



2023 CONFERENCE ON
LAND POLICY IN AFRICA



MEDIA PACK

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Documenting customary and statutory land access, control and ownership in Africa

Land access, control, and ownership are critical issues in Africa, where both customary and statutory systems coexist. Conference sub-theme explores best practices for documenting land rights in the continent, with a particular focus on customary and statutory land tenure systems. The wave of formalization of customary land rights has been witnessed across many African countries. This could partly be in response to the Africa Union declaration on land issues and challenges in Africa. Under the declaration, member states are urged to review their land sectors, with a view to develop comprehensive policies, which take into account peculiar needs. Additionally, a number of international frameworks such as the *United Nation Declaration on the Rights of Indigenous Peoples* (UNDRIP 2007) have called out the need to secure Indigenous people's land rights. In the recent past, efforts to secure community land rights which is aggregated to approximately 65 percentage of all land globally (Alden, 2011) have been witnessed in some countries. The 2017 Rights and Resources Report states that up to 2.5 billion people hold and use the world's customary lands.

Africa's diverse cultures have given rise to numerous customary land tenure systems. These systems are rooted in traditional practices and community norms and are often informal and unwritten. Understanding and documenting customary land rights are essential for recognizing and protecting the rights of local communities. Documenting customary and statutory land access, control, and ownership in Africa requires careful consideration of legal, cultural, and social factors. The recognition and protection of land rights are crucial for sustainable land management and social harmony in Africa. Documenting both customary and statutory land access, control, and ownership is vital to avoid conflicts, secure tenure, and empower communities.

Efforts to document customary and statutory land access, control, and ownership has not been without challenges including lack of clarity in tenure systems, inadequate funding and resources, bureaucratic complexities, and the marginalization of vulnerable groups, including women, youth and indigenous communities. The documentation of customary and statutory land access, control, and ownership in Africa has been a subject of ongoing debates and discussions due to the complexities and implications involved. Proponents of documentation of customary land rights argue that recognizing customary land rights is essential for respecting the historical and cultural ties to the land, promoting social cohesion, and safeguarding the rights of local communities; while those against express concerns about the lack of formal documentation, potential conflicts with statutory laws, and the difficulty of applying customary practices consistently across diverse contexts.