhance agricultural productivity among new landowners. Additionally, the government has announced a \$3.5 billion deal to compensate white farmers for land that was reclaimed at the conclusion of the colonial era. Nevertheless, these efforts encounter obstacles due to persistent economic hardships and political resistance, making the journey towards sustainable peace and reconciliation more complex.



Case study of South Africa

South Africa faces significant land conflicts rooted in the policies of apartheid, which enforced racial segregation and inequitable land distribution. Many claims for land restitution remain unresolved, leaving communities without access to their ancestral lands. Dispossessed communities continue to struggle with poverty and a lack of resources, which hampers their ability to reclaim or effectively utilize land. Additionally, ongoing debates over land ownership highlight historical injustices and current inequalities, exacerbating racial tensions in the country. These challenges have made land reform a contentious issue in South African politics, as the legacy of apartheid continues to shape social and economic dynamics.

Reparations: These involve a combination of restitution, redistribution, and development programs aimed at empowering historically marginalized communities. This includes establishing land dispute resolution centers in rural areas through the Land Claims Court (LCC). By early 2024, approximately 25% of South

Africa's farmland has been redistributed to Black South Africans, with a goal of reaching 30% by 2030. This progress includes 6.68 million hectares restored through land claims, 7.55 million hectares transferred via government initiatives, 1.9 million hectares acquired independently, and 2.54 million hectares obtained through the Proactive Land Acquisition Strategy (PLAS) and leased to beneficiaries under long-term agreements. However, the slow pace of land reform and bureaucratic obstacles have led to frustration among communities seeking justice and equality.



Case study of Tanzania

Tanzania's land tenure system, established during British colonial rule, designates all land as property of the state, with the President serving as the custodian. Individuals possess only usufruct rights, meaning they can use the land but do not have full ownership. The state possesses the power to reclaim land if lease terms are violated or leases expire. A significant example of land conflict is the ongoing dispute between pastoralists (Maasai) and the government in the Ngorongoro Conservation Area. This area was designated as a wildlife conservation zone under the 1959 Ngorongoro Conservation Area Act, which allowed the Maasai to maintain their pastoral lifestyle. However, since the 1990s, conflicts have intensified due to population growth, increased livestock populations, and pastoralists relocating to conservation areas in search of grazing land. Additionally, competition for resources between farmers and pastoralists has escalated, making land governance more complex in Tanzania. These issues highlight the urgent need for innovative land policies that reconcile conservation efforts with the livelihoods of local communities.

Reparations: The government of Tanzania has recognized these issues and is working on policies and strategies that promote equitable access to land resources. For instance, the ongoing relocation procedures of the Maasai communities from the Loliondo and Ngorongoro districts to the Msomera area in the Handeni district of the Tanga region include compensation that features permanent housing structures on a two-hectare plot, along with transportation assistance to the new location for families and their livestock. While a number of Maasai individuals have accepted the deal and chose to relocate to Msomera, there are still some Maasai pastoralists who persist in their resistance, claiming their ancestral rights to the land.



Case study of Kenya

In Kenya, colonial land policies established a legacy of conflict characterized by ethnic tensions and insecurity over land tenure. These policies forced many communities, such as the Kikuyu, Maasai, Luo, and Kalenjin, into overcrowded reserves while ensuring fertile land was allocated for European settlers. This inequality persists today, particularly in regions like the Rift Valley and Coast Province. For instance, the Kikuyu community acquired significant land following independence, which has led to animosity among other groups such as the Maasai and Luo. This tension has often been exploited for political advantage during elections, leading to violence, including the post-election unrest from 2007 to 2008, which resulted in groups of Internal Displaced Persons (IDPs). At the same time many communities lack formal title deeds, leading to disputes over land ownership and use.

rights. Moreover, competition for grazing rights between farmers and pastoralists has intensified due to resource scarcity, especially during periods of drought, exacerbating land issues in the country.

