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**ADOPTING LAND CONFLICT RESOLUTION FOR AFRICAN DEVELOPMENT IN THE 21<sup>ST</sup> CENTURY.**

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**Abstract:**

*African as a region is characterized by a very rich diversity of natural ecosystem resources, including soils, vegetation, water and genetic diversity. Together, this constitute the region's main natural capital. It is from this asset that the provision of food, water, wood, fibre and industrial products, and essential ecosystem services and functions are derived. And they must be maintained in order to support African populations into the future. The account of Africa in terms of development is inundated with good and bad. Bearing it in mind that is a continent happens to be one of the fastest growing economies in the world. Therefore, it follows that Africa is seen as land of outstanding. Today's high population growth coupled with climate change, natural disasters and large-scale economic globalization puts increasing pressure on land, which in turn becomes increasingly scarce and thereby subject to conflict – often boosted by fragile institutions, weak governance and gender gaps. The rush for land, global commercial pressures on land, land grabbing, involuntary resettlement due to large infrastructure projects, migration due to desertification, displacements due to violent clashes as well as boundary disputes between neighbours and inheritance result to conflicts*

*over land between siblings. The scope of land conflicts is enormous. Land conflicts in Africa have multiple dimensions and most common form of land conflicts include inheritance conflicts among family members, boundary conflicts between neighbours, conflict between landless people and government authorities or local communities, conflict between land owners and tenants among others. Land conflicts can be as a result of deeper root causes (e.g. climate change, desertification, immigration, lack of legal recognition of land rights, need and greed etc.) and also be a source of broader conflict by itself. Solving land conflicts as well as addressing land issues responsibly in both conflict and post-conflict situations is key to Africa inclusive development, peace and stability and realisation of human rights. A system of management of land resources crisis is urgently needed; the one that will be able to respond in a systematic and integrated manner to African development and challenges in the 21<sup>st</sup> Century is land conflict resolution. This paper assessed the need for land resources conflict resolution as a tool to African development and offers key recommendations that will prevent or minimize grievances among people in relation to land in Africa.*

**Keywords:** *African Development, African Resources, Challenges of African development, Land conflict resolution, 21<sup>st</sup> Century.*

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## **Introduction**

Africa is blessed with an abundance of natural resources. Africa's natural resources have been one of the backbones of the continent's economy. In 2012, about 77% of Africa's total export was accounted for by natural resources and 42% of government revenues (African Natural Resources Center (ANRC), 2016). The continent is blessed with the longest river in the world called River Nile. The second largest and the world's deepest river called River Congo is also found in Africa. There are about 63 international basins in Africa and these take about 64% of the continent's land area. (Africa's Natural Resource Centre (ANRC) Strategy (2015-2020); Revised Edition, 2016). ANRC also reports that the continent has the second largest tropical forest and about \$ 24 billion was the total value added by the fisheries and aquaculture sector in 2014. Non- renewable natural resources also contribute massively to Africa's GDP. It is estimated that Africa as a continent

hold about 30% of all global mining reserves. The percentage share of Africa's oil reserves is about 9.5% with Sub- Sahara Africa contributing about 4.9% (Katsouris, 2011). Also in gas reserves, Africa holds about 8% of the world's share.

According to the World Bank Statistics (2019) the growth story in Africa in the past few years has been one of faltering recovery from the worst economic crisis of the past two decades. This remains the case according to the [April 2019, 19th edition of Africa's Pulse](#), which estimates GDP growth in 2018 at a lower-than-expected 2.3%, with a forecast to 2.8% in 2019. Trade, Industry expansion, Agriculture, Natural resource and Human Capital have been the backbone of the enviable economic growth of Africa in recent years. Most countries are shifting from traditional methods of farming to industrialized agriculture. Also, trade liberalization in Africa and inter -trade with other continents of the world has also increased the capital stock of the continent. Africa can also boast of it being the richest continent in terms of natural resource abundance.

