

**African Land Questions,  
Agrarian Transitions and the State**

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**African Land Questions,  
Agrarian Transitions and the State:  
Contradictions of Neo-liberal Land Reforms**

**Sam Moyo**

Working Paper Series

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# 1

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## Introduction

In recent times Africa's land question has received growing research and policy attention largely because of concern over persistent food insecurity and rural poverty. Yet the incidence of increased conflict over land rights has not been sufficiently studied. In some countries citizenship is increasingly being contested in relation to land rights and 'belonging' (Geschiere and Nyamnjoh 2000). The land question in Africa highlights the neglect of social justice and equity issues during the era of neo-liberal economic reforms as witnessed by growing trends of unequal control of land and natural resources (Moyo 2000; Palmer 2002). The escalation since 2000 of the land conflict in Zimbabwe is but one of numerous land and political struggles which reflect growing calls for land reforms and reparations on the continent. The land question has become internationalised, not least because it mirrors the incomplete decolonisation processes in ex-settler colonies, but also because global finance capital is increasingly entangled in conflicts over land, minerals and natural resources in Africa's rich enclaves.

While these issues suggest the need for critical reflection on Africa's land issue, the available research on the land question tends to be tangential, conceptually loose and generally inadequate. The most pressing research concern must be to understand the precise nature of the African land question, its land reforms and their effects on development. To unravel the roots of land conflicts in Africa requires thorough understanding of the complex social and political contradictions which have ensued from colonial and post-independence land policies, as well as from Africa's 'development' and capital accumulation trajectories, especially with regard to the land rights of the continent's poor. This begs the fundamental question about the capacity of emerging neo-liberal economic and political regimes in Africa to deliver land reforms which ad-

dress growing inequality and poverty. Moreover, it questions our understandings of the nature of popular demands for land reforms (Moyo and Yeros 2004), and the extent to which the African state has the requisite inclination and autonomy to address its emergent land questions under current global political and economic structures.

We argue that Africa's land and agrarian questions have specific historical tendencies and a contemporary expression which are not well recognised partly because they are qualitatively different from the experience in other regions of the 'global south'. The essence of this land question has not been adequately conceptualised by the plethora of 'new wave' policies and studies on land in Africa (see for instance, Toulmin and Quan 2000; Palmer 2002; World Bank 2002; EU Land Policy Guidelines 2004). Nor has scholarship rigorously queried the assertion by some scholars that Africa does not have a significant land question, except in the former settler colonies, given the absence of widespread land expropriation (Mafeje 1999). This suggests the need to review the effects of the longer term processes of capital accumulation, proletarianisation (see also Arrighi 1978), as well as the effects of indirect colonial rule on the African land question (see also Hopkins 1973; Mamdani 1996).

Available empirical data indicate emerging trends of rural land concentration alongside expanded 'illegal' land occupations, and a tendency for various rural populations to be marginalised from land by a growing number of agrarian capitalists, elites and state agents. This trend, together with the incipience of specific problems over land rights, inheritance and selective exclusion, which arise from changes in the essences of African land tenure systems, especially during the last few decades, is built upon underlying processes of unequal gender relations and class-differentiated access to the means of production, in ways which are peculiar to Africa. We suggest that Africa has witnessed the emergence in recent decades of a relatively 'unique' land question.

Increasing urbanisation in Africa (estimated at 38 percent) is partially a reflection of the complexity of this emergent land question, rather than an indication of its irrelevance, as has often been argued. Growing pressure on land resources for urban livelihoods in proliferating slums and informal settlements (Simone 1998) and in coastal settlements (Kanyinga 2000) reflects, quite apart from the effects of high population growth rates, the intensified quest by the land-short and unemployed for urban, peri-urban and rural land. Persistent rural-to-urban migration in a context of limited non-agricultural employment in Africa, suggests that a growing (not a declining) number of households continue to depend for their basic social reproduction on access to adequate land. Inadequate access to land persists in the framework of the gradual semi-

proletarianisation of peasant labour and the expanded marginalisation of African peasantries. Voluntary and involuntary internal migrations and involuntary displacement, as well as changes in the land use systems over the last four decades, have reinforced inequalities in land control and generated new generations of land conflicts. Taken together these processes suggest a complex land question.

To assume that a land question in Africa can only arise out of a particular generic social formation or social process, as found for instance under the landholding monopolies of feudal, semi-feudal and tributary systems, or under settler colonialism, is to miss the salience of gradually growing land concentration and inequality over the long term, and the scattered but significant struggles to regain control over land. While the unequal patterns of land distribution may be more localised and occur on smaller scales than has been characteristic of land questions elsewhere, they amount to a socially significant phenomenon. In this relative context, Africa's land question must be conceptualised in terms of the nature of existing struggles for access to land and its secure use, especially the struggles to reclaim alienated land rights. Struggles for land, which tend to be conceived in post-modern or pre-modern 'discourses' of the 'meanings' of land, which in Africa are perceived as a multiplicity of largely atavistic values of attachment, can best be understood in terms of the objective marginalisation of African livelihoods and organised resistance against the loss of land rights.

Moreover, the land question in Africa needs to be examined in the wider context of struggles over land rights 'embedded' in the control, by external capital and the state, of extensive lands which harbour minerals and other valuable natural resources. As the exchange value of natural resources expands with growing global markets for tourism, forestry, bio-technology and new minerals, more African land is being concessioned to external control. Civil wars, migration, involuntary displacements and inter-country wars tend also to be symptomatic of increasing conflicts over control and access to such lands and key natural resources by both domestic and external forces. These land conflicts also reflect the particular gender, class and other social cleavages, and the subordinated power relations, characteristic of the neo-colonial African state.

The dominance of external financial and development aid institutions in Africa's policy making processes and markets is organic to most of the emergent land conflicts. Pressures for the growing marketisation of land reflect both external interests in economic liberalisation and foreign access to land and natural resources, as well as the increasing internal class struggles over primitive

accumulation by a broadening African indigenous capitalist class. New land policies justify these tendencies of unequal land control, but generate growing conflicts over land allocation and use, across class, gender, nationality and ethnic lines, and have even stoked xenophobia over minority land rights in some countries. Variegated struggles at varying scales and localities over escalating unequal access to and control of land represent a real land question in both rural and urban Africa.

Africa's land question cannot be understated from the perspective of the mistaken perception that the continent has an abundance and not a scarcity of land resources. Nor can it be assumed away or subsumed by the wider problem of Africa's agricultural crisis, characterised by the absence of an agrarian transition, based upon lack of agricultural technological transformation and agro-industrial articulation. In terms of the agrarian basis of the land question, it is notable that the extent of developed arable and irrigable land available for agriculture on the continent is limited, despite the continent's large size. While farming techniques generally remain 'backward', pressures on land arising from both demographic growth and the concentration of arable landholding have led to land scarcities in numerous localities, despite the incidence of land use intensification in some regions of a number of countries. The extensive degradation of fragile land resources and increasing elite control of the prime lands under conditions of arable and grazing land scarcity reflect the uneven distribution of land and the resultant contradictions of extensive land use and low productivity, which arise from constrained technical change and ineffective social relations of production.

There is reason to believe that food security and poverty eradication can be achieved through vibrant agriculture and natural resources sectors, which balance access to land resources and promote an agrarian transition based upon land use policies directed at the internal market. 'Pro-poor' 'poverty reduction strategies' have been notably negligent of the fact that diminishing access to land and inadequate strategies to mobilise financial and human resources to effectively develop land use are fundamental constraints to development. The relative decline of agricultural production for domestic food and industrial requirements, *vis-à-vis* population growth and urban relocation, is central to Africa's development dilemma. The concentration of income and consumption among the wealthier few and in better endowed regions, in relation to access to land and extroverted land uses, limits the growth of the African domestic market and the accumulation of capital for investment in the optimal utilisation of land-based resources. This land use problem is reinforced by un-

equal trade relations and limited agro-industrial growth in Africa, given that its development strategy is not based on a viable industrialisation project.

The African land question however has to be interrogated not only in relation to the agrarian question, but also in the multi-faceted context of unequal control of land which is tied to production processes in industries such as tourism, mining, and forestry. The contradictions of internal and external interests in these industries are critical. Africa's rich and diverse mineral and biological resources are of global significance, as is noted for instance by NEPAD, but these are of greater importance for addressing its internal consumption and economic development deficits. A possible transition from the overwhelming direct dependence on land for employment and consumption by the majority of the population requires a more complex view of the land distribution and utilisation questions.

These broad-based social and economic sources of struggles for land in Africa, and their wider politics, require renewed research efforts to uncover the changing land questions faced by the continent. The analysis required ought to traverse the class, ethnic and gender basis of land struggles, and appreciate the role of the state and social movements in the politics of land. This monograph examines three aspects which appear to define the scope of Africa's land question: land distribution, land tenure and land utilisation issues. Chapters three and four discuss these and their gender dimensions. The experiences of land reform in Africa, focussing on the role of the state in land reform, administration and land conflict mediation, are discussed in chapter five. Then, chapter six discusses the mobilisation of various social forces and movements to defend or challenge unequal land relations. We conclude the monograph by outlining some areas for further research. The last chapter contextualises the study by reviewing global perspectives on the land and the agrarian question and by further conceptualising the African land question.

# 2

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## Conceptual Issues and Perspectives on the Land and Agrarian Question

Recent debates on the land and agrarian question raise doubts about the relevance of land reform in the current context of globalisation. Some argue that in the era of unipolar power relations, neo-liberalism has resolved the agrarian question in the north through a process of market liberalisation, productivity growth and growing bio-technological substitutionism in agriculture. It is thus plausible to predict the end of the 'classic' land and agrarian reforms, even if reforms may have isolated relevance in parts of the south (Bernstein 2002). In the African context they perceive a process of the socio-economic destruction of its peasantries and their limited social capacity to wage struggles for radical land redistribution, thus limiting the potential significance of popular land reforms, except to a limited extent under some unique and contrived conditions such as in southern Africa (see Bernstein 2002).

Yet the uneven development of global agrarian structures of production and markets, distorted by 'northern' manipulation of their own agricultural markets and by structural adjustments programmes (SAPs), has depressed agricultural production and deflated prices in the 'south', and provoked even more intense land questions and resistance to neo-liberalism. Evidence from Latin America and to a lesser degree in Africa, suggests the re-emergence of land struggles based on new social movements and political alliances, which challenge emergent land and agrarian markets because of the growing concentration of landholdings and the widespread marginalisation and poverty of the peasantry and semi-proletarian classes (Petras and Veltmeyer 2001; Ghimire 2001; Moyo 2001; Yeros 2000; Moyo and Yeros 2004). What therefore is the

land question in the context of the agrarian question, during the current era of neo-liberalism? How is the land question expressed on the African continent?

This chapter discusses briefly the concept of the land question within the broad historical context of land and agrarian reform during the last six decades, and provides an overview critique of competing perspectives on these issues. In particular, we develop an overview argument on the unique nature of Africa's land questions and the imperatives for land reform. In doing so the chapter defines a conceptual framework and some themes to improve our understanding of Africa's land questions, as elaborated upon in chapters three to six. We begin with the debates on the changing nature of the land and agrarian questions at a global level.

### **The land question in the era of neo-liberal developmentalism**

Bernstein (2002) following the seminal work of Byres (1991, 1996), argues that it is useful to distinguish three aspects of the 'classic' agrarian question. Firstly the agrarian question concerns the role of various agrarian classes (different peasant classes, agricultural workers) in struggles for democracy and socialism. Secondly, it concerns the transformation of the social relations of production and development of the productive forces in agriculture in transitions to capitalism. Thirdly it addresses how such transformations contribute, or otherwise, to the accumulation of capital resources on a classic transition toward the capitalist mode of production (Rodney 1982; Lenin 1964). The distinctive feature of such progression was that it would trickle to the peripheries or adjacent 'backward' regions and thus would be beneficial to 'backward' societies. This teleology of the agrarian transition however has not only been a subject of theoretical contestation, but can be questioned for its empirical relevance in general.

Most radical strategies to counteract this agrarian capitalist transition focused on the nationalisation of land for the benefit of the majority (Veltmeyer 2004). Landlords, who under feudal conditions had contributed to deepening the poverty of the landless through relentless extraction of labour and land rentals, were the target of land reform. Collectivisation of agriculture aimed to resolve the 'technical' problem of agricultural production by establishing economies of scale as a basis for mechanisation and 'scientific farming' (Bernstein, *Ibid*). Such 'socialist primitive accumulation' assumed the de-accumulation of capital and labour among a few landlords who had accumulated land through rentals and further land acquisition from peasants. Therefore agrarian collectivisation marked a definitive resolution to the problem of agrarian class accu-

mulation and the conflicts and tensions of the worker-peasant alliance, vis-à-vis landlords and emerging capitalists.

While over the last six decades global land struggles varied and yielded contradictory processes and uneven patterns of land redistribution strategies within the wider 'agrarian transition', their political goal was to correct historical social injustices and the contradictory development trajectories that had become entrenched. Redistributive land reform became a commonly defined goal – and achievement – of the land struggles waged by peasants, but their results did not lead to more balanced agrarian development and accumulation in the 'south', for various reasons. Firstly, land redistribution is not a necessary condition of a transition from pre-capitalist to capitalist landed property and production (Bernstein 2002). Secondly, redistributive land reforms did not lead to class differentiation based on labour and capital accumulation (Ibid).

Bernstein (2002) argues that '... the emblematic slogan of redistributive land reform – that of the 'land to the tiller' – was embraced in various political conjunctures by bourgeois modernisers and nationalists, socialists and communists, and of course, as a definitive principle, by agrarian populists. While associated with different class forces and political programmes, they all shared an antipathy to predatory landed property and its reactionary weight (political and cultural as well as economic)'. Sustained rural marginalisation in Asia and Latin America despite their numerous land reforms is ample evidence of this pattern.

Fernandes (2001), referring to land reform as one of the elements of the agrarian question, argues that when agrarian reform is not implemented, the landless intensify the struggle for land through occupations, thus forcing governments to implement land reforms focussed on new rural settlements. The resolution of the squatting conditions of settlers, through land tenure regularisation, and settlements implanted as a result of an occupation, in itself defines the struggle for land reform. These settlement policies based on the purchase of occupied land are not agrarian reform *per se*, and should not be designated as such, since to speak of agrarian reform there needs to exist a policy and a plan with objectives and goals for land tenure de-concentration (Fernandes 2001). Indeed debates such as those held today over whether or not to settle and how resettlement should be carried out, tend to suggest that the question of agrarian reform is losing force, and that the concept has been banalised, such that everything becomes agrarian reform (Fernandes 2001). This suggests that the land question and land reform need to be understood in their larger structural context of the agrarian transition.