Reparations: Kenya's efforts to tackle land conflicts include the National Titling Programme, implemented by the Ministry of Lands and Physical Planning. This program utilizes Information Communication Technologies (ICT) to transform land records into digital form through the "Ardhi Sasa" (<https://ardhisasa.lands.go.ke/>), an online platform aimed at improving accessibility, transparency, and security regarding land transactions. The aim of the initiative is to formalize land ownership, reduce disputes, and enhance security of tenure, ultimately aiding in the resolution of persistent land ownership challenges that have affected many communities across the country. Also, community-based conflict resolution mechanisms have been implemented to mediate disagreements or disputes at the local level and foster harmony between farmers and pastoralists. Nonetheless, historical grievances, the political manipulation of land issues, and competition for resources continue to hinder Kenya's efforts to attain equitable land governance and sustainable peace.



Case study of Uganda


In Uganda, land conflicts arise from a colonial legacy and a dual land tenure system that combines customary and statutory rights. This system has resulted in overlapping land claims and insecurity, particularly for rural communities. For example, in Acholiland, conflicts emerged when the Madhavani

Group attempted to acquire 20,000 hectares of land for private ownership, sparking a dispute with the Acholi community, who successfully secured a court order to halt the sale. Comparable disputes are apparent in eastern Uganda, where the Bagisu and Bagwere ethnic groups are at odds with the government over the Namatala wetland. In western Uganda, the Banyoro ethnic group is asserting its ownership rights against government claims. These conflicts are often exacerbated by competition for access to scarce land and natural resources, rising population growth rates, unsustainable agricultural practices, and weaknesses in policies and institutional capacities as many communities lack formal title deeds, resulting in disputes or disagreements over land ownership and usage rights.


Reparations: Uganda is addressing land conflicts through initiatives such as Systematic Land Adjudication and Certification (SLAAC) program, which documents land rights to enhance tenure security, particularly for rural communities supported by the National Land Policy of 2013 and the Land Act of 1998, these efforts aim to formalize ownership and reduce disputes. The government is also utilising ICT to digitize land records through Uganda National Land Information System "UgNLIS" (<https://mlhud.go.ug/ugnlis/>) an online platform to enhance transparency and efficiency in managing land records across the country. While these strategies show progress, issues such as bureaucratic delays and limited public awareness of land rights affect their effectiveness. Additionally, the lack of a comprehensive legal framework for land governance, like the Uganda Land Commission Act, affects reforms. The existing Land Act of 1998 is not fully effective in addressing conflicts between landowners and tenants, leading to many evictions. Furthermore, the Land Acquisition Act of 1965 sometimes conflicts with the 1995 Constitution, causing disputes, overcompensation and resettlement plans.


Best Practices

Various communities across Africa have made significant strides in securing land rights and improving land governance through legal reforms, community agreements, and innovative management practices. These success stories serve as valuable lessons for other nations facing similar challenges related to land ownership. Here are some notable case studies highlighting successful land reconstruction efforts in Africa:

 **Rwanda:** The Land Use Consolidation Program in Rwanda has been recognized for its effectiveness in promoting land tenure security and enhancing agricultural productivity. The government's modernization of land registration systems has significantly reduced land disputes, providing a model for other countries to follow.

 **Ogiek Case:** In 2017, the Ogiek people won a landmark case at the African Court on Human and Peoples' Rights, affirming their land rights in Kenya's Mau Forest. This victory is a significant milestone for indigenous land rights and sets a precedent for land restitution for marginalized communities.


 **San People in Kalahari:** The San people's successful legal battle for land restitution in Botswana's Kalahari Desert underscores the importance of recognizing indigenous land rights. A 2006 court ruling allowed them to return to their ancestral lands, leading to improved socio-economic conditions.


 **Hadza Community:** The Hadza, one of Tanzania's indigenous groups, have successfully secured their land rights through joint management agreements with the government. These agreements promote cultural preservation while ensuring sustainable land use practices.