Land is one of the most valuable natural resources, a basic means of subsistence for many people and an important means of wealth. As a result, conflicts over and on issues around land are widespread and common in all societies around the world. Land conflicts are defined as the active competition between two or more parties, in relation to the use, access and ownership of both public and private land (Alston, Libecap, & Mueller, 2000). Land conflicts can be seen in different forms. In some land conflicts, there are only two parties and hence they are relatively easy to resolve. Inheritance conflicts between siblings with particular piece of land and disputes between neighbours regarding the boundary of land are some common type of two-party conflicts (Wehrmann, 2008).

Some of the most common land-related conflicts in the African Countries are inheritance conflicts among family members, boundary conflicts between neighbours, conflict between landless people and authorities and conflict between land owners and tenants. Moreover, migration between rural and urban areas, as well as from the hills to the plains has put further pressure on an already strained land and housing situation. It is not always possible to formally absorb all the citizens, leading people to squat on public land. This is a breeding ground for conflict between State and the squatters. In addition,

there are deeper causes of land conflicts which surpass the formal institutional structures. Land Natural resources often play a dominant role in the eruption of violent conflict (Le Billon, 2013). Land conflicts are exacerbated by the self-centered attitude of a multitude of actors, who engage in land grabbing, use public and private land illegally, manipulate the land market to their advantage owing to their power and position and engage in nepotism and corruption (Sotiriou, 2019). It should also be noted that land conflicts are often the reflection of deep-rooted societal conflicts born out of inequality or unfair distribution of wealth, discrimination of women or ethnic minorities, as well as marginalized groups' lack of voice and power. Such structural barriers increase the likelihood of land-related conflicts in Africa region.

Consequently, land conflicts often result in unfavorable outcomes for not just the individuals involved, but also for the economic, social, spatial and ecological development of society as a whole. Given the lack of accurate data on seized land and property during the conflict period and its current status, the conflict related to land and property needs urgent attention as it has the potential to create further tension and unrest (Gertel, Rottenburg, & Calkins, 2014). In the social realm, there is a big gap between economic and social well-being (Bryceson, 2019). The place of multi-disciplinary approaches is here hinged on analysing land conflicts, their causes and provide policymakers with the necessary resources to better design appropriate strategies and programmes for effectively addressing existing as well as potential future land conflicts which will further enhance Africa development in the 21<sup>st</sup> Century.

### **African Resources in the 21<sup>st</sup> Century.**

Africa is the second most populous continent in the world with a young population of 1.2 billion people (Siebrits, & van de Heyde, 2019). This is because youths account for more than half of the African population. The favourable weather and large landmass make Africa the ideal destination for agricultural production. The continent has huge mineral deposits (Jayne, Yeboah, & Henry, 2017). This is so because it is resource-rich continent. Africa has a young population that can provide manpower in her quest for growth in the millennium era. Africa has a wealth of resources sufficient to drive the

economic growth and social development. The resources include land, minerals, biological diversity, wildlife, forests, fisheries and water (Ajibefun, 2015).

Agriculture is the mainstay of the Africa economy accounting for 65 percent of labour, employment and 34 percent of the GDP. Oil, minerals and agricultural commodities account for 80 percent of Sub Saharan Africa's export (Mutenyo, 2011). The bulk of food production in Africa is carried out by smallholder farmers with about 70 percent being women. Irrigation alone could raise agricultural productivity by 50 percent. It is estimated that for every increment in farm yield there has been 7 percent poverty reduction in Sub Saharan Africa. Agriculture accounts for about 24 percent of Africa's annual growth. Therefore, investment in basic infrastructure (water, electricity, and road), farm-level infrastructure irrigation storage facilities) and access to credit and extension services and farmers' driven policies is the way to go. The World Bank estimates that agriculture and agribusiness together could attract a whopping USD 1 trillion presence in Africa's regional economy in the next 15 years (Ojo, & Oluwatayo, 2016). This implies agricultural development is critical to the achievement of Sub Saharan African growth.