Post-independence Africa has been generally shaped by transitions to capitalism with the various states following somewhat different trajectories with varied impacts on land distribution and agrarian relations of production. Reed (2001) describes this post-independence process as ‘... rent-seeking state capitalism [which] became the principal form of capital accumulation in the mining, agriculture and energy sectors...’ Bernstein (2002) refers to this period as the ‘moment of developmentalism’, within various possible development paths which could be taken by different economies in their transition to capitalism.

Furthermore, neo-liberal economic policy reforms deployed during the 1980s and 1990s to liberalise markets, especially land and agrarian markets, were embraced by national bourgeoisies, which co-opted organised working class politics, but failed to effect an agrarian transition, while provoking various land questions. Struggles for land in Africa have tended to grow over the last two decades in tandem with massive rural social dislocations, increased poverty, growing insecurity over land and natural resource property rights, and numerous violent conflicts over the control of the resources and of the state which accompanied SAPs.

In general and across the ‘south’, the neo-liberal response since the 1990s has focussed on ‘new’ market-based rather than radical land reform approaches. However land redistribution programmes based primarily on market land transactions and credit provision are universally contested (Ghimire 2000; Borras 2001). These have been proscribed or initiated in response to real popular struggles to control land through organised social actions at the local level. Recent state initiatives to redistribute land in the context of externally imposed structural adjustment programmes (SAPs) have generally influenced the evolution of land reform policy towards elitist land market agendas and agrarian capitalist development.

Bernstein (Ibid) proposes that the state-led development era marked the end of ‘state activism in capitalism’, under the influence of Soviet socialism and its various mutations of state socialism, and this coincided with the last wave of significant examples of redistributive land reform. Veltmeyer (2003) however sees the new model of neo-liberal capitalist development as having created an entirely new context for the dynamics of land struggle in different parts of the world. In Africa the contradictory tendencies of both pauperisation and accumulation, which SAPs effected, increased the social pressure for redistributive land reform in various African countries, among both elites and the poor, setting the stage for class-based land struggles throughout the continent (Moyo 2000).

A new paradigm based on globalisation and the neo-liberal precepts of free markets has led to a complex conceptualisation of the relationship of land and the agrarian question. Bernstein (2002) argues that the classic agrarian question based on the transition to capitalism and the logic of its various elements (for example, reducing the cost of labour power through cheaper staple foods), has been undermined by speculative capitalist development on a global scale. Over-production with all its ramifications is now well established as a key structural tension of contemporary capitalist agriculture.

In effect, the agrarian question of capital has been resolved on a world scale without its resolution – as a foundation of national development and accumulation, generating comprehensive industrialisation and wage employment – in most of the poorer countries of the South. This is to neither say that there might not be other sources and mechanisms of (industrial) accumulation (Bernstein 1996/7), nor that the agrarian question of labour is thereby consigned to the dustbin of history. Bernstein's proposition is based on the observation that the circuits of domestic or 'national' economies intersect with, and are increasingly shaped by, those of global patterns of production, divisions of labour, markets for finance and commodities, and forms of regulation by transnational capital (Bernstein 2002).

The state in general therefore has been essentially complicit in the maintenance or defence of the dominant social relations of production, including their foundation in land property rights. As others argue, agricultural transformation over the years has seen the state play an instrumental role in the foundation, extension, reproduction and transformation of the agrarian and wider economic system to the benefit of some classes – most often the large landowners – and disadvantaging mainly workers and peasants (Veltmeyer 2003 citing Feder 1971; Huizer 1973). The growth of 'the market' is inexorably linked to an 'activist state', as is the process of agrarian reform, whereby the state has been the central institution in the process of changing the dominant relations of economic production and the class systems based on this process (Ibid). The repressive apparatus of the state has been brought into play on numerous occasions, in different historical contexts, to maintain the existing regime of property in the means of production, while the judiciary has been called upon to play its part in this regard (Ibid).

In general, state led land reforms, including external initiatives, attempt to accommodate and co-opt peasants and their organisations, and civil society agencies, through setting up parallel or government-controlled peasant and civil society organisations (Ibid). These processes tend to unleash class conflicts that underlie more radical phases of land reforms in which governments

have instituted programmes to prevent radicalisation, using strategies of corporatism and co-optation of peasant and civil society leaderships, and of outright repression (Thorpe et al. 1995).

Veltmeyer (2003) argues that in each phase of capitalist modernisation the state has played a crucial role in promoting, financing and protecting the dominant 'modernising' classes from the threat of peasant and rural worker movements, forcing the rural proletariat and peasantry to bear the costs of 'transition'. These processes reappeared in the 1980s, in the transition towards a neo-liberal 'new world order' via structural adjustment programmes (Gwynne and Kay 1999; Kay 1999; Thiesenhusen 1989, 1995). Those mainly disadvantaged by these neo-liberal strategies, in Latin America for instance, were the peasantry and rural workers as shown by the virulence of their opposition and periodic outbreaks of rural violence (Barry 1987; Veltmeyer 1997; and Petras 2000).

The role of the state in land reform has gradually been re-oriented in tandem with global pressures for free markets and private enterprise, focussing debate on alternative forms of agrarian and land reform on promoting land markets as a means of improving the access of poor households to society's 'productive resources' – to expand the 'use of the market mechanism in the process of agrarian development' (Ghimire 2001), within the dominant model of rural development predicated on the accumulation of 'social capital' rather than the natural capital embedded in the land (Veltmeyer [2003] citing Coleman 1988; Chambers and Conway 1998; Helmore and Singh 2001; Woolcock and Narayan 2000).

Social capital among the poor, namely their capacity to network and act cooperatively, ostensibly reduces the pressure on governments to expropriate and redistribute land (Ibid). Similarly, class or state power (central in land struggles), is de-politicised and replaced by 'social empowerment' projects (Veltmeyer 2003 citing Amalric 1998; Brockett 1998). Since landlessness and lack of access to productive land have remained an issue, the ODAs, particularly the World Bank have renewed their policies to 'modernise' agriculture and stimulate the growth of a land market: promoting land subdivisions to enable the buying and selling of land, and the creation of land banks (Bromley 1989; World Bank 1996, 1997). They argue that to redistribute land from the landed rich to poor people, 'better performing land markets to make the land reform process work better, faster and cheaper' are required (Van Den Brink 2002).

The creation of Land Banks, to provide rural poor landholders with credit and a capacity to purchase land and other 'productive resources' (inputs etc.),

is central to this approach (Ibid), as attempted in Brazil and in South Africa since 1994. The latter has failed to meet the promise to redistribute 30 percent of white-held land (Moyo 2000; Bernstein 2002). The neo-liberal approach to land reform has instead eliminated subsidies to the agricultural sector, reduced tariff protections, limited funds for the expropriation of land for redistribution to the landless, and cut low interest credit to newly resettled rural farmers (Borrass 2001). The expectation that the 'private sector' would provide 'viable' credit to peasants required that legal protection of communal property and legal entitlement to land worked by peasants be removed to allow for the sale of their land, leading to increased 'efficiency' of production. These market-assisted approaches to redistributive land reform pushed land market prices beyond the reach of the poor beneficiaries of the land reform (Ibid). Removing subsidies on loans to avoid pushing up the price of land renders the market approach to land redistribution a self-defeating exercise because the poor do not have the money to pay for land (Veltmeyer 1997). Land titling and private sector bank credit makes the whole process of land reform extremely slow as to be ineffective and unviable in situations of extreme land scarcity (Ibid). Secondly the maintenance of legal and policy restrictions which militate against sub-division of farms into smaller units (Moyo 1995; Van Den Brink 2002) are the contradictory evidence of large landholders' influence on both the state and donor policy initiatives in the land market. Borrass (2001) argues that the market-led agrarian reform model is neither a redistributive reform, nor a social justice and pro-poor policy given that it takes time to redistribute extremely low levels of land.

The failure of both state-led and market-led redistributive land reforms to address the land question has inspired the resurgence of varied social movements pressing for land reclamation. Social movements are re-emerging globally as a means of rural mobilisation towards direct action to advance the economic rights of the poor and as a potential force for endogenous alternative land reform (Veltmeyer 2003). While local and national differences may be observed, these movements share common grievances arising from unresolved land questions (agrarian questions more broadly), common location in the development dialogue about the 'rural poor', and are subject to welfarist 'rural development' programmes, which have not led to significant change in their material lives (Moyo 2001). They share effective exclusion from a 'civil' society that conforms to the 'proper' procedure and content of 'oppositional' politics in accordance with the liberal formula (Ibid).

The resurgent land struggles, through broad-based social movements, must be understood both in terms of their differences of form and in their values,

compared to the proliferated civil society organisations which pursue clinical land reforms under neo-liberal structures and policies (Moyo 2001). While the 'civic' organisations are purportedly 'independent' or dissociated from the state and international donors within a political framework of 'multi-party democracy', at a time when political parties can no longer differ in their substantive politics, their values comply with established neo-liberal tenets (Ibid). Their respect for the 'rule of law', defined by entrenched private property, the 'independent' judiciary (meaning bourgeois), and the 'free' press (meaning private), differ from those values of social movements that are organised on a wider basis of class struggles (Moyo 2001).

Emerging social movements focussed on land reform challenge existing land property laws and values and confront the state to take cognisance of their own logic of social reproduction as opposed to the market-based commercialisation of agriculture. In Africa, debates on land tenure for instance while pushing for the development of commercial production in customary tenure, have promoted individualised systems of tenure (private property). These are not however socially or politically sustainable as they are not a necessary condition for the realisation of surplus in general and among the peasantries in particular (Mafeje 1997). In this vein it has been argued that African modes of social organisation are not necessarily anti-capitalist but intrinsically anti-individualist (Mafeje 1999). Hence, the predilection of African land struggles to oppose land reforms that forebode the future alienation of land and the marginalisation of the peasantries.

It is not a surprising therefore that along with deepening poverty and proliferating rural violence over the last two decades, there have emerged both organised and spontaneous rural movements, outside the 'civil' framework, seeking to transform inherited property regimes, and 'elitist' national land policy-making processes (Moyo 2002), which seek to co-opt rural civil society movements towards market-based land reforms of dubious redistributive value. Peasants' resistance to land policy and their evasion of natural resource regulations in Africa are major ways in which the state-led land policy agenda has been challenged, even if such resistance has not been articulated in a formally coherent land reform strategy or academic discourse (Moyo 1995). Although not systematically coordinated on a national level, it appears that the common actions of peasant organisations when multiplied can initiate policy reversals (Moyo 2003). This social interaction between the state and rural poor and working represents a clear class dimension of the land question in Africa, whereby rural peasantries, sometimes in alliance with the urban poor, mobilise against the land policies of the ruling classes (Yeros 2000).

But conceptual confusion over the significance, role and organisation of peasantry tends to conflate their importance in defining, if not leading, land struggles. In Africa the existence and nature of its peasantry has been a major source of socio-anthropological debate (Mafeje 1999; Rahmato 1991; Moyo 2002). International debate on the peasantry reflects divergent views on the effectiveness and *raison d'être* of peasant movements. As Veltmeyer (2003) argues at one end of the spectrum of this debate, there is the view that takes the peasants as an entirely passive lot, the disempowered object of various kinds of state agencies including legislation, taxation, agricultural production regimes, systems of regulation and macroeconomic planning (see also Scott 1985). At the other end of the spectrum is the perception of peasants as an active and empowered force that continues to contest the terrain of struggle over land (Petras 1997a, 1997b). This difference in perception is reflected in the epistemological debate between proponents of 'structuralism' as a mode of analysis (Marxism, etc.) and those who reject all forms of structuralism in favour of 'grassroots post modernism' (Esteva and Prakash 1998) and 'discourse analysis' (Veltmeyer 1997; Escobar 1997).

According to Veltmeyer (2003), for structuralists generally, including Marxists, the peasantry is an economic and political category that corresponds to a transitional organisational form, destined to disappear into the dustbin of history, and whose presence on the world stage is effected now in other disguises – as a rural proletariat, an urban lumpen proletariat trapped in a proliferating informal sector, or as 'wage-labour equivalents' (see also Bryceson, Kay and Mooi 2000; Kay 2000). The dynamics of this marginalisation process have been generally analysed in terms of land expropriation and land concentration, rural out-migration and land invasions ('illegal settlements' or 'slums') on the periphery of large urban centres, underground settlement systems on these lands, and the gradual incorporation of the rural migrants into the structure and life of the city (Veltmeyer 2003).

The end result of these processes, in theory, is a numerically reduced peasantry as an economic agent and as a political force for change, a traditional social category decimated by the processes of modernisation, urbanisation and capitalist development of urban-centred industry – and de-peasantisation and proletarianisation (Veltmeyer 2003; Bartra 1976; Cancian 1987; Esteva 1999; Kay 2000). This perspective on the role of the peasantry has tended to be argued with numerous permutations which are closely associated with views about 'the end of land reform' (Veltmeyer 2003).

Petras (1997a) argues that the peasantry cannot be understood purely in numerical terms, as a percentage of the labour force or by the size of the peas-

ant sector of the economy. Peasants remain a force whose weight and significance is out of proportion to their numbers. In the Latin American context, the peasantry constitutes the most dynamic force for anti-systemic change, found on the crest of a new wave of class struggle, and of indigenous people, for land reform, local autonomy, social justice, and democracy.

The role of peasants as producers and their relations to markets, the state and other classes are central features which demonstrate how the local and global context confronting peasant families in rural Africa is increasingly converging in both character and physical connection (Moyo 2003). This explains why and how it is that relatively similar peasant organisational forms are emerging in various countries in Africa. Common forms of political repression and economic exploitation emerging from two decades of economic decline across the African continent have provoked similar local organisational responses among peasants in the different countries. This peasant response has also evoked common rural welfarist support systems in the name of poverty reduction strategies, new wave rural development programmes and empowerment projects, sponsored by governments, NGOs and donors (Moyo 2002).