 **Sudan Farmers and Pastoralists Agreement:** In South Sudan, the Marial Bai Agreement established in 2016 regulates the relationship between farmers and pastoralists, helping to resolve conflicts over land use. By designating specific periods for each group to use the land, this agreement fosters cooperation and reduces violence over grazing and cultivation areas.


Lessons Learned


The following are important lessons for others to consider in addressing land conflicts and reparations in Africa, aimed at fostering peacebuilding and sustainable livelihoods.

 **Historical context matters:** Understanding the colonial roots of land conflicts is crucial for addressing contemporary issues. Acknowledging historical grievances can pave the way for more effective and just solutions.

 **Inclusive participation:** Engaging diverse stakeholders, including marginalized groups, in decision-making processes leads to more equitable and sustainable outcomes. Inclusive governance ensures that all voices are heard and respected.

 **Legal frameworks:** Establishing clear and accessible legal frameworks for land rights and tenure systems helps prevent disputes and ensures fair resolution mechanisms. Legal clarity is essential for maintaining order and justice.

 **Capacity building:** Investing in the capacity of local institutions and communities enhances their ability to manage land effectively. Training and education empower stakeholders to understand and exercise their rights.

 **Innovative technologies:** Leveraging digital platforms and ICT for land registration and record-keeping improves transparency, efficiency, and accessibility. Technology can streamline processes and reduce opportunities for corruption.



Recommendations

Strengthen legal frameworks: African governments should develop and implement robust legal frameworks that clearly define land rights, tenure systems, and dispute resolution mechanisms. This includes recognizing customary land rights and ensuring that laws are accessible and understandable to all stakeholders, particularly marginalized groups.

Promote participatory governance: Engaging local communities in land governance processes is crucial. Governments should facilitate inclusive dialogues that involve all stakeholders, including indigenous peoples, women, and youth, to ensure their voices are heard in decision-making and policy formulation.

Enhance capacity building: Investing in capacity building for local institutions and communities is essential for effective land management. This includes training programs for paralegals to assist with legal issues, as well as workshops to educate communities about their land rights and sustainable land use practices.

Leverage Technology: Governments should adopt innovative technologies, such as digital platforms for land registration and record-keeping, to enhance transparency and efficiency in land transactions. Utilizing Information Communication Technologies (ICT) can improve access to information and streamline processes related to land ownership. The e-land administration implemented by the governments of Kenya "[Ardhi sasa](#)", Uganda "[UgNLIS](#)", and Tanzania "[e-Ardhi](#)" can be considered a suitable model to follow.

Address Historical Grievances: It is vital for African nations to acknowledge and address historical injustices related to land ownership stemming

from colonialism. Reparations strategies should include fair compensation, land redistribution, and support for affected communities to rebuild their livelihoods, fostering reconciliation and sustainable development

Conclusion

Land conflicts in Africa, rooted in colonial histories, present significant challenges to social cohesion, economic development, and cultural identity. The legacies of unequal land distribution, ambiguous tenure systems, and unresolved restitution claims contribute to resource competition and community tensions.

Addressing these issues is vital for achieving the African Union's Agenda 2063 "The Africa We want" and the United Nations Sustainable Development Goals (SDGs), as well as for fostering peace and stability. This research emphasizes the need for inclusive dialogue, capacity building, strengthening legal framework, utilization of ICT and collaboration among stakeholders such as local communities, government authorities, and civil society to create effective reparations strategies and promote responsible land governance.

Through case studies from Zimbabwe, South Africa, Tanzania, Kenya, and Uganda, Rwanda, Botswana, South Sudan the document highlights the importance of understanding historical contexts while seeking innovative solutions that respect the rights of marginalized groups. Ultimately, ensuring equitable land access and resolving conflicts are essential for sustainable development and lasting peace in Africa, paving the way for a more just and prosperous future for all.





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