Beneath the soils and water bodies in Africa lie more than sixty (60) metals that are needed for industrialization and urbanization (Mining Industry Prospects in Africa, 2012). The US Geological Survey places Africa as the largest or second largest reserve worldwide for Bauxite (main source of aluminium), Cobalt (for making alloys and batteries), Gold, Diamonds, manganese (anticorrosive element in steel), phosphate rock (used in fertilizers), platinum group metals, soda ash (used in making glass), The KPMG report on Africa continue to emphasize that, out of the 54 African nations, 46 of them have minerals of commercial importance (Mining in Africa Towards 2020). Most of these minerals found are used in the automobile and real estate industries which have been expanding over the years as a result of global demand in infrastructure and modernization. However, Africa currently provides 8% of the global mineral production as a result of obstacles being faced in the mining sector (Mining Industry Prospects in Africa, 2012). Another reason that makes Africans optimistic about the future in the mining sector is the evidence that, demand of mineral commodities is in the early

stages of a super cycle. The International Study Group Report in 2011 explains the early stages of super cycle is a rise in demand for mineral commodities as a result of urbanization and industrialization of major economies like China, India and Brazil (Minerals and Africa's Development, 2011). As Investors all over the world are searching for brighter opportunities, Africa, its vast mineral potentials offer an attractive environment for mining investments. The continent will be able to fully benefit from the sector if it starts to refine some of the minerals since almost all the minerals are exported in their raw form. Therefore, investors determined to make good returns can venture into mineral refining in Africa and have a good rapport with various governments since most of the nations are politically stable and investor friendly.

Electricity is a necessity to power every economy's growth and development. The continent is already endowed with both renewable and non-renewable energy sources like abundance of sunshine, large water bodies, strong tidal waves, oil and uranium deposits to provide energy. Individual households also need electricity to cook, study and do certain basic economic activities like selling frozen fish. The International Renewable Energy Agency reports that the average per capita electricity consumption in Sub- Sahara Africa, excluding South Africa is 153 kWh/year (IRENA, 2012).

### **Challenges to African Development.**

Africa is a very large continent located in the tropics and has an area of 27,961,000 sq. km (Boon, 2016). The continent has a diversity of climatic conditions and marked features and a range of natural resources. It has a low population density of fifty people per sq. km. However, in spite of the fact that most African countries gained political independence about forty years ago, most of them, especially in Sub-Saharan Africa (SSA), are facing serious economic, social, political, and environmental crises (Oakland, 2019). Challenges to development in African region are:

**1. Corruption** *'Without doubt, corruption has permeated the African society and anyone who can say that corruption in Africa has not become alarming is either a fool, a crook or else does not live in this continent'*. This is how an illustrious son of Africa, Achebe (1988) puts it. Corruption has been noted to be worse than prostitution because it endangers the morals of the entire society (Campos and Bhargava, 2007).

According to World Bank, corruption has become the greatest obstacle to economic and social development (Overview of Anti-Corruption, 2011). Though corruption is a global issue, it is highly visible in Africa. In (2015), it was estimated that 75 million people paid bribe that year (People and Corruption: Africa Survey, 2015). With most of the African governments failing to fight corruption, 58% of African claimed there is little being done to stop it. According to the research by Transparency International, 4 out of 5 South Africans believe corruption has been on the rise recently and this clearly shows the level of trust citizens have in their government. Rose-Ackerman, & Palifka, 2016). The report further stated that, out of 28 Sub-Saharan African countries which were considered for the study, the Police and the judicial system are the most corrupt. These public institutions are responsible for the protection and enforcement of the rule of law. The Private sector was also perceived to be strongly corrupt in the region (People and Corruption: Africa Survey, 2015). In Africa, 1 out of every 5 African is affected by bribery and this further increases the poverty gap since the poor masses are mostly affected. Basic amenities like provision of water, fertilizer supply, electricity, Justice, police protection by governments have been tarnished with corruption in the region. 22% of the people in Sub-Saharan Africa had to engage in corrupt activities before the above listed basic amenities, which they have paid taxes for, were provided to them by government. Some of Africa's economic giants like South Africa and Nigeria, and fast growing nations like Ghana had the highest number of citizens claiming corruption has increased by 83%, 76% and 75% respectively (Brown, 2019). The logical question now is, what is corruption and how has it affected unlocking African Potential? Corruption can be considered to have social, economic, legal and political effects on communities. Generally, for the purposes of narrowing on the broad topic of corruption, it can be defined as the use of public office private gains (Bardhan, 1997). Corruption includes bribery, embezzlement and nepotism or state capture (Clean Gov Biz, 2014). Africa annually loses 40% of Africa's annual GDP to corruption (Lumumba, 2010). This figure is by far greater than the 2.7 % of Foreign Direct Investment (FDI) contribution in 2014 and 3% contribution of Official Development Assistance (ODA) to Gross National Income in 2013. Corruption induces inefficient allocation of the resources of state into white elephant projects with