Implementation of the neo-liberal capitalist development project has created an entirely new context for the dynamics of the land struggle in different parts of the world. A number of analysts such as Bernstein (2002) in this context have invoked the 'death of land reform', while some, according to Veltmeyer (2003), such as Gwynne and Kay (1999) and Kay (2000), write of an 'agrarian transformation' process. As to the nature and dynamics of this transformation, Alain de Janvry et al. (1997) write of the transition from 'state-led to grassroots-led land reform' while others highlight the transition to a 'market-assisted' approach to land reform.

In this same context, Petras (1997a, 1997b) and Veltmeyer (1997) point to the emergence of a new wave of peasant-based and peasant-led movements that push for demands that go beyond land reforms towards more revolutionary or radical changes in government policy as well as in the neo-liberal model behind it and the entire 'system' created by this model. In heuristic terms therefore, it is possible to identify the emergence of three divergent paths towards land reform, each characterised by a distinct overall strategy and a mixed bag of tactics: (i) state-led land reform (expropriation with compensation, land redistribution, rural development); (ii) market-assisted land reform (land titling, land commoditisation and land banks); and (iii) grassroots land reform processes including land occupations, negotiation and struggle (Veltmeyer 2003). The extent to which these forms of land struggle are definitive of a peculiar land question in Africa is discussed in the rest of this monograph.

## The unique and diverse land questions of Africa

### Is there a land question in Africa?

The perennial conceptual contest on the land issue is whether Africa has a land question, and if so, what is the nature of it, given its diverse and complex history of agrarian development (Amin 1972; Mafeje 1999; Bernstein 2002). That Africa has an agrarian question, which can be characterised mainly as an aborted agrarian transition reflected in low productivity and food insecurity, and one founded on exploitative labour relations and unequal trade, is generally agreed. The preoccupation of the debate on Africa's land question is whether or not there exist extensive unequal land distributions, derived from land alienation founded in tributary social formations or colonial practice, which has led to the classic problems of landlessness and captive agrarian labour. It has been argued that in sub-Saharan Africa, where natives are in effective occupation of the land, and where land rights are generally generated through customary tenure (up to 96 percent and a minimum of 80 percent in exceptional cases such as Kenya, Côte d'Ivoire, and Malawi; see FAO, 1986), it can be said that there is no land question (see Mamdani 1986; Mafeje, 1985, 1991, 1999). This assertion rests also on the assumption that land is abundantly available for the 'native' to occupy.

The differential context of Africa's agrarian formations is crucial to our understanding the nature of its land questions. Amin (1972), provided a useful three-way categorisation of African economies in relation to their incorporation into global capitalism, as well as in terms of their agrarian structures, when he differentiated the Africa of 'settlerism', the 'economy de traite' and the Africa of the 'concessions'. This categorisation emphasised the fact that the former settler colonies of southern Africa, Kenya and parts of north Africa had had the highest degree of land alienation, as opposed to the concession zones in parts of central and west Africa where plantation enclaves of land enclosures were established, in contrast to the rest of Africa, especially the west, which had limited land alienation and elaborate peasant economics.

The long-term colonial historical trajectory of colonial land alienation and agrarian accumulation indeed needs to be fully understood. As Amanor (1992) argues:

In contrast with eastern or southern Africa, there was no significant expatriate plantation sector in West Africa, with the exception of Côte d'Ivoire. Peasant production of export crops for the world market dominated. The dominant European interests in the rural agrarian sector were mercantile



trading companies who carried African produce to Europe and traded European manufactures within West Africa. These relations of production and exchange developed in the early nineteenth century, which is the period in which colonial protectorates were first established in West African coastal enclaves. The mercantile interests lobbied the British government for a continuance of laissez-faire policy and objected to expenditure by colonial government on creating infrastructure for large-scale commercial production in West Africa.

But, by focussing on the perspective which expects that a land question arises from the a priori historical incidence of extensive if not one-off land alienation, to the exclusion of the intricate ways in which land concentration evolves elsewhere, under the logic of colonially contrived 'customary' land tenure regimes and post-independence agrarian 'developmentalism', the current debates deny the existence of the various African land questions that have emerged over the century. In particular, they neglect the empirical trend of gradually evolving land inequalities based upon land concentration and incipient land struggles, which our evidence in chapters three to six shows. And they relegate land, defined as one of the factors of agricultural production, to the same level of other inputs such as labour, finance, equipment and so forth, conceiving land as a residual problem because they assume that African peasantries can generally still subsist on the available land. They assume that the peasants have secure control and access to adequate land in a presumed land-abundant continental. We interrogate these assumptions here, beginning with the structural issues and context.

The fact that African social formations and their adaptation since colonialism predispose the continent to a unique land question in the global context is certain, albeit poorly defined in the literature. This logic however does not in and of itself obviate the emergence of land questions beyond settler Africa. For, when examined in the 'longue durée', the African colonial and successor state, given its developmental agenda, tended to dominate the land reform policy process, and gave scant attention to emerging land distribution biases by placing greater emphasis on reform of land tenures and structures which regulate land access and use in ways that have promoted land concentration and marginalisation.

There are some key uniquely African social features which define its land questions and approaches to land reform including why the dominant emphasis on land tenure reform has evolved. The African experience with land reforms can be distinguished from those in Latin America and Asia because of

the peculiarly African mix of its land questions as well as the effects of the post-independence state's developmentalist character.

The first, primary difference which Mafeje (2003) emphasises, is the absence, at the advent of African colonisation, of widespread purely feudal political formations based on the specific social relations of production in which land and labour processes are founded on serfdom or its variants under feudal or even semi-feudal landlords (See also Patnaik 1999) regarding these structures on India). Essentially, the extraction of surplus value from serfs by landlords through ground rents using primitive forms of land rental allotments and through the mandatory provision of different forms of 'bonded' or 'un-free' labour services, sharecropping and other tributary exactions on the peasantry under feudalism, was uncommon in Africa, and not as intense where it did obtain. Instead, and again as Mafeje (2003) points out, most rural African societies were structured around lineage based 'communal' structures of political authority and social organisation, in which access to land was founded on recognised and universal usufruct rights allocated to families (both pastoral and sedentary) of members of given lineage groupings. Such land rights also included those eventually allocated to assimilated 'slaves', migrants and settlers, as Mamdani (2001) and others argue.

This means that African 'households' held land and mobilised their labour relations in production processes relatively autonomously of the ruling lineages and 'chiefs', mainly for their own consumption needs and secondarily for social or 'communal' projects on a minor scale. Under these conditions, production for trade, generally considered to have been long distance in nature, occurred on a small but increasing scale since colonialism. Amin (1972) has argued that these African social formations had some exploitative elements of tributary social relations of production. These can be adduced from the contributions that households made from small parts of the household product and labour to the rulers' and social projects (for example, the king's fields, granary reserves and so forth). But the essential issue which distinguishes the African land question from elsewhere is the absence of rural social relations of production based on serfdom, such as land renting and bonded labour, in a context where a monopoly over land by a few landlords did not exist. Colonialism extended the extroversion of production and the process of surplus value extraction through the control of markets and 'extra-economic' force, but left the land and labour relations generically 'free'. The exception to this was in settler Africa.

The second point of difference is that under colonialism 'indirect rule' modified the organisation of peasant societies through contrived changes to the pro-

cedures of customary rule and of leadership, and directed peasant production towards generalised petty commodity production, mainly through the control of finance, markets and infrastructures. While migrant labour processes were engineered almost everywhere within limited geographic confines, in settler Africa it accompanied extensive and institutionalised land expropriation which led to the proletarianisation of large segments of peasant labour, generating large scale landlessness and land shortages, alongside semi-proletarianisation. But even there, a substantial peasantry, with relatively autonomous control of reduced land sizes and of restricted labour supplies, was maintained, mainly in marginal lands under modified customary authority and tenure systems, in localised variants of indirect rule, which became essentially sub-national ethno-regional enclaves (Bantustans and 'reserves'). Under indirect rule therefore, customary systems of authority with regard to land tenures were thus retained, but adapted to suit the frequent needs of the state to excise some lands and allocate them to specific production schemes or classes, allowing lineage leaders larger land endowments.

Thirdly, while the dichotomy which defines the non-settler and settler African land questions, based on large scale historical land alienations, remains, this has increasingly become less acute in some regions of given countries, because of generalised but locationally narrow forms of land concentration. This has emerged from 'below' and 'above', through internal social differentiation and external excision of lands allocated to 'elites' using state land administration structures and emerging land markets. This emphasises the fact that the African neo-colonial state, as we argue in chapter three, has been 'activist' in promoting agrarian capitalist change in a manner which has supported land concentration among capitalist farmers and enabled the dominant classes to marginalise peasants and workers from their land rights and livelihood.

On a continental scale, these processes nonetheless suggest that neither large-scale land alienation processes or landlessness, nor total proletarianisation or bonded forms of rural labour, have resulted. They point to a diffuse but significant structure of land concentration among agrarian capitalists on the continent in general. When considered alongside the dominance of white settler agrarian capitalism in southern Africa and small remnants of 'landlordism' in some parts of North Africa, land concentration and marginalisation processes have been growing to the point of being socially and potentially significant.

The prevalence of semi-proletarianisation (worker-peasants) alongside the retention of large peasantries, or of small cultivators, as Mafeje (1997) calls them, means that in general African rural societies retain households with 'independent' land holdings, albeit at a diminishing scale and on increasingly

marginal land. But critically, their production and land use activities, and relations of production, are restricted by the quality and scale of land available, and by state agrarian policies and markets which extract significant surplus value from them. African land reforms ought to redress these land inequities and direct land use towards internally beneficial and articulated 'development' for the improved livelihood of the majority.

A fourth factor which distinguishes the African land questions, is the legacy of settler colonial land and livestock expropriations which accompanied colonial conquest, and the nature and extent of reparations which are demanded, based on 'living memory' and as an element of resolving the 'national' question. This nationalist land question of sovereign right and of redressing racial and ethnic imbalances in property and economic relations has tended to be under-estimated and mis-conceptualised. This national question is mirrored in the indigenous land struggles everywhere today. Land reform programmes in this situation where the compensation of current large land holders is considered almost normative, are tied into expectations that former colonial masters should pay the 'victims' of current land reform expropriations, if not also the victims of colonial expropriation, who have suffered long-term loss (see also Mamdani 2001). Demands for colonial land reparations have been made in Kenya, Zimbabwe and Namibia, as well as historically on a smaller scale in Botswana and Swaziland, as has been the case in other nations with a history of settler colonial land expropriations, such as Australia, Canada and the United States of America. In Latin America the spectre of similar demands is resurgent.

While some countries with historic land problems including various Latin American countries, Japan, Taiwan and so forth, had received financial support for their land reform from former colonial or imperial (USA) powers, especially in the context of Cold War political hegemonic efforts, reparations for colonial land losses in Africa have not been adequately addressed. African governments, the Zimbabwe government in particular, allege that racism and protection by international donors of their land-owning 'kith and kin' and their capital in Africa is at the centre of the land reform dilemma and of the current political controversy. Current SAPs and poverty reduction strategies which define lending and development assistance are conditional on economic and governance models which undermine national capacities to redress these grievances according to the 'rule of law'. This feature emphasises the colonial and external dimension of Africa's land reform processes, and the political controversy of market-driven land reform strategies in the context of neo-liberal 'globalisation'.

Therefore Africa has land questions whose social significance cannot be overstated. Land scarcity, denial of access to natural resources by large landholders and the state through laws that exclude many, as well as land privatisation, all contribute to human distress, poverty, landlessness, homelessness and so forth in Africa. In some situations, it is the scarcity of arable land that is at stake (for instance in North Africa), whilst in others (West Africa) it is the problem of land administration and decision-making conflicts between the state and local communities and various other interest groups (men, women, urbanites, civil servants, youths and poor households) which is problematic (Amanor 2003). In former settler colonies it is the challenge of land redistribution and related land struggles, which are dominant.

Even where most peasants are in effective occupation of the land and land rights are generally generated through customary tenure, because land is held under the custodianship of the President, land questions of inequitable access and exclusion have emerged. This is because African peasant societies face pervasive land tenure security problems arising from the distortions of land tenure systems, as well as from the effect of agrarian class differentiation in the context of growing land concentration in customary tenure regimes or so-called 'communal areas'.

It is not surprising that recently renewed attempts to promote comprehensive land policies in Africa have become schizophrenic in their motive and design over issues of redistribution and the forms of land tenure to promote. Indeed the salient and ubiquitous private enclosure and outright expropriation of land through the market is being resisted by peasant organisations in the African continent, as the state, traditional leaders and private local elites promote land alienation processes at the expense of the rural poor. The demands of migrant farmers for land and attempts to exclude them or to initiate rules that curtail their rights are becoming common demands everywhere among some peasant organisations. Struggles for or against land property rights being individuated through title deeds and, struggles against the introduction of land rentals or levies, and struggles against the exclusion of peasants from access to natural resources through the leasing of state forest and nature reserves, are commonplace throughout the continent. This suggests that the intensity of demand for just land reform is growing.

New social organisations rather than only traditional land structures are emerging within some peasant associations (Abutudu 2002; Moyo 2003; Khalid 2003) to defend members against varied land problems which arise from the practices of the state, traditional authorities and the emerging agrarian bourgeoisie. State-directed land management structures are often challenged be-

cause they marginalise local peasants through increasingly discordant land administration systems introduced through community projects and land conservation, and because they now involve local and 'foreign' migrants (Moyo and Romdhane 2002).

This perspective argues that a land question has been emerging distinctively throughout post-colonial Africa because of the historical evolution of the contests and struggles over land access, use and systems of tenure, founded upon class, gender, race, ethnicity, class and, regional inequities, discrimination and regulation. As argued elsewhere, once the land inequities emerge, they confound the actually existing but varied African agrarian question politically, through complex class struggles focussed on the control of land, agrarian markets and related public resources (Moyo 1995, 2000). No doubt the greatest hurdle to agrarian reform, while particularly focussed on extensive land redistribution in the former settler colonies, is the growing lack of access to productive lands among the expanding peasantry in the face of increasing monopolies over under-utilised land which is hoarded for speculative purposes. The social context in which, rather than the absolute numerical scale at which, African peasants and workers are becoming landless and homeless defines the political significance of Africa's land questions.