insignificant effects on the people. Therefore, development is very difficult in an unfair, corrupt and unequal environment (Ojo, & Oluwatayo, 2016).

**2. Infrastructure Deficits:** Development is undermined by severe infrastructure deficits that stare African development in the eye. Infrastructure deficits explain the existence of untapped productive potentials of Africa (Eberhard, & Catrina, 2017). After the struggle for independence, many African countries inherited some infrastructures from the colonial rulers which sustained the economies during 1960s until the oil shock of the 1970s (Estache, 2006). As population growth and urbanization increased along the years, the industrial and household demand for infrastructure also increased in the continent. This has led to large infrastructure deficit to the continent. It has been estimated that the sum of investment and maintenance expenditure needs to be around 9% of GDP from 2005-2015 (Estache, 2006). there are disparities in the allocation of resources to infrastructure among African countries. In cases where infrastructure is unavailable, it is too costly for businesses to make profit and grow. This has grave consequence on Africa's development (Ojo, & Oluwatayo, 2016).

The road access rate in Africa is 34% as compared to 50% in other parts of the developing world. Also, the cost of transport in this continent is 100% higher than in other parts of the world. Whiles other continents have about 70% to 90% access to electricity, only 30% of African population have access to electricity and even with this, there is a continuous erratic power supply (Spanning Africa's Infrastructure Gap; How Development Capital is transforming Africa's Project Build- Out, 2015). With the issues of road infrastructure, only one -third of Africans living in rural areas are within two kilometers of all-seasoned roads as compared to two-thirds of the population in other developing regions (Banks, 2013).

**3. Capital Flight, Tax Evasion and Tax Avoidance:** All economies run their developmental projects through financing. One of the major constraints on Africa' economic growth is a shortage or scarcity of financing (Fjeldstad & Heggstad, 2014). African Development Bank and Global Financial Integrity (2013) analysis how illicit flow and problems of net resource transfer has made Africa a net creditor to the world.

The continent has suffered from capital flight for over 3 decades and has heightened during the periods of accelerated growth in Africa recently (Boyce

& Ndikumana, 2012). Capital Flight can be explained as the transfer of assets abroad in order to reduce the loss of principal, loss of returns, or loss of control over financial wealth due to government sanctioned activities. Government sanctioned activities like wealth confiscation, increase in taxes on wealth or imposition of regulations that limit the privileges of wealth holders sometimes causes fear to business owners thereby resulting in capital flight (Epstein, 2005). Tax evasion may be explained as the commission or omission of an act knowingly with a strong intention to deceive so that the reported is less than the tax payable under the law. (Somorin, 2010). Tax avoidance, though similar to tax evasions takes advantage on the legal loopholes in the system to pay less tax. Recent reports jointly written by the AFDB, OECD and UNDP indicate that from 2003 to 2012, Africa has been losing an annual average of \$60.3 billion and this form about 4% of Africa's annual GDP. This figure clearly outweighs the Foreign Direct Investments (FDI) inflows and Official Development Assistance (ODA) for that same year period which was \$43.8 billion and \$42.1 billion respectively.

Reports jointly written by the AFDB, OECD and UNDP indicate that from 2003 to 2012, Africa has been losing an annual average of \$60.3 billion and this form about 4% of Africa's annual GDP. This figure clearly outweighs the Foreign Direct Investments (FDI) inflows and Official Development Assistance (ODA) for that same year period which was \$43.8 billion and \$42.1 billion respectively. Since 1980s, Africa has always been a net provider of resources to the world with net resource transfer estimates ranging from \$597 billion to \$1.4 trillion, but the continent has always suffered from lack of funds to finance developmental projects. Boyce and Ndikumana (2012) indicated from their finding that, 33 African countries which were understudied lost about \$814 billion from 1970-2010 and oil rich countries accounted for 72% of the capital flight in the region (\$ 591 billion). Making a simple assumption that the monies lost from capital flight was used to buy US Treasury rate of moderate interest, the continent could have earned \$1.6 trillion in 2010.

**4. Insecurity:** Africa's development is currently threatened by insecurity ranging from "commercial violence", civil wars, terrorism and kidnapping. Currently, Nigeria, Somalia, Darfur and Kenya face security issues. However, terrorism remains the most significant security problem in sub Saharan Africa (Ojo, & Oluwatayo, 2016). There is no universally accepted definition of

terrorism but the most popular definition is contained in the UN General Assembly Resolution (Oche, 2014). It states that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular person for political purposes is terrorism. Security has been a primary concern and value for all humans and Nations from time immemorial. Africa's development is constrained by insecurity because only "conflict entrepreneurs" make profit in environments that are insecure. Terrorism has been increasing in the last few decades.

Nigeria recorded the biggest increase in terrorist activity with 7,512 deaths in 2014. This is about 300 percent increase on the 2013 value. The economic cost of terrorism in 2014 was USD52.9 billion (Munang, & Mgendi, 2017). Insecurity in Africa is characterized by deaths, collateral tortures, injuries, rapes and maiming (Institute for Economics and Peace, 2015). Sub-Sahara African countries experience the highest impact of terrorism globally. The countries are Nigeria (3rd), Libya (9th), Egypt (13th), Central African Republic (14th), South Sudan (15th), Sudan (16th), Kenya (18th), and Democratic Republic of Congo (19th) and Cameroon (20th) position (IEP, 2015). The dominant terrorist groups in Africa are Boko Haram, Sudan People's Liberation Movement in Opposition (SPLM-IO), Al-Shabaab and Fulani herdsmen. Sub-Sahara African has been strongly characterized by wars, destruction, famine, refugees, starvation, instability and chaos. From the north to south, east to west, the continent has had its fair share of unrests including series of civil wars like Sudan (1990-1995), Chad (1965-1985), Liberia (1980-2003), Nigeria (1967-1970), Somalia (1993-1999), Sierra Leone (1991-2001), Angola (1986,1999), Rwanda (1994) and Zaire (1996), (Aremu, 2010). Africa is at the receiving end of communal clashes, electoral violence, "commercial" violence induced by high youth unemployment among others. Apart from the destruction of lives and properties that come with insecurity, businesses do not grow in unsafe environment (Aremu, 2010).

**5. Imports:** The current state of importation in Sub Saharan Africa is high (Worku, Mendoza, & Wielhouwer, 2016). The continent imports commodities she should be producing. How else can one explain the importation of food items in a continent that accounts for 25 percent of global arable land? (Billen, Lassaletta, & Garnier, 2015). In 2012, African countries spent USD 37.7 billion-pricing and other illicit outflow valued at USD 63 billion. Africa exports

are mainly primary products and the continent imports finished goods with the balance of trade tilting towards developed countries. This implies Africa benefit less from trade as a result of reliance on primary products.

### **Concept of land Conflict Resolution**

Conflict, as defined by sociologists, is a social fact in which at least two parties are involved and whose origins are differences either in interests or in the social position of the parties (Imbusch,1999). According to Walker and Daniels (1997), "conflict is an active stage of disagreement between people with opposing opinions, principles and practices manifested in different forms (grievance, conflict and dispute)." Grievance is the initial stage of conflict in which there is resentment and complaints between individuals or groups. If grievance is not addressed on time, it can turn into conflict and confrontation owing to the cultural, political, social or economic interests and differences between individuals and groups (Bush 1995; Walker and Daniels, 1997).

According to Wehrmann, (2008). land conflict can be understood as "misuse, restriction or dispute over property rights to land." Land conflict in the context of this report, therefore, refers to disagreements, public complaints and protests involving arguments, physical assault, violence and lawsuits in relation to the rights to land, including the right to use and manage land, as well as to generate income from the land; to transfer it; and, the right to be compensated for it (Unruh, & Williams, 2013). Consequently, " land conflict can be defined as a social fact in which at least two parties are involved and whose origins are differences in interests regarding a given piece of land – possibly aggravated by differences in the social position of the parties. Land conflicts imply different interests over one Although we generally experience conflicts as something destructive, they nevertheless perform positive functions. Sociological conflict theories underline the importance of social conflict for social change (Bonacker, 1996). Land conflicts, too, can become engines of change if they lead to massive protest and consequent changes in policies and their implementation. It is therefore important to deal with land conflicts in a constructive manner, instead of ignoring them or simply trying to stop them. In any event, conflict theorists agree that conflict is unavoidable

for any society: “Conflict is an inevitable aspect of human interaction, an unavoidable concomitant of choices and decisions (Okpamen, 2013).

In Africa region, land has become one of the most contested natural resources over the last few decades and a large proportion of low intensity conflicts are land related (Toulmin, 2009). Land, being a property with high material value for each household and directly related to social, economic and political power, is a common source of conflict within families, in and across communities (Boone, 2014). An escalation of land prices over the past few decades, population growth combined with a lack of Land Use Plans and the inheritance law (which makes children automatic heirs of parents and the parental property gets divided among these inheritors) has led to fragmentation of land. This has, in turn, put increased pressure on a fixed stock of land, leading to increase in number of land-related conflicts. Land conflicts can be the result of deeper root causes (e.g. climate change, desertification, immigration, lack of legal recognition of land rights, need and greed etc.) and also be a source of broader conflict by itself (e.g. social unrest) (Bretthauer, 2016).

It should also be noted that land conflicts are often the reflection of deep-rooted societal conflicts born out of inequality or unfair distribution of wealth, discrimination of women or ethnic minorities, as well as marginalized groups’ lack of voice and power. Such structural barriers increase the likelihood of land-related conflicts in Africa region. Furthermore, land conflicts can result in unfavorable outcomes for not just the individuals involved, but also for the economic, social, spatial and ecological development of society as a whole. For instance, land conflicts can impact social stability as they undermine trust and increase fear and suspicion between family members or neighbours and communities.

Some of the most common land-related conflicts in the country are inheritance conflicts among family members, boundary conflicts between neighbours, conflict between landless people and authorities and conflict between land owners and tenants (Kalabamu, 2019). Moreover, migration between rural and urban areas, as well as from the hills to the plains has put further pressure on an already strained land and housing situation. It is not always possible to formally absorb all the citizens, leading people to squat on public land. This is a breeding ground for conflict between State and the

squatters. In addition, there are deeper causes of land conflicts which surpass the formal institutional structures. Land conflicts are exacerbated by the self-centred attitude of a multitude of actors, who engage in land grabbing, use public and private land illegally, manipulate the land market to their advantage owing to their power and position and engage in nepotism and corruption (Singh, 2014).

Conflict can be prevented on some occasions and managed on others, but resolved only if the term is taken to mean the satisfaction of apparent demands rather than the total eradication of underlying sentiments, memories, and interests. Only time really resolves conflicts, and even the wounds it heals leave their scars for future reference. But short of such ultimate healing, much can be done to reduce conflict and thereby release needed energies for more productive tasks” (Wehrmann, 2008). A crucial step towards the reduction of conflicts and their solution is to better understand the apparent needs and interests and although they cannot necessarily be healed if previously injured the underlying feelings and emotions, fears and desires (Wehrmann, 2008).

### **Adopting land Conflict Resolution in African development in the 21<sup>st</sup> Century**

According to Wehrmann (2008), the most important conditions for addressing land conflicts involve an adequate understanding of the root causes of conflict as well as the positions, demands and interests of conflicting parties within a particular conflict. Furthermore, successful resolution of land conflicts involves a number of other factors such as the understanding of the types of land conflicts that exists, identity of the actors involved in a particular land conflict and their ideas of how to resolve the conflict, complexity of the causes of the land conflict and driving factors that escalate conflict (Wehrmann, 2008). With the experience of countries like South Africa, Zimbabwe and many Latin American countries, it is found that leadership, a good land policy, the quality of land institutions and land governance are important factors to prevent violent conflict or to transform conflict into stable peace (UNIFT, 2012). It is argued that “strong institutions and transparent procedures can resolve land disputes or at least channel them into a process that minimizes their potential to foster violent conflict” (GLTN,

2009). Likewise, a good land policy “helps to generate economic growth and sustain peace in the long run” (Pons-Vignon and Lecomte, 2004).

A number of formal and informal mechanisms are available for resolving land-related conflicts. The formal mechanisms are those that must follow official procedures and are guided by government rules, regulations and laws. The formal mechanisms are further subdivided into two categories. The first is the court system and the second includes semi-judicial organizations such as government offices concerned with resources, police and local administration. The formal mechanisms are generally slow, taking up years and requires huge amount of financial resources (Upreti, 2004). The formal justice system, namely the court, is a key agency in dealing with the majority of land conflicts in African Region. There are some other practices of resolving land conflicts beyond the formal justice system, particularly through the local governments, which begun during the Panchayat system. For example, authority may be given to local governments for resolving disputes related to public land, boundary, wages, trespassing, sources of water and pasture land and collection of grass and firewood. Despite these authorities, land dispute resolving practices through local government authorities could not be effective during the Panchayat system because the elected officials of the system fueled socioeconomic and political conflict, perpetuated feudalism and failed to work for the poor (Khanal, 2003).

Mediation is a form of Alternate Dispute Resolution (ADR) and serves as a complementary mechanism to the formal and informal dispute resolution mechanisms (Stein, 2013). It allows the disputants to select a panel of trained mediators available in the community who provide a neutral and confidential venue for dialogue between the disputing parties and assist them in finding solutions to their disputes. In this sense, community mediation programmes are considered as a democratic forum for resolving disputes. community mediation programmes therefore serve an access to justice intervention targeting those who could not easily access the formal justice system. Community mediation programmes have helped reduce the frequency of disputes in targeted communities and have helped improve understanding, coordination and cooperation among community members. Political negotiation has remained a key tool for resolving broader land-related conflicts as is reflected in the national laws and in the manifesto of political

parties. Commitments to end feudal forms of land tenure and tenancy practices and liberation of farmers from exploitation and land reform provisions of the CPA (2006), Likewise, major political parties have committed to resolve historical land disputes through land and agrarian reform in their election manifestos (Sharma, *et al.*, 2014). Yet in practice, the provisions and commitments are far from being implemented and this has resulted in further deepening of land conflicts.

### **Constraining factors to Land Conflict Resolution**

According to Upreti (2004), the conflicts resolution practices in African countries are “top-down, legalistic, elitist, costly and complicated.” Despite the availability of various dispute resolution mechanisms, there are number of constraining factors to adequately address land-related disputes. There is backlog of land-related cases in courts despite the existences of a range of dispute resolution mechanisms, each of them have limitations. land-related cases were registered in the courts in African Countries. Out of all cases registered in the courts, land-related cases mark the second highest per cent i.e. almost 24 per cent (Mabikke, 2011). Limited human resources, lack of a land tribunal, lack of separate bench in the court for speedy and specialized decisions on land-related conflicts and the slow paced hearing and decision-making process are reported as core reasons behind the inefficiency of the formal justice system in resolving land disputes (Sackey, 2010). Insufficient and unskilled human resources, government land offices and other government offices responsible for dealing with land disputes on a day-to-day basis lack trained human resources and sufficient institutional capacity for constructively resolving land disputes reported to their offices (Moore, 2014). Government land offices often look for legal or political solutions to each land dispute, which make things complicated and ultimately encourage the disputants to look for court based solution for even minor land disputes (Ryan, 2002). Each government land office is supposed to train a nodal officer, who is responsible for handling complaints and grievances of service holders in the districts. However, due to the lack of such trained officers, a number of land disagreements have escalated into land disputes. Most importantly, lack of coordination and political in-fighting between the land offices and/or other government offices in the district have often complicated the timely

resolution of land disputes (Pegg, 2019). Inadequate institutional and financial capacity of the Africa Government of to establish community mediation programmes had faced number of challenges to becoming an effective and sustainable dispute resolution mechanism at the local level. However, the donors, International Non-Governmental Organizations (INGOs), NGOs and even the Government of African Countries are yet to develop their institutional and financial capacity to make it a nationwide programme with a uniform structure. Consequently, logistical and financial issues such as the lack of proper office for many community mediation centres and difficulties in managing transportation and subsistence costs involved in community mediation process are also other challenges in relation to this. Lack of coordination and collaboration among agencies There is also coordination problem at the local level, particularly between the community mediation centres, local government offices, land offices and other. Ineffective traditional dispute resolution mechanisms Due to significant changes in sociocultural practices over the past few decades, the traditional dispute resolution mechanisms are gradually coming out of practice (Palmer, Fricska, & Wehrmann, 2009).

Limited scope, an undemocratic decision making process often dominated by leaders of the community and existence of alternative dispute resolution mechanisms such as the formal court system, as well as the community mediation programmes are found to be some of the prominent factors behind the decreased utilization of traditional dispute resolution mechanism (Palmer, Fricska, & Wehrmann, 2009). Interest based negotiation of political Parties, Political negotiations to resolve land disputes are often directed towards fulfilling the immediate political interests of major political parties rather than exploring constructive and broader solutions to land disputes. Yet the broader land issues, such as providing land to landless family, resolving squatter issues, eliminating dual ownership on land, formulating and implementing land use policy, drafting of the integrated land management Act, policymakers of political consensus and unwillingness to find inclusive solutions, political actors have failed to resolve a number of land issues, particularly related to land reform at the national political level and a number of politically linked and politically motivated land conflicts at the local level. To sum it up, this study also submitted that lack of sufficient knowledge and

understanding of land holding patterns and practices among large segments of the population often makes the land dispute resolution practices complicated (Palmer, Fricska, & Wehrmann, 2009).

### **Conclusion and Recommendation**

Land issues play key role in conflict transformation and peacebuilding. Land conflicts as well as the maltreatment or neglect of land issues in post-conflict situations often have extensive negative effects on economic, social, spatial and ecological development. Solving and preventing land conflicts as well as addressing land issues responsibly in both conflict and post-conflict situations is key to African inclusive development, peace and stability. Land remains as one of the most contentious, highly politicized and multifaceted issue in Africa. The following recommendations are provided in order to resolve protracted land issues and minimize land-related conflicts in Africa. Land related act in African region should be amended and include provisions to end cases on dual ownership. The Act should include provisions for the recognition of unregistered tenants and protect them against forced eviction from their landlords. Given the lack of accurate data on seized land and property during the conflict period and its current status, the Government of African region should generate data and prioritize these cases. The conflict related to land and property needs urgent attention as it has the potential to create further tension and unrest. The Government should speed up the adoption of legislations for effective implementation of Land Use Policies. The Government should establish an inclusive, neutral and ad hoc “Landless Squatter Problem Resolution Commission” for dealing with the needs of squatters and landless people. Government should also come up with other alternatives for squatters and landless people besides providing them with land and houses. There should be provisions for skill trainings to provide them with employment opportunities for sustainable livelihood. Given the fact that a high number of land-related cases are registered at the District, Appellate and Supreme Courts every year, “Land Tribunals” should be established to deal with the backlog of cases at the courts. This would contribute to the swifter resolution of land-related conflicts. Mediation centres should be established throughout the African region and awareness campaigns should be conducted to inform the communities that most of the

civil cases, including land-related conflict can be settled through “Mediation.” This would encourage local people to consider “Mediation” over the adjudication mechanisms. Given that there is lack of transparency in the existing manual system of land record keeping, an electronic cadastral and land registration system should be established in the country, Lastly, the political parties should create a common understanding around land reform issues. This common understanding between the parties would create a conducive environment and lay foundation for the implementation of future land reform that takes into account the expectations and views of the vulnerable and affected communities, which would automatically address many of the protracted land conflicts and enhance Africa development.

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