### **Elements of Africa's agrarian question**

But it is critical to understand why some African scholars such as Mafeje (1999) argue that it is only in Southern Africa, and not in the rest of sub-Saharan Africa, where there is both a land and an agrarian question. Mafeje (1997) notes that the low agricultural productivity in sub-Saharan Africa outside of southern Africa is not accounted for by lack of access to land but rather by the agrarian question entailing the value of the land-production techniques, production relations and the social institutions that sustain them. He also stresses that white racist domination in southern Africa's settler societies has produced an un-African situation, and describes these structure as corresponding to the Latin American and Asian situations. Mafeje (1999) further argues that:

Although land reform and agrarian reform have come to be treated as coterminous as a result of the Latin-American and Asian experience, it is apparent that this does not apply to sub-Saharan Africa, outside the Southern African settler societies. It is important to note that it does not involve change only in production techniques, as is often assumed, but also in production relations and the social institutions that sustain them.

Yet it is instructive to consider that in much of Africa, where there is growing large-scale indigenous agrarian capitalist farming, the concentration of public resource allocations for agricultural technological progress as well as for market protection has been directed at this category, particularly the export farmers. This is at the expense of broad-based transformations of farming techniques and institutions, including the restructuring of production relations and public institutions. The inequitable distribution of land between white settlers and the natives in southern Africa for example, was itself the basis for the structuring of unequal state intervention in support of the agrarian capitalist farmer against the peasantry. This system became socially, politically and economically unsustainable, given what was perceived as (and really was) differentiated treatment which addressed the productivity problem which underlies the agrarian question in a discriminatory manner, along a combined racial and class structure of promoting large-scale white agricultural capitalist farmers.

It is nevertheless correct to say that the agrarian productivity question is most acute in the entire sub-Saharan Africa, except for South Africa, where agriculture has suffered a steep output decline since 1979 and that as yet there are no signs of an impending agrarian revolution (Mafeje 2003; Mkandawire 2003). In sub-Saharan Africa the constraints are largely from technological innovation and extant modes of organisation, especially the lineage mode of organisation and gender relations. In southern Africa the problem in the first instance is institutionalised inequity between large-scale white farmers and small-scale black producers-cum-migrant workers. This primary contradiction tends to obscure the agrarian contradictions found elsewhere within African rural communities, where there is an incipience of institutionalised rural inequity based upon unequal control of land and its use, and state interventions.

The agrarian question has to be understood in the context of unequal agrarian relations based on unequal patterns of land ownership as the key means of production, especially where production technologies are rudimentary. The fact that unequal agrarian investments are biased towards large farms, which are increasingly founded on private property, against small farms, suggests that the institutionalisation of the pretence that land ownership in the form of private property is the only basis upon which commercial farming and technological change are feasible, because collateral for credit is only available on such property. This merely justifies the concentration of resources in a few large farmers in most of sub-Saharan Africa, leaving peasant techniques 'backward'.

Thus one critical set of agrarian issues relates to the question of land use efficiency, a social process which is contested throughout the epoch of capitalism, because it is mixed up with the question of scale in farming, in relation to the social organisation of production and its labour processes, as well as the direction of technical change and productivity (Bernstein 2002). The growing demand by elite groups for large-scale farms, on the grounds that their size is more conducive to efficient land utilisation, is a primary problem with African land policy formulation. This is because it justifies the land concentration process, when the economic rationality of this orientation for productivity, economies of scale and income distribution and hence domestic market growth, is questionable. If the key objective of land reform policy is to establish a more efficient and rational structure of farming and, of land and natural resources utilisation, then land policies would not defend the interest of minority classes at the expense of small scale peasant operations, when the empirical evidence shows that small-scale farming does allow for optimal land utilisation, increased productivity, as well as employment growth and broadened income distribution.

Furthermore empirical evidence seems to suggest that growing struggles over unequal access to land are not only a key source of pressure for land reforms, but that these struggles are an expression of the wider problematique of exploitative and unequal agrarian relations. Thus, the selective condition of low agricultural productivity and accumulation in the agrarian sector are a particular grievance within the wider agrarian questions, and this arises from the shape of Africa's emergent land question. Mafeje (1999) also argues that the land question is a national question, and while it can be dealt with from a nationalist perspective it is not so easy to rationalise the labour and capital aspects, which are relatively fluid and integrated across borders. He argues that the agrarian question, with its issues of a mobile proletariat and capital, needs to be understood within the context of the history of the sub-regions. This is correct, as experiences from West Africa also show.

The land question in West Africa involved a complex attempt by colonial powers to control nationalism and indigenous labour resources toward export production through a peculiar approach to land policy and customary land tenure. According to Amanor (1992) citing Morel (1902), land in West Africa, as the capital of the people and chiefs as the trustees for the communities, was preserved through customary law to promote an African nationalism based upon tribal federations.

The land question under colonialism became tied up with the labour question, given the colonial desire to abolish domestic slavery, while maintaining adequate labour supplies to create a modern monetary economy, public works



and private enterprise (Amanor 2003). Forced labour and taxation were implemented through chiefs from labour reserves for the export cash cropping areas and the colonial mining enclaves (Ibid), thus generating various land questions associated with migrant labour and migrant farmers' rights of access within customary tenure regimes. Extensive land conflicts emerged without the prior existence of extensive land expropriation.

The land question outside of settler Africa was complicated by the specific colonial land policy '... restricting access to land or appropriating land through the creation of reserves was deliberately used as a way of limiting the livelihood and income that people could gain from the land and forcing them to seek wage labour or migrate in search of wage labour to supplement the incomes they gained from the land...' (Amanor 2003). By restricting a land market and individual property rights and transactions in land, the access of migrants and runaway slaves was also limited.

But while transnational labour movements pose critical contradictions for the agrarian question in the national context, such migrations in the African context have posed specific land rights problems at the national level. These are compounded by other internal land and agrarian problems of social exclusion. For the national question of land emerges not only from processes of exclusion from access to land, but from the nationally differentiated agrarian capital accumulation and selective state support processes, which are embedded in and legitimised through land concentration for 'commercial' farming.

Moreover, access to adequate land is fundamental in Africa for the survival of the majority of households in the absence of alternative productive industry and infrastructures for employment in the services sector. Land provides multiple uses, consumption inputs and utilities to most peasant and urban households, and in this respect, access to land is the main source of livelihood. Thus lack of investment towards the sustainable productivity of peasant lands in a context of changing land uses and demand for land itself distorts organic peasant land use systems as much as do land policies which regulate or incentivise land use towards export-oriented production rather than meeting domestic food and industrial requirements. This suggests that both the land and agrarian questions are critical elements of the national and development questions in Africa today.

While the lack of productivity growth in Africa, which continues to lag behind Asia and Latin America, is underpinned by the agrarian technological backwardness and inappropriate land and agrarian policy in general, it is also tied into the diminishing surpluses for investment in Africa as a result of excessive agricultural export orientation. This arises from the perennial declin-

ing terms of agricultural commodity trade and the extractive role of monopoly capital and debt, as shaped by its SAP agendas. This suggests that inappropriate economic and land use policies as well negative external integration are as critical factors in explaining Africa's looming 'agrarian crisis'. Thus both 'internalist' perspectives of peasant technological constraints and their diminished access to land per se and externalist perspectives are critical to Africa's agrarian 'crisis'. Thus in conceptualising Africa's land and agrarian question, both internal and external factors should be considered, including policies which over-regulate rural land markets and land uses through inappropriate state intervention and macro-economic management and externally determined unequal trade relations.

Much scholarship on Africa tends to consider national internal agrarian policy deficiencies to be the key cause of Africa's agricultural and rural problems. Yet the most striking result of the African agricultural performance over the last three decades is the growing inequalities in rural income distribution and in broader social differentiation (Ghai and Radwan 1983) consequent upon the expansion of rural markets and of negative global economic integration. In historical perspective, these interpretations of the causes of the agrarian crisis reflect poorly on the African nationalist agenda, because it has delivered neither industrial development nor stability and because it has generated greater social conflict over land and natural resources and agrarian resources.

### **An overview of African land struggles**

Given the social significance of land to the lives of most of the rural and classes, its control is an important source of political power and a terrain for political contest between different social classes or groupings of people: landlords, peasants, bureaucrats, men and women, ethnic groups, racial groups and so many other social categories. The importance of land for the social reproduction of mainly peasant households, through subsistence from land and natural resources and related income generation, has both inter-generational and intra-generational implications.

Access to adequate land and natural resources contained therein while complemented by migration and remittances and off-farm activity and incomes, is increasingly dominated by exchange incomes derived from agricultural production activities among most peasant households. Diminishing access to land in terms of land alienation, demographic pressures and failure of the technological base to improve productivity of the land and natural resources, elicit peasant strategies to expand their access to new land and natural resources in competition with coterminous peasant communities, emerging agrarian capi-

talists and migrants. Women are the least resourced in these struggles. Increasingly contemporary structures of political and economic power relations in much of Africa are significantly influenced by attempts to hoard land and popular struggles to restore or gain land rights. The land expropriations which occurred at a large scale mainly during the colonial era and in other countries on a localised smaller scale in Africa underlie emerging contradictory property relations and struggles.

The politics of land reform in some parts of Africa suggests the resurgence of long-standing liberation-style politics, based on anti-colonial and anti-imperialist agendas in societies polarised on racial, ethno-regional and ideological lines. Emerging popular but sporadic and scattered land occupations for instance conjure the idea of seizing power and local autonomy. Notions of land 'seizures' or 'grabs' have, however, replaced the immediate post-colonial discourses of 'land nationalisation' in national discourses now politically confounded by the competing interests of both national elites and the marginalised. Land occupations and struggles threaten property rights and underlie wider political conflicts, as we discuss in chapter six.

These processes emphasise the importance of struggles within and resistance to the general policies and practices of the African states, especially over land management (see chapter five). To the peasantry, land reform is central to agrarian reform, because agrarian reform is predicated upon agrarian modernisation projects whose delivery is uncertain and inadequate and externally driven, mostly by state-led investment in agricultural services and infrastructure targeting mainly larger capitalist farmers (Moyo 1995). Such investments, while required for African peasantry to break their technological and productivity capacities, are secondary to rural household struggles which focus on retaining autonomous control over productive land as the minimum household reproduction need.

The resolution of both the land and agrarian questions is a pressing contradiction facing the African states which remain underdeveloped but dominated by neo-liberal and economic structures. The re-emergence of land reform on the development aid agenda since the mid-1990s marks the recognition that the 'agricultural crisis' in Africa reflects contradictions in the dialectic relationship between peasants, government, global markets and development institutions. This process has resulted from the failure of structural adjustments to live up to their rural development promises. Not surprisingly the land question has recently resurfaced as a pre-occupation of the poverty reduction agenda of the World Bank and various bi-lateral aid agencies (Moyo 2002).

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## African Land Questions: Trends and Tendencies

### **The land distribution question: Trends and sources**

Access to and control and ownership of land in Africa is differentiated. It tends towards unequal patterns of land concentration, exclusion from land for basic livelihood requirements or for primary accumulation, and marginalisation in terms of territorial space and local autonomy. This inequality is also found with regard to national and local citizenship rights embedded in access to land, especially for women labour migrants, new settlers and ethnic minorities. The basic structures of landholding inequalities are found along race, class ethnic, regional, national origin and gender-based cleavages of discrimination in the allocation of land rights. These gender inequalities cut across the class, ethnic and regional dimensions of exclusion, and include repressive practices which are generic to the wider social and power structures of patriarchy, as discussed further.

Patterns of inequality in access to and control of land vary across countries, and within sub-regions of countries in Africa. These range from absolute or widespread national inequality and dualistic spatial land tenure and land access regimes, to regionally concentrated patterns of land inequalities; to micro-level class and power-based differentiations in access to and control of land. These landholding differentiation tendencies of concentration and marginalisation vary according to specific historical and political circumstances, economic development patterns and the emerging social and class structures, including the associated marginalisation and accumulation trajectories which vary along race, class, gender, ethnic and geographic lines. Current political

and economic power relations in Africa tend to be heavily structured by the nature of land distribution, and by struggles over land and natural resources. Increasingly the conflicts which arise from these differential land rights have contributed to the resurgence of land movements, which struggle to regain access to land and support new land reform policy initiatives, as we discuss in chapters five and six respectively.

Unequal land distribution takes the extreme form of full-scale bi-modal land ownership regimes where minorities control between 30 and 80 percent of national lands, as found in Southern Africa. A lower degree of inequity in land holdings occurs based on socially differentiated rural societies in which the indigenous elite owns relatively large pieces of land alongside a land-scarce peasantry. In between are those countries with a few scattered agrarian enclaves based upon plantation sub-sectors of the European merchant capitalists, which co-exist with peasantries in a bi-modal agrarian context skewed in favour of the latter. In addition to this gradient of unequal land ownership based upon private control of freehold and leasehold lands are the large tracts of land held and used by the state for concessioning to private and state institutions to exploit native forests and wildlife in particular. These state-held lands range between 5 and 40 percent of the total national land area of the various countries.

The common feature of this distributional inequity is the exploitative relation between labour and the large landowners, whereby the peasantry and migrants provide labour to landowners, who exclude them from access to natural resources for their own livelihood. Furthermore the salient feature of this land distributional problem, expressed in different degrees and forms across the continent, is the active class and social struggles over control of land and natural resources between both elites and associated international capital and various land-hungry peasants and poor workers.

The legacy of the colonial land policies in Africa is a major framework through which unequal land holdings undermine sustainable livelihoods at the individual country level. The land distribution problem is diverse based upon varied historical experiences and different resource endowments. The West African region for instance is ecologically and economically diverse with a series of climatic and vegetation belts running from north to south, from moist forests in the south to arid lands in the north, and thus offers varied contexts for the land distribution problem. The coastal belts, rich in natural resources and integrated into the world economy as producers of primary export staples and timber have for long been the focus of land struggles. The forest area is also rich in mineral wealth, and has experienced labour migra-

tion from the Sahelian areas since colonial and pre-colonial times, (Manchuelle 1997), leading the Sahelian regions to serve in part as labour reserves (Amanor 2003).

In West Africa both land and labour policies led to higher population densities in the coastal areas than in the interior (Amanor 2003). In Côte d'Ivoire one-third of the population originates from Burkina Faso or Mali. In Ghana the cocoa economy was built with migrant labour mostly from Burkina Faso and Niger. The groundnut industry of the Gambia was opened up by migrations of the Soninke people from Senegal and Mali (Ibid). There have also been substantial migrations from those countries which contain both forest and savannah – from the savannah portions into the forest areas, such as in Ghana and Côte d'Ivoire (Ibid). Within the Sahelian areas, pastoralism is also an important economic activity involving transhumant migrations of people with their cattle between wet season pastures situated in northern arid zones and dry season pastures in the south (Amanor 2003).

While some former slave labour migrated to the West African towns, the remaining descendants of slaves were restricted from access to farm land, although many of them attempted to purchase the plots they cultivated (Ibid). This land access and distribution problem led to the emergence of dependent types of share cropping relations in which former slave, migrants and the land-scarce worked on the lands of their former masters and who then provided them with a portion of the surplus in kind (Amanor 2003). This peculiar form of Africa's land question has expanded into a complex process of land markets and land tenure relations which raises land problems common to those found in the regions of extensive land expropriation. The evidence of land scarcity land fragmentation and near landlessness abounds in non-settler African countries. The differentiation of landholding structures, although based upon smaller average land sizes, has become problematic and extreme in countries such as Rwanda.

Land expropriation on a large scale occurred mainly during the colonial era in some African countries, especially South Africa, Zimbabwe, Namibia, Mozambique, Kenya, Angola, Algeria and to a lesser extent in Swaziland, Botswana and Zambia, although state appropriation of such lands after independence was significant in the latter countries, including the use of nationalisation in Tanzania and Zambia. Semi-feudal land concentration is found in Morocco, Ethiopia and in a variant form in countries such as Uganda, with varied attempts made at redistributive reforms. Localised and recent land expropriations on a smaller scale underlie the contradictory property relations and struggles in Nigeria for instance, and Sudan, Botswana, Malawi and in the plantations of

most of the central African countries, a process which is emerging almost everywhere in Africa.

Land distributional conflicts affecting some ethnic groups, especially minority 'indigenous' groups, are common in some countries, particularly where post-independence land expropriations by the state have facilitated or led to the reallocation of land to local elites and foreign capital. In Botswana, the San (Bushmen) land has been expropriated by large diamond mining and wildlife tourism concerns with piece-meal compensation to them. The Herero, in Namibia, and the Maasai in Tanzania and Kenya, have suffered similar fates as land expropriated from them in colonial times has been continued after independence, with the land being transferred to the majority tribes, resulting in the original claimants with diminished land rights.

### **Settler colonial land expropriation and racial land inequalities**

Settler land expropriation varied in African countries, but was most extensive in southern Africa, Kenya and north Africa. Countries such as Angola, Lesotho, Swaziland and Zambia had lower proportions of land expropriated. But in terms of the size of the settler population, Namibia seems to have had the largest white settler group mainly composed of the Afrikaners and Germans, which by 1960 amounted to 19 percent. The largest scale of white settler land expropriation occurred in South Africa, where 87 percent of the land was allocated to the Afrikaners and English settlers, beginning in the eighteenth century. Although since independence the white settler populations have tended to decrease, the proportion of land possessed by white minorities has tended not to decrease proportionately, while there has been a gradual increase in foreign land holdings in countries such as Mozambique, Zambia and Malawi, in the context of renewed interest by private international capital in tourism based on the control of natural resources (Moyo 2003).

Countries such as South Africa and Namibia remain confronted with excessively unequal land holdings with freehold titled land in the hands of a few white commercial farmers. In South Africa, 55,000 white farmers make up only 5 percent of the white population, but still own almost 85 percent of the land. Yet only 20,000 white commercial farmers produce 80 percent of the gross agricultural product, and the remaining 35,000 and about 2,000 small-scale black farmers, produce 15 percent of output. Some 500,000 families living in the former homelands produce an estimated 5 percent. At least twelve million blacks inhabit 17.1 million hectares of land and no more than 15 percent (2.6 million hectares) of this land is potentially arable (Wildschut and Hulbert, 1998). Thus

whites own six times more land in terms of the quantity of land available and its quality (Ibid).

The rural land question in South Africa is often under-estimated because of the supposition that since agriculture as a key land user is not dominant in the economy, demand for rural land is not critical. Agriculture contributes only 3 percent of South Africa's GDP, 7 percent of exports and 10 percent of national employment (ESS, 2002). Most of the agricultural employees are foreign migrant workers from Zimbabwe, Mozambique, Botswana, Swaziland and Lesotho, and agrarian labour is also considered an insignificant source of rural agricultural land demand. The problems of insecure rural worker tenancy and homelessness tend to be considered minor problems of limited political significance. However, in 1997, a national rural survey showed that approximately 1.7 million households had access to arable land, while 0.7 million households did not. Of the 1.7 million households, 94 percent had access to five hectares or less, and 50 percent had access to one hectare or less (SSA, 1999) which is estimated to be unsustainable for livelihood. Yet the average white large farmland size was increased from 722 hectares in 1950 to 1,193 ha in 1978 (Weiner and Levin 1994). The structural basis of this land dispossession of the black population in South Africa was moreover intended to reduce competition for white farmers and to create a pool of cheap labour for the agricultural and mining sectors, and, later, industry. Patterns of land ownership and control structured the social mechanisms of subordination of black workers and the population for the needs of the capitalist economy.

Even the so-called rural small-scale farmers are differentiated in access to land, inputs and finance, with about 30 percent of them having more than double the incomes of the rest, and some hire only limited labour, while about 0.7 million households (NLC, Aliber and Mokoena 2003) are truly landless and have little investment resources besides family labour. It is estimated that there are about 200,000 labour tenants and one million farm workers and approximately 7-8 million Africans in the reserves, and that not all Africans in the latter groups would be interested in land reform (Deininger 1998). This differentiation of the peasantry in itself indicates an unrealised potential for augmenting the livelihoods of currently existing formal peasantries, especially the scope of need for land, if not real demand for land reform.

The demand for farming land in South Africa in terms of people seeking full or part-time farming and peri-urban residential land is growing. Of these people, most require land for their full or part-time (semi-proletarianised) agricultural livelihood activities. It can be estimated that at least nineteen million rural people are potentially or actually short of or in need of agricultural land,



while seven million poor and black urban people are landless (Eveleth and Mngxitama, mimeo). Indeed in a dynamic framework such a demand for land through peasant or semi-peasant livelihoods could more than double over the next fifteen years with the slow pace of formal employment growth.

Today, Namibia still has the highest number of white settlers at about 8 percent of the total population. Commercial land under freehold title comprises approximately 6,300 farms belonging to 4,128 mostly white farmers, and measures about 36.2 million hectares. The freehold land covers 44 percent of available land and 70 percent of the most productive agricultural land covering 36 million hectares. Only 2.2 million hectares of the commercial farmland belong to black farmers. By contrast, communal lands comprise 138,000 households with an area of 33.5 million hectares, which is only 41 percent of the land available.

In Zimbabwe, before the Fast Track Land Reform Programme, most of the freehold lands were in the hands of 4500 whites (comprising 0.03 percent of the population) and located in the most fertile parts of the country, with the most favourable climatic conditions and water resources. White farmers controlled 31 percent of the country's freehold land, or about 42 percent of the agricultural land, while 1.2 million black families subsisted on 41 percent of the country's area of thirty-nine million hectares. This has since been reversed by the Fast Track Land Reform Programme. Only 900 white farmers remain, and they control less than 10 percent of the land (Moyo and Sukume 2004).

These land distributional complexities have far-reaching effects on the existing structure and patterns of race relations. Land inequalities in southern Africa are the basis of the uniquely gerrymandered distribution of socio-demographic factors, including population, wealth, income, and employment patterns, which define economic control and management. Even the structures of political party formations and social forces of civil society are based upon social relations, which are heavily polarised by these unequal land property relations. This cleavage defines the social basis for land struggles and land policy making.

Even in various other non-settler African countries, small foreign immigrant populations such as the Lebanese in West Africa and Asians in East Africa, have become associated with large freehold and leasehold land holdings. Racially-based differentiation of economic power and wealth associated with some degree of land control has become a source of land conflicts. For example, in 1969 the Asian population in Uganda of about 70,000 (officially considered foreigners despite the fact that more than 50 percent of them had been born in Uganda) had gained control of the retail and wholesale trade, cotton

ginning, coffee and sugar processing, and other segments of commerce. President Amin deported most Asians in 1972 and only a few returned to Uganda in the 1980s to claim compensation for their expropriated land, buildings, factories, and estates. In 1989 the Asian population in Uganda was estimated at only about 10,000 (Otunnu and Laloyo). In Malawi, during the last three years, long-term Asian residents have increasingly been identified as 'foreign' landowners, largely on racial and dual citizenship grounds, given the land policy reforms intended to prohibit foreign land ownership. The implications of this pattern of foreign land ownership are discussed further in section 'Foreign control of land', after we consider the more generalised emergence of scattered land concentrations derived from class rather than white settler dynamics.

### **Class based land inequalities: Land concentration from 'above' and 'below'**

#### *Growing land scarcities, declining land sizes and poverty*

The perception that Africa, outside former settler territories, does not have a land question in terms of a distributional problem because of the abundance of land (see Mafeje 2003) is not borne out by empirical reality. Although most African countries tend to be large in area with relatively low gross per capita population densities, much of the land is arid and the soils are not arable in large parts of the continent, and water resources for farming are not adequately distributed or harnessed for intensive farming. More than half of the idle arable land in the world is in Africa, yet in some countries population densities are near their maximum, given the present agricultural technology and soil fertility management patterns. Much of the arable land in Africa is not farmed because of natural constraints, such as tsetse flies, which virtually preclude the use of approximately one-third of the continent, including some of the best watered and most fertile land (UNEP), while land is under-utilised by large scale landholders. Thus current patterns of per capita access to arable land exhibit growing land scarcities and landlessness alongside under-utilised lands, and increasing distributional inequities.

Although a variety of livelihood strategies are pursued by small holders in Africa, the predominant activity is small holder 'semi-subsistence' farming. Most households rely on cash and subsistence incomes from a number of sources that include irrigated and rain-fed cultivation, livestock production, tree production, and other miscellaneous activities like honey production. Households also depend on a variety of non-farm livelihoods, such as woodland activities, fisheries, trading, value adding processing, wage incomes, and remittances.

The agricultural activities are affected by unfavourable climatic conditions, poor markets, weak infrastructure services and unfavourable physical conditions (poor soils, land degradation because of cultivation on sloping land and deforestation). Thus access to a diminishing land resource base and insecure land tenure have most profound effects on the livelihoods of the majority, defining the peculiarly African character of the land question under dryland farming conditions using backward technologies.

Land ownership per household has been declining due to the increase in population in the continent, including where white and black large-scale farmers own most of the best arable land in farms that are oversized. Indeed, poverty tends to be concentrated in households with farm sizes under one hectare and especially under 0.5 hectare. In Zimbabwe for example, the average large farm was 2,000 hectares depending on natural potential. In the communal areas, the average farm size is below three hectares of mainly savannah lands (Wildschut and Hulbert 1998). In Malawi 40 percent of the small holders cultivate less than 0.5 hectare, with an average farm size of 0.28 hectare (IFAD 1999).

In North Africa productive land is very scarce whilst water availability is critical. Egypt, Libya, Algeria and Morocco lie in exclusively arid areas (see Table 3-1). Small holder farming dominates agricultural production, hence the focus of land policies there on optimal land-use, minimisation of land degradation, and stemming urbanisation rates.

**Table 3-1: Arable land in North Africa**

Country	Arable land		Irrigated as % of Cultivated Area	% of Agricultural population to total population	Land per person
	Million ha	As % of total land area			
Libya	02.1	1.2	22.2	15	2.72
Tunisia	04.9	31.6	7.8	38	1.40
Algeria	7.6	3.2	7.9	44	0.59
Morocco	9.6	21.5	13.1	48	0.74

Sources: ILO (1996); FAO (1998).

African poverty trends are strikingly tied to land access and tenure insecurity, given that more than 45 percent of sub-Saharan Africa's population now lives in poverty (Jayne et al. 2002). Although at least fifteen African countries have developed strategic plans for 'poverty reduction', most of these plans pay scant

attention to land access and distribution in rural poverty reduction. Yet household survey data from Ethiopia, Kenya, Rwanda, Mozambique and Zambia show that in countries where 70 to 80 percent of the rural population derives the bulk of its income from agriculture, poverty reduction typically depends on agricultural productivity growth, and that growth alone is not sufficient for poverty reduction since the initial distribution of assets such as land affects the poverty-reducing effects of the growth.

In countries with 'bad' distribution of assets, economic growth was skewed towards wealthier households, causing the gap between the rich and poor to widen, reinforcing the idea that, where access to land is highly concentrated and where a sizeable part of the rural population lacks sufficient land to earn a livelihood, then the problem of persistent poverty obtains.

Jayne et al. (2002) indicate that the ratio of land under crop cultivation to agricultural population (a rough proxy for farm size per capita) has been shrinking gradually but consistently in Africa. The relatively densely populated countries, like Kenya and Ethiopia, have seen this ratio cut in half over the past forty years. Even in countries widely considered to be land-abundant, such as Zambia and Mozambique, the data also show a clear trend of declining farm sizes. This trend suggests that, increasingly, farming alone will not sustain the livelihoods of land-constrained households without substantial shifts in labour from agriculture to non-farm sectors.

There are critical disparities in access to land at the local household level, with evidence suggesting that the highest per capita land household quartile controls between eight and twenty times more land than households in the lowest quartile (Table 3-2). In Kenya, mean land access for the top and bottom quartiles are 1.10 and 0.08 hectares per capita respectively, including rented land, which is limited in most of the countries. In these countries, the bottom twenty-five of small-scale farm households is approaching landlessness, controlling less than 0.03 hectares per capita. Thus there is a positive association between household per capita land holdings and per capita income (Ibid).

In some parts of Central Africa, such as Rwanda and Burundi, the scarcity of productive lands is the key source of conflict. With a total population of about 8.3 million in 2000, Rwanda is the most densely populated country in Africa, and its population growth rate remains very high at 3.6 percent. Only about 52 percent of Rwanda (1,385,000 hectares) is estimated to be arable. Kairaba (2002) points out that the average plot size in Rwanda declined from two hectares in 1960 to 1.2 hectares by 1984. About 60 percent of all agricultural holdings in Rwanda are less than 0.5 hectares in size. Over-population in Rwanda contributes to environmental degradation as people resort to the cul-

tivation of steep slopes with inadequate skills for managing soils and water resources. The problem of refugees, created by years of civil unrest, has compounded conflicts over land. Access to land is also a major problem in Burundi where population densities ranges from 41 to 1,000 per km<sup>2</sup>. Burundi also has refugee problems which started in the early 1970s. As in Rwanda, the land left vacant by the refugees has since been occupied and their return is a threat to a significant portion of the population.

**Table 3-2:** Smallholder land distribution in selected African countries

Country	Sample size	Ave. land access per HH (ha)	Household Per Capita Land Access (ha) Quartile				Gini Coefficients			
			Average	1	2	3	4	Land per HH	Land per capita	Land per adult
Kenya	1 416	2.65	0.41	0.08	0.17	0.31	1.10	0.55	0.56	0.54
Ethiopia	2 658	1.17	0.24	0.03	0.12	0.22	0.58	0.55	0.55	0.55
Rwanda (1984)	2 018	1.2	0.28	0.07	0.15	0.26	0.62			
Rwanda (1990)	1 181	0.94	0.71	0.05	0.10	0.16	0.39	0.43	0.43	0.41
Rwanda (2000)	1 584	0.71	0.16	0.02	0.06	0.13	0.43	0.52	0.54	0.54
Malawi	5 657	0.99	0.22	0.08	0.15	0.25	0.60			
Zambia	6 618	2.76	0.56	0.12	0.26	0.48	1.36	0.44	0.50	0.51
Mozambique	3 851	2.1	0.48	0.10	0.26	0.40	1.16	0.45	0.51	0.48

Adapted from Jayne et al. (2002).

### *Land control differentiation*

The emergence of distribution problems in non-settler countries through rural differentiation processes, which increased from the 1970s to the 1990s, suggests that a new generation of land concentration is emerging. The accumulation logic of new social forces emanating from the maturation of an African petite-bourgeoisie two generations after independence drives this new land concentration, which is now seen largely in the hands of retired public servants, professionals, indigenous business people and other urban elites. These social forces and interest groups emerged from earlier nationalist, political and

administrative leaderships, traditional chieftaincy elites, and new post-independence middle class elements. They follow an accumulation treadmill of agrarian export markets, which flourishes alongside the widespread variety of poor rural peasantries and semi-proletarian, or lumpen elements, which 'straddle' both arenas. Such rural differentiation partly explains the growing and in some cases potential demand for land reform policies, which can deliver land rapidly in both urban and rural areas, but largely in favour of elites.

While African nationalist movements promised rural development with equity, based on equitable access to land and natural resources, following a philosophy of African egalitarianism, the resulting post-independence reality has been the increased differentiation of rural land ownership accompanied by agrarian capitalist class formation and enclave-based rural development. A rural differentiation process based on land monopoly which is a universal phenomenon (Van der Ploeg 1990) has led to uneven incomes and consumption patterns in rural areas, contradicting the myth that Africa has abundant land and that customary land tenure systems prevent inequitable land structures or landlessness, and restrict agrarian differentiation (see also Neocosmos 2003; Bernstein 2004).

Evidence from Kenya, Malawi, Côte d'Ivoire, Botswana, Somalia, Mozambique, Ghana, Nigeria and Zambia reveals that the picture of rural land inequality is rising in Africa with the emergence of capitalist farmers and rural heterogeneity based on accumulation of land control and access. While this trend has received some academic comment, its scale, pace, and intensity as well as its social impact and causes have not been adequately treated. Policy responses to these growing land distributional inequities and accumulation by elites tend to be contradictory. The current neo-liberal interpretation of the land question emphasises a liberal political and market framework of land rights, which seeks to protect existing landowners rather than pursue issues of social justice, which can only be secured through an extensive redistribution of land and natural resources.

This policy reform bias in line with aid-led structural adjustment programme (SAP) prescriptions in Africa continues to promote the interests of white business, black middle classes and global capital rather than the survival and economic needs of the landless rural poor and working classes. Neo-liberal interpretations of the democratisation process focus on the rule of law rather than restitution issues in land reform discourses. The result of this is to protect minority land rights over those of the indigenous and majority rural poor. Yet pressures for redistributive land reform seem to grow as rural differentiation increases and various social classes compete for land.

Even after extensive land reforms, the emerging Zimbabwean agrarian structure, based on the class origins of those who gained access to land, has been a source of differential class-based land holdings, mirroring the generalised forms of class-based inequities in land and related control of resources found elsewhere in Africa. Expanded re-peasantisation has been a dominant phenomenon under the Fast-Track Land 00 (Moyo and Yeros 2004).

The new petty commodity producers now amount to about 1.3 million families, and account for 93.7 percent of total new farming establishments, with about 138,000 small holders having been provided with 56 percent of the newly acquired land. The large majority of the beneficiaries are peasants originating directly from communal areas. This process has combined with a renewed 'merchant path' of urban professionals, petty bourgeois, and bureaucrats, amounting to 19,260 small, middle, and large farmers, gaining about 38 percent of the land (*ibid*). Urbanites also gained from the A1 settlement scheme intended for the crowded peasants and landless in general, with approximately 20 percent of the total redistributed land having been allocated to them. However, the land reform process downsized and retained 1,323 white large-scale commercial farms. War veterans received less land than originally targeted (20 percent of the land), while women received less than 15 percent in their own right. Since by the end of 2003, about 20 percent of the ten million hectares acquired had not yet been allocated, due to various land allocation bottlenecks and settler conflicts, the full class-based impact of land access are yet to be seen.

The expanded peasantry can be expected to maintain the dual semi-proletarian income strategy of petty commodity production and wage labour, especially as differentiation proceeds (*ibid*). Class differentiation among the peasantry, driven *inter alia* by agro-ecological variation, off-farm incomes, local political power and access to differential land sizes, is expected to continue, alongside the operation of informal land markets in the customary tenure areas (*ibid*). 'Small farming capitalists' who possess below fifty hectares historically comprise below 10 percent of the peasantry and employ substantial non-family labour from other peasants and the remaining landless, increasing their political significance in the farmers' lobby. These differ from the old and new middle agrarian capitalists with up to 150 hectares, with whom they compete in the accumulation process, given their better access to other means of production (credit and technology), to contacts and information, and to the policy-making process itself (*ibid*). New 'large capitalist' farms (black and white) which range in size from 150 to 1,500 hectares, depending on natural region, enjoy even better access to economic and political resources.

Critically, these capitalist farmers all pay farm wages that are well below the current poverty datum line (Kanyenze cited by MDC, 2004), and procure the labour from former LSCF workers, unemployed relatives from communal area households, and the growing unemployed urban workers. These differentiation processes accompany wider class and intra-elite struggles for accumulation through the control of policy in general, financial mechanisms, infrastructure and water, and lead to the consolidation of new land concentration and labour exploitation tendencies.

For example, the experience of post independence Nigeria regarding agrarian development strategy and land policy has had the effect of promoting pervasive commodification of land, which hitherto was regarded as communal property. The attendant land grabbing has led to a decline in the proportion of land available to the smallholding peasantry. Indeed, it has led to peasants being manipulated by urban and local 'big wigs' pitted against one another in the struggle for land (Egwu 1998). Thus the rising spectre of violent conflicts in Nigeria's rural setting (see Box 3-1) lends credence to the argument that ethnic identity is always mobilised in causes whose real utility can only be conceived in class terms (Darrow 1974 cited by Oyugi 1998; Sklar 1967 cited by Osaghae 1998).

In Kenya, colonial land injustices and contemporary land policies have had far-reaching and varying effects on the control and access to land by the majority of the people. Increasingly, land ownership patterns are derived from endowments arising from class differentiation strategies, which emerged in the colonial era (Lumumba and Kanyinga 2003), and have led to growing landlessness. Thus 20 percent of the Kenyan population own over 50 percent of the arable land, while the rest own on average just one acre, and 13 percent are landless, or do not have any binding rights over land, and are referred to as 'squatters', 'trespassers' or 'adverse possessors' (Ibid). The Swynnerton land tenure reform plan in the colonial era led to a markedly skewed distribution of land, with chiefs, loyalists, and the wealthy acquiring more land than others, while the lower social groups lost considerable amounts of land.

This has generated continued post-colonial land disputes based on decreased tenure security amongst the majority (Haugerud 1983, 1989; Shipton 1988; Fleuret 1988; Mackenzie 1990), and has led to open abuse of land allocations by those involved in defining the existing structure of land rights.



### Box 3-1: Case study of the Mambila Plateau

The Mambila plateau is naturally endowed; and has attracted both agriculturists and pastoralist (George 1990), and accounts for its mixed ethnic configuration. Ethnic groups include Mambila (believed to be the first settlers), Kaka, Kamba and Banso, as well as Fulani pastoralists and settled Hausa communities. Significantly is occupationally differentiated along ethnic lines. The Mambilas are predominantly peasant farmers, the Fulbe pastoralists, while the Banso and Kamba control commerce. The most significant way in which the socio-economic system influences the emergence of inter-ethnic violence since the 1980s revolves around management of the land. The ecological depletion of the plateau due to widespread sheet erosion and reinforces the dilemma facing the farmers. Thus the changing patterns in land use, occupational differentiation along ethnic lines and demographic change lead to a distinct pattern of social differentiation. Increasing landlessness marginalised the Mambila peasant farmers, vis-à-vis the more prosperous Fulani grazers and the commercially inclined Banso and Kamba. Where the Mambila pursue court adjudication over the conflicts related to land, the pastoralists use their economic power to pervert the course of justice. Ethnic clashes between the Mambilas and other communal groups in the 1980s and the continued tension on the plateau is thus squarely rooted in agrarian matters. The Mambilas have used varied strategies to address their plight, including becoming tenant farmers or migrating to Cameroon or resisting oppression. However most Mambilas have expressed their resistance to oppression and exploitation by violent means, directed to all those perceived as 'strangers' rather than the grazers and urban elite who pose immediate threat to land.' The Mambila political leaders promise their vote use their positions to change in the status quo by redistributing land to the Mambila whose birth right had been denied by aliens'. While the land mass has remained static, the cattle and human populations have increased exponentially, peaking in the 1970s and leading to increased land conflicts and heightened overgrazing with the direct consequences on local economy performance and inter-ethnic relations, as ethnic and occupational boundaries overlap. Landholding on the plateau is heavily skewed against the small holders who constitute 98 percent of the population (Table 2), while the grazers and large estates that account for 1,1 percent of the population control most of the land. Between 1979 and 1989 about 115 individuals and companies had acquired 14,655 hectares of land through the land and Survey Ministry in Yola, an average of 122 hectares per person. Similarly, within the same period, the Sandauna Local Government made a total allocation covering 8,815 hectares an average of 93 hectares per person.

In North Africa, smallholder agriculture has increased in countries like Tunisia and Algeria, a situation that is general, responding inter alia to the growing population; the influence of the Islamic inheritance system; a widespread tradition of partial renting or purchase of agricultural parcels; and government land policies that have failed to reinforce legal provisions prohibiting the subdivision of holdings below an approved minimum size (E1-Ghonemy 1993). In Egypt, small holders constitute almost 96 percent of the total number of agricultural households. In Morocco, where small holdings (of less than five hectares) constitute 69 percent of total holdings (ibid), there is one of the most skewed land tenure situations in North Africa, with 60 percent of the small farmers holding less than 20 percent of the land area, while the top 20 percent hold some 58 percent of the land (Ghimire 2001).

The phenomenon of land scarcities and the differentiation of land holdings reflect, to a large extent, processes of land concentration from below. The more critical route to land concentration arises from 'above', through land policies and land allocation systems which favour elites in both rural and urban areas. For example, since Kenya's land law grants enormous powers of control of land to the President who holds land in trust for the state, the President tends to grant land to a few individuals and corporate interests. This concentration of power over land in the Presidency and the central government has undermined the pressure for the democratisation of land ownership, and has eroded the social bases of popular institutions for regulating land allocations, due to the individualisation of much of the land. This process has affected the majority of the lands utilised by pastoralists who occupy and use over two-thirds of the Kenyan landmass (Ghimire 2001).

**Table 3-3:** Summary of statistics on cattle and human population on the Mambila plateau

Periods	No. of cattle	Human population	Land area (Ha)	No. of divided area & villages	Towns
1930	18,181	-	-	-	-
1949	120,000	-	-	-	-
1963	234,980	95,148	498-500	32	290
1979	450,000	134,256	-	-	-
1989	617,643	169,872	-	-	-

Source: Egwu (1998).

**Table 3-4:** Land use categories on the Plateau, 1976–1990

Type of holding	N. of holders	% of Total population	Total average covered (ha)	% of total covered	Ave Holding (ha)
Small scale holding	51,389	98.90	28,000	7.1	0.53
Grazing land holding	360	0.70	304,500	76.4	890.3
Large estate	210	0.40	23,500	5.9	111.3
Built up area	-	-	250	0.1	-
Degraded area	-	-	37,750	9.4	-
Natural Forests	-	-	4,500	1.1	-
Total	51,959	100.00	398,500	100.00	-

Source: Egwu (1998).

From the early 1990s, pressures for political liberalisation led to the appropriation of government land by political elites at an even a faster pace, as Moi struggled to retain a clientele of loyalists (Ibid). Thus elites appropriated the land in question for their political project against the multi-partyist opposition and resurrected the Majimbo land demand to deflect the multiparty debates. This reactivated demands for territory in the Rift Valley and on the Coast (as happened in the 1960s) and led to ethnic land clashes between members of former KADU groups and the immigrant population in the Rift Valley, and later on at the Coast, where the Mijikenda and up-country Kikuyu and Luo immigrants contended for land. Large groups of Kikuyu families were evicted from the Rift Valley, their titles to land notwithstanding (Lumumba and Kanyinga 2003).

Even in Uganda, post-colonial land reforms led to the accumulation of huge tracts of land in the hands of the politically powerful elite at the expense of the peasantry. All institutions of land governance were later taken over by the state in 1991, leading to the distortion of land distribution by ad hoc land allocation practices and by conflict (Lumumba and Kanyinga 2003).

But these land conflicts reflect wider resource-based conflicts, including competition for grazing and water resources, as well as disputes over community territorial land and district borders. This is the case especially because in large parts of Africa land use is dominated by pastoralism, which is the only economic and social livelihood in various countries. For example in Kenya, physical confrontations have assumed well-organised military forms including: killing people, destroying property and burning houses. Animals are raided

in large numbers – up to over 1,000 livestock in a single raid (Peacenet-Kenya, 2001). The political motivation of such violent land conflicts is a common phenomenon, given the tendency for politicians to manipulate them. For example, in the Rift Valley region of Kenya (covering Trans-mara, Narok, Kajiado, Usin Gishu and Elgeyo Marakwet, Pokot, TransaNzoia, Laikipia and Nakuru North Rift), political violence is associated with the fact that residents are dissatisfied with the existing land tenure policies and the general legal regime responsible for land because it does not clearly address their land rights and land leases (Ibid). Yet at another level, there is evidence of rampant crop theft and crop destruction instigated and executed by rival communities (Ibid).

Thus in general the causes of land concentrations in non-settler Africa include: the grabbing and sale of communal land and favouritism in its allocation; the partisan role of security agents in mediating conflicts; squatting on communal land; the commercialisation of cattle rustling and competition over natural resources such as pastures, water and livestock; and human and wildlife land use conflicts. In many areas political intimidation, including the use of illegal firearms, has become common.

Thus the current differentiated structure and patterns of land holdings in Africa are based upon a unique distribution of demographic features including population, wealth, income, and employment patterns, which define economic and political control. Because groups of indigenous elites and foreign multinational companies benefited from both colonial land re-allocation and from post-independence processes of differential access to land, there has been the dislocation of indigenous populations.

These processes of differential access to land and the growing tendency for unequal structures of land holdings or land concentration have emerged from 'below' and from 'above'. From 'above', land allocation and land reform policies have tended to promote land accumulation by the direct official provision and private 'grabbing' of large land holdings to the elite, while from 'below', processes of local agrarian and power differentiation have encouraged local elites to amass larger land holdings amidst growing land scarcities and landlessness. While unequal land holding structures are not as extreme as in the white settler territories, processes of land concentration on a significant scale can be discerned in Africa.

### **African migrations: Labour, land access and exclusion**

The land question in various settler and non-settler African countries has for decades been defined by rural migrations, both within defined national borders and across them. Various sources of movement, ranging from institution-

alised migrant labour, to 'tenant' farmer migrations notable in west Africa (Nigeria, Ghana and Côte d'Ivoire) as studied by earlier anthropologists (Hill, 1963; Berry 1988) and geographers (Udo 1969) to other voluntary and involuntary migrations (for example, the DRC, Uganda, Mauritania, etc.), have defined settlement and production relations. Access to land and exclusion, through customary usufruct land tenure systems and assimilation processes define recent land struggles and conflicts. The question of the 'native' settler has been interrogated by Mahmood Mamdani (1996), focussing on citizenship and land access and exclusion issues.

In Côte d'Ivoire, conflicts over land, especially in the south (between long-term migrants from the north) are an underlying source of the current political conflict and armed rebellion. Land conflicts emerged when electoral competition led to the questioning of the citizenship, and hence voting, rights of immigrant, in relation to their land and residency rights in the south and west. Attempts to introduce new land tenure and citizenship laws in the late 1990s gave an impetus to land conflict. Policy changes led to the decentralised management of land and natural resources in order to restore decision-making powers to local communities. Legislative reforms promoted the privatisation of land through land registration in open recognition of local rights (Delville 1999).

Migrants in the Côte d'Ivoire, who because of lack of proof of their citizenship and land tenure status can be refused formal land certificates, represent eleven to 45 percent of the population, while the non-Ivorian growers who can expect, at best, the right to rent land, represent between twenty-two and 43 percent of the population. This has diminished the sense of land security among 'successful farmers' in the more productive areas of the country, particularly in the south-west, where young orchards are still maturing and migrant and 'foreign' operators are aggrieved by the new land law (Zalo 2001). This land law also affects the incomes of the indigenous people, who find themselves holders of land title documents that have been withheld from the migrants, and whose production capacities are limited by various technical and financial constraints. This raises the risk of increased inequality emerging within the indigenous populations since holding land title does not automatically lead to increased output and agricultural stability. Furthermore, individual land ownership or access among young operators is currently difficult, especially in western Côte d'Ivoire, and will probably be affected by the new laws (at the cost of intra-family tensions), if land is monopolised, as it seems to be, by elders, given that the new law reinforces gerontocratic parameters of land rights bidding (Ibid).

Thus the land conflicts in Côte d'Ivoire are not new, as they have existed since 1950, although they have taken a more violent form since the 1990s, with the disappearance of the forest, the scarcity of available land for a new generation of growers, and the drastic reduction of the incomes drawn from the urban activities for the large majority of the population originally from rural areas, especially the youth (Zalo 2001). The initial and direct origin of these conflicts is not always a conflict about access to and use of land, but in certain cases it stems from the questioning by the indigenous people of land use rights acquired by the migrants (Zalo 2001).

Settler land expropriation and cheap labour-based commercial agriculture have over the last century also generated extensive problems for the land rights of migrant workers on a sub-regional scale, alongside the lower racial land inequities. The land rights of migrant full-time and seasonal farm workers, especially from Malawi, Mozambique and Zimbabwe, in white commercial farming areas in countries such as South Africa and Zimbabwe, have been seriously abrogated. Both the 'serf-like' labour tenancy system and poor working conditions upheld by the landlords and the 'contestation' of their citizenship rights, given the exclusionary migrant and citizenship laws there, have led to the questioning of their land rights and 'belonging' (see also Geschiere and Nyamnjoh 2000).

Farm workers in settler farming systems tend to present analytical difficulties, given their dual 'identity' as migrant workers (national and foreign) and 'members' of customary tenure area societies as farmers or workers. For example, in Zimbabwe prior to the Fast-Track Land Reform, the large-scale commercial farming sector (LSCF) employed 350,000 workers, of whom 70 percent were of communal-area origin, 50 percent of the total being part-time or seasonal workers. After the Fast-Track Reform, the officially declared 'farm workers' as well as farm workers who gained access to land through communal area land bidding systems, amounted to only about 5 percent (or 8,750) of the total land beneficiaries, although they constitute about 12 percent of the population. A large number of farm workers were stranded (Magaramombe 2003; Chambati and Moyo 2003; Sachikonye 2003), given that not more than 100,000 remained employed in the combined commercial farm sector.

Some of the official discourse focussed either on repatriating such farm workers, in spite of having been in Zimbabwe for over sixty years, or on maintaining them only as workers for new farmers, rather than addressing their land claims in their own right. The land rights of farm workers in terms of their access to residential land and infrastructures on LSCF land and access to small food security plots have for decades been informal and incidental to their pro-

vision of specific labour services to landowners. While a few have been resettled, some were displaced, and many reside on farms without secure land rights. Land reforms should have addressed their demands more effectively, including the demand for pieces of agricultural lands and farm worker residential compounds with the social services they contain. A key unaddressed problem remains: to reduce conflict between settlers and former farm workers and the integration of former farm workers in the farming communities to enhance their 'belonging' and land rights.

Formal labour tenants, who have some farming base in South Africa, amount to approximately 50,000, while about two million families are full and part-time farm workers. Slow land redistribution has forced most of South Africa's rural poor including the black rural landless workers into worsening poverty and frustration over bureaucratic land reforms, as well as worsening working conditions on white commercial farms. Farm workers face continual land evictions, which the state seems unwillingly or unable to stem. There have been gross human rights abuses by white farmers against labour tenants and farm workers. Besides the growing demands by farm worker for access to land, over 1,500 white farmers have been murdered, raising questions about the nature of land politics in South Africa. The re-engineering of labour processes aiming to reduce the status of labour tenants to the even less protected category of 'farm workers' (NLC), and the extent to which farmers as employers and landowners can punish farm workers by expulsion as an ultimate sanction or charge them with trespass notices, demolish their homes and close their access to water taps and natural resources, and bar tenants from rearing livestock, emphasises their insecure or inadequate land rights. This power over labour rests on the constitutional protection of land-lordism and the failure of the market-assisted land reform approach to redistribute land and recognise migrant labourers' land rights.

### **Ethnic and regional differentiation in land control and inequalities**

Colonial and post-independence land policies tended not only to alienate land, albeit on a small scale, but to partition national economies into regional enclaves of growth, with land and resource concentration alongside marginalised regions. The Ugandan colonial state partitioned the country into economic zones, according to which, for example, a large portion of the territory south of Lake Yoga was the designated focus of cash crop growing and industrial activity, while the territory north of Lake Kyoga was designated as a labour reserve. The targeting and enclosure of the current 'mailo' lands for tenure reform was one instrument in this process, and led to land conflict. This partition,

not dictated by development potentials alone, led to economic disparities between the south and the north, and the fragmentation of the society through the colonial economic-cum-administrative policy that divided the civil service and the army largely along ethnic lines. The divide-and-rule policy of using the Baganda as colonial agents in other parts of the country, which rested on so-called 'indirect rule', led to widespread anti-Buganda sentiment (Otunnu and Laloyo n.d.).

In Ethiopia, land conflicts commonly take the shape of 'ethnic' struggles among pastoralist groups competing for the control of grazing lands and water supplies, especially during droughts (Flintan and Tamrat 2002). Such land conflicts escalated following the demarcation of boundaries which fragmented pastoral groups and impeded cross border movements which essentially undermined the viability of customary land and resource-use systems (Ibid). The Haud pastures found in the Ogaden region, for example, have long been a source of conflict between the Ogaden and the Ishaq Somali clans, although earlier competition to control the Haud pastures rarely entailed large loss of life (Ibid). Following the colonial scramble for control of the Horn of Africa, conflicts took a more political nature. The Ogaden, where the Haud pastures are situated, came under Ethiopian control under the 1887 Anglo-Ethiopian Agreement. Since the Ishaq were under British-administered Somaliland and outside Ethiopian territory, the claim to the Haud pastures between the Ogaden and Ishaq clans became an even larger question of territorial dispute (Ibid). These 'ethnic' land conflicts stem from the marginalisation of some regions by a state that monopolises the control of the production and distribution of resources, through favouring some groups, (particularly the highland of Amhara and Tigray ruling elites in Ethiopia) while discriminating against others such as the Oromo or Somali in the south and east (Flintan and Tamrat 2002).

Territorially-based ethnic clashes over land are common also in Kenya, where the Kalenjin and the Maasai have opposed outside settlement of their land, especially by Kikuyu, while the latter assert their national citizenship rights to it (*East Africa Standard*, 1 September 1992 cited by Lumumba 2003). This situation was occasioned by the preferential settlement of the landless Kikuyu under the Land Transfer Scheme started by the colonial government on the eve of independence (Haberson 1973 cited by Oyugi 1998). The government ignored protests over this Scheme, leading the Kalenjin to organise resistance to further settlement, and thereafter culminating in the Nandi-Luhya clashes of the 1980s (Oyugi 1998), in which the mobilisation of ethnic sentiment over ancestral land ownership generated violent conflict (Ibid).



Historically, colonial alliances over the control of land explain some of these land conflicts. The alliance between the British administrators and the Yao elite in Malawi, for example, deepened when the latter were chosen as the instrument for indirect rule:

... with loyal Yao chiefs ruling over docile Nguru workers to further the successes of the European plantation economy and to maintain order. The Yao chiefs... in so doing ... were promoting their own personal and economic power rather than any broadly conceptualized notion of Yao unity or identity. The great majority of Yao-speakers remained Muslim and hence were hostile to the establishment of the sort of Christian schools (Vail and White 1989).

Major African migrations were instigated from the turn of the last century by colonial political and economic restructuring aimed at external extraction, including large and small-scale processes of land alienation which fractured pre-colonial economies and relations of production, and redirected labour recruitment and utilisation processes. The roots of current land inequities and conflicts in Kenya, for instance, where the Luhya, Kisii and the Nilotics had mixed economies whose trading strategies linked them to the Maasai in a political and economic system, can be found in colonial land alienation and labour recruitment processes. Colonial policies, by creating a common politico-administrative centre, had the effect of bringing together all 'tribes' under one central authority, which was divided into local state ethnic administrative enclaves, which confined the 'natives' to reserves. The colonial alienation of land in Nakuru, Laikipia, Nyandarua, Uasin Gishu and Trans-Nozia in what was traditionally Maasiland robbed the Maasi of grazing land, thereby constraining their economic activities. Large-scale land alienation in Kikuyuland engendered squatter farming among the Kikuyu, especially in white-settled areas in the Rift Valley. By 1918, 10 percent of the Kikuyu had become squatters, such that the anti-Kikuyu crusade between the Kalenjin and the Maasai in contemporary Kenya has to be explained partly from this colonial heritage (Oyugi 1998).

In some countries, the spatial re-ordering of villages and family was instrumentalised by the colonialists to consolidate ethnic-based power structures of their choice, and created a framework within which taxes could be collected, migration regulated, and selected land allocation and access strategies pursued to suit their interests. In Malawi for example, during the 1910 period,

... 'Villages' for Yao headmen had to be created from the ethnic soup... [this was because] houses were 'scattered in twos and threes all about the place',

making it difficult to collect taxes and to keep good order generally. The British ordered that houses be 'concentrated' into groups of no fewer than twenty. Many thousands of people had to be relocated, and it was impossible to join four adjacent settlements and appoint a headman without political trouble. The majority of those most directly affected by hut concentration were Nguru, for the power of the newly appointed Yao village headmen to allocate land put all immigrants firmly in their power (Vail and White 1989).

Chiefly control over land effectively made Nguru labour available to the Yao chiefs and headmen on *akapolo* ('slave') terms, just as it had been made available to the European planters through the *thangata* system (Ibid). This colonial government-sponsored political differentiation between Yao chiefs and Nguru commoners had a clear economic foundation, such as the fact that by April 1916, a year after village consolidation had begun, tobacco was being cultivated as a cash crop (Vail and White 1989) in a regionally differentiated agrarian economy and land control structure. Thus, many African social or ethnic conflicts over socio-economic dominance are structured by the unequal control over land and national resources, which are the key source of livelihood and wealth, and of the means to pay for education and hence to attain non-agricultural employment. Such conflicts however vary, depending on the specific histories of land concentration, the farming systems and political economic structures that sustain the resource inequalities.

Access to land even in settler colonial Africa had also been mobilised around 'traditional' ethnic structures, including by urbanites not resident in the jurisdiction in which such land rights are claimed, as part of the response to racial discrimination over land. Nicholas Cope (1990) argues that the

... formation of Inkatha by the Northern Natal petty bourgeoisie was [intended] to enable them to cooperate with rural chiefs in the purchase and development of land: Inkatha was seen as a means through which commercial agriculture could be promoted on land purchased ostensibly by a "tribe", since non-tribal land-buying syndicates had been practically outlawed following the 1913 (Natives Land) Act'.

Albert Luthuli purportedly revived the Groutville Cane Growers' Association and founded the Natal and Zululand Bantu Cane Growers' Association to foster the interests of the small-scale African sugar growers and negotiate on their behalf with millers (Marks 1989). In 1942, when he stood for election to the Native Representative Council with Zulu Society support, his platform included a request to the government for 'more help to the rural community in their

farming operations'; the establishment of 'a Land Bank for Bantus'; improvements in the general status of chiefs and chiefs' courts; the acquisition of land by the government for Africans; local government or councils in 'advanced communities' such as Edendale; the extension of education in rural areas; and 'more civilized salaries for black teachers' (Ibid). These types of struggles over land and over traditional authority regarding land administration continue today (Neocosmos 2003).

The land question in Africa also takes the peculiar shape of the disruption and marginalisation of the collective land and territorial rights of 'indigenous' and ethnic minorities by ethnic majorities, especially in areas remote from central economic enclaves, or where new resource opportunities (oil, diamonds, tourism and ranching) have emerged in recent times. This source of the land question has tended to be underplayed in research, even though it tends to be a common in many countries, such as Kenya, Tanzania, Botswana and in the Sahel zone. For example in Botswana, land problems with ethnic dimensions obtain, although official discourses on land are tempered by the hegemonic neo-liberal paradigm which suggests that there are no substantive differences between key political parties on fundamental questions relating to class-based ownership of the means of production, except around elites quarrels over sharing national resources (Molomo 2003). Yet the land rights of indigenous ethnic groups who are either minorities in size or marginalised by their remote location and 'underdevelopment', tend to be abrogated.

To elaborate, the minority Basarwa, referred to as remote area dwellers in terms of their spatial position and political power, have historically been a servile underclass exploited by dominant Tswana groups and other so-called minority groups as cattle herders and labourers (Molomo 2003). Removed from the major urban centres and gaining limited government rural development and infrastructural facilities, they were recently moved out of the large area in northern Botswana called Central Kalahari Game Reserve (CKGR), in a manner which subverted their land rights and natural resource-based livelihood, in order to expand the national tourist industry. Also large tracts of land over the last thirty years have been cut out of customary lands and given to more than a thousand indigenous elite figures, who now comprise a dominant land controlling class with access to state support for livestock farming at the expense of small-scale pastoralists and agriculturists. While this land expropriation has been done in accordance with the 'rule of law' and in an 'orderly' and 'gradual' manner it is ample empirical evidence of the long-term process of land concentration and scattered land struggles.

Various studies by Shivji (1998a, 1998b, 1999) and others on pastoral land rights in East Africa and the Horn of Africa demonstrate the generally tendency for pastoralists to be displaced from land, and their livelihoods disrupted, fuelling conflicts over access to land, land use contradictions and intensified struggle for water and livestock resources.

### **Foreign control of land: Agriculture, mining and natural resources**

Other forms of important but less widespread marginalisation and inequalities in land include the growing tendencies for land to be concessioned and sold to foreign companies and other entities, in which nationals may or not have shares. A diverse and differentiated structure of land tenure and land use also exists among foreign African and specifically a white population. Racial ownership of land ranges from family landowners to a few white-dominated large companies –most of which are multinational concerns with strong international linkages. Whilst these companies tend to under use most of their land, it is however the nationality and citizenship of large landowners that is mostly contested. In Zimbabwe it is estimated that between 20,000 and 30,000 white Zimbabweans are British and South Africans with dual citizenship.<sup>1</sup> Although the definition of who is indigenous remains contested, including for non-white members of minority groups who are citizens by birth or through naturalisation, absentee land ownership exacerbates feelings against foreign land ownership. In Namibia, corporate ownership of lands hides the influx of foreign landowners, particularly those who are shifting land use from agricultural use to tourism.

Foreign land ownership has a historical and contemporary dimension to it. Past colonial land expropriation tends now to be reinforced by new land concessions to foreign investors. This tends to be complicated socially and politically by the physical absence of many foreign large-scale landowners. Foreign landowners increasingly use stock holding land tenure arrangements for the control of land, especially in the growing eco-tourist industry, thus increasing the globalisation of the region's land question (Moyo 2000). The rural poor are thus marginalised from their own land and their livelihood systems undermined, provoking increasing land struggles.

The market paradigm shift of the 1980s saw new waves of migration by white large farmers into Zambia, Mozambique and Democratic Republic of Congo. This migration encouraged by neo-liberal investment policies has led to increased foreign land ownership in many countries, and pressures for increased private land tenure property regimes in order to protect investments. The agricultural sector has been a prime target of such investment through

lucrative incentives provided for foreign investment, especially in export processing zones.

In most countries, multinational companies have been the predominant force in the unequal control of land, which is held for various uses such as agriculture, mining, oilfields, forest and wildlife domains, thus entrenching an important international dimension on the land question. While some countries in Africa have low white settler populations, it is the increasing control of large swathes of land and natural resources by multinational conglomerates in countries such as Nigeria, Tanzania, Mozambique, the DRC, and Cameroon that has created new forms of land and resource conflict (Mkandawire 2002).

This trend of growing land concentration is quite common throughout Africa. For example, an increased privatisation of state lands in Mozambique, as part of the foreign investment drive, has crowded out the poor onto the worst lands. This has created grounds for incipient racial animosity, as foreigners and white South Africans tend to dominate this investment.

Although some specific land policies forbid foreign ownership of land, incentives and other mechanisms have been put in place to allow foreigners access to land for commercial production. For example, there has been a dramatic shift of policy in Tanzania in relation to the right of foreigners to access land, and foreigners can now access land for a lease period that can go up to 99 years, subject to the foreign investor entering into a joint venture with locals, as represented by the village government or the village cooperative society (Shivji, 1998). Thus, land has been alienated to hoteliers for the purposes of tourism in or around national parks and on prime beach sites, exclusive hunting rights were granted to foreign investors, land has been alienated to breeders of exotic birds, cultivators of flowers, and miners of gems, and for projects for game ranching, game cropping and cattle ranches.

In a variety of African countries, state-based control and distribution of mineral resources and related rents and services have been a key source for land control and wealth differentials. Struggles over such resource control are most notable in Nigeria, Cameroon, Angola, Sudan, DRC and South Africa. The discovery and exploitation of oil has become the major source of post-independence conflict in Sudan, with the government annexing oil-bearing lands to the north of Sudan within a unitary state created in opposition to southerners (Goldsmith et al. 2002), while the southerners consider the oil their own. Thus access to, and control of the oil fields and the petroleum wealth, is critical to the financing of the Sudanese civil war (Ibid).

However the major land conflicts occur in those African countries and within those regions of high mineral potential. For example, the best soils and miner-

als resources of the DRC tend to be located in periphery of the country, hence the distribution of population and conflict in these border zones. For instance the Kivu province,

... which have been under rebel control during 1998-2002, ranks among the most productive regions in Africa. The region is indeed a critical supplier of water, energy, food and arable land. Most farmers can yield up to three harvests a year... [and] would... probably be in a better shape had it not been known for its minerals (including coltan), as it has now become the target of extensive, though illegal, natural resource exploitation within the framework of a wider conflict system involving a myriad of actors and interest (Moyroud and Katanga 2002).

The complex manner in which national and international alliances over mineral resource and hence land control gains dramatic expression in the DRC as well as in the Niger Delta region, bringing into question federalism and ethnic balancing strategies of nation building and of the allocation of resources.

The continued importance of external neo-colonial forces in fostering unequal land and resource control, including exclusion and conflict, tends however to be underplayed by dominant discourses which instead focus on 'internalist' perspectives. The latter tend to argue that African primordial and 'atomistic' tendencies are central to the socio-political implosion and conflict in Africa, thus essentialising weak governance systems. While internal mobilisation of land ownership concentration is critical, external factors remain central to the genesis and reproduction of this trend.

For example, in the Kivu region of the DRC, sub-regional or neighbouring state interventions have for long attempted to shape ethnic dominance patterns there through regional armed conflict (Moyroud and Katanga 2002).

Thus

... during the early 1990s a number of clashes had occurred along the eastern border between Zaire, Rwanda, Burundi and Uganda, primarily between communities of Tutsi origin (Banyamulenge) resident in the DRC and local communities of other ethnic origins but the DRC internal conflict dynamics were reinforced by the influx of the large number of Rwandan refugees and armed Hutus, exacerbating tension between Hutus and Tutsis of south of Kivu (Ibid).

Many localised conflicts between various communities (such as the Hema, the Lendu and the Ngiti in the Orientale province) also emerged. The attempted restrictions on the people of Tutsi descent - who had lived in the DRC for generations - acted as a major trigger, setting off events that provided the opportunity to recruit an armed rebel movement that galvanised the Tutsis and

other groups in opposition to Mobutu's and later Kabila's government in Kinshasa (Ibid), with the support of the Rwandan and Ugandan state. This escalation and regionalisation of conflict and polarisation in the central Africa region became a source of ethnic and inter-state mobilisation of control over access to and use of mineral and other resources. Countries which supported the DRC (Angola and Zimbabwe in particular) became part of this conflict, revolving in part around foreign resource extraction and trade. Similar processes of internal and external resource struggles were found in Angola, Sierra Leone and Liberia, where the mobilisation rebellions have been financed by mineral and resources exploitation (diamonds, timber etc), and in which international trade has been critical.

Spurring increased concentrations of land in Africa, indigenous white and black elites and foreign owners combine in capital accumulation in agriculture, forestry, tourism and expanding urban real estate. The recent land concentration among national elites, to the exclusion of the poor and 'remote' communities, has tended to generate increased inter-elite conflict. At the same time, conflicts between domestic elites and foreign owners have caused contradictions for official policies. Aimed at developing agrarian capitalism and tourism, these policies are increasingly pushed in the direction of export-oriented land use. Perhaps because foreign land ownership concentration and struggles in countries such as Zambia, Botswana and Malawi have been less dramatically implemented than has been the case in the Zimbabwe land transfer process in recent times, the former phenomenon has received little attention in African and international debates on the land question.

The expansion of unequal land distribution structures in Africa, tied to evolving global markets, begs many questions about the consistency of international neo-liberal development strategy, and its governance concerns over land reform, including the emergent black agrarian 'crony' elite in Zimbabwe. Ironically, one of the major impacts of Zimbabwe's land expropriation has been the translocation of large-scale white farmers from Zimbabwe to various countries in the region, including to Mozambique (Kanyongolo 2004), Zambia, Tanzania and even as far as Uganda. Some of this relocation has apparently been facilitated by international finance, and also by domestic forces which provide cheap land leaseholds, subsidised operating and investment capital, and cheap labour (Moyo, forthcoming). The further regional impact of both the white farmer relocations and the production fall in Zimbabwe includes an incipient restructured regional agricultural production and trade pattern (ibid). Zimbabwe farm products such as milk, poultry, tobacco, sugar and seeds have found themselves in regional markets in search of payment in foreign exchange, while the

production of tobacco, horticulture and even maize by former Zimbabwe farmers has been on the increase in Malawi, Mozambique and Zambia.

The increased privatisation of state lands as part of the foreign investment drive has crowded out the poor on to the worst lands. In Mozambique, although all land belongs constitutionally to the state, 'privatisation' of land started in 1984 as part of the implementation of the structural adjustment programmes. This has created the ground for racial animosity as foreigners and white South Africans tend to dominate this investment, as do former white residents of Zimbabwe.<sup>2</sup> Mozambican officials have called for greater social integration of in-coming white farmers to avoid the creation of 'white islands' where commercial development outpaces that of the indigenous population which surrounds these new settlers.

## **Unequal land rights, discriminatory tenure systems and land market concentration**

### **Introductory remarks**

Contemporary land tenure systems, whether founded on customary systems of regulation (in law or administration) or in statutory formal systems, are embedded in unequal and discriminatory power structures and procedures. These allocate land unequally on the basis of class, gender, ethnicity and other forms of social hierarchy. The growing tendency for African land tenure systems to promote the concentration of unequal land holdings has generated discriminatory and insecure tenure in the various land tenure regimes and has provoked land conflicts and struggles, which in the last four decades has been reinforced by the emergence of inadequately regulated land markets.

By commodifying land through land tenure and land administrative reform, the concentration of land along class hierarchies has tended to speed up land alienation and marginalise the rural and urban poor in terms of their residential and production livelihood needs. More critically, land tenure reforms have weakened the capacity of the poor and of local administrative systems to protect local land rights or to resist neo-liberal policies which act against the interests of local food security and local accumulation. Attempts to spread freehold land tenure systems across customary land tenure regimes have tended to originate from central state initiatives, promoted by elites and international finance capital, and through this to consolidate the powers of the elite and official bureaucratic influence over land allocation and adjudication systems.

One of the critical land questions which confronts Africa today therefore is the way in which land tenure policy reforms, driven by a neo liberal frame-



work of governance, including the current focus on decentralising the African state, have shifted the balance of power and social control of land and resource allocation between the central elites and local power structures. Indeed the promotion of specific forms of land administration systems, including that of civil society organisational participation in local land and development administration, has tended to accompany advocacy for formal statutory land titling and 'modernised' land administrative structures. In contrast to this trend, the majority of rural Africans gain their land on the basis of customary rights rooted in notions of 'community' and kinship, and through derived rights, including a series of informal contractual relations (such as sharecropping) with those who hold primary rights. Yet while the African state has demonstrated a predisposition towards promoting statutory land tenure systems, in very few cases has it demonstrated the capacity to comprehensively reform land administration in this way, let alone impose full control of land tenure practices in most rural and some peri-urban areas.

A related land question arising from land tenure and distribution changes in Africa is the extent to which existing systems of adjudicating land disputes have been able to resolve the current and past land problems which arise where multiple tenure regimes have emerged and where land inequities have grown. In most African countries, the legal framework for land adjudications has tended to be biased towards the market and the state (Shivji et al., 1998). Land courts remain elitist and western in orientation and are inaccessible to the victims of past and present violations of land rights, especially where indigenous and 'local' land has been expropriated or undermined. Yet unresolved conflicts over land and other natural resources undermine the capacity of the poor to produce their own food, to contest successfully the management of natural resources, and to fairly allocate land rights in the family and the community within a framework of gender-based equity.

The extent to which land tenure reforms serve to manipulate local governance and central political systems is discussed further in section 5.0. This section examines the changing land tenure regimes and their impact on provoking various land questions whose historical and social character are specifically, if not uniquely, African.

### **African land tenure systems: Customary, tenure and landed property rights**

The central land tenure problem in Africa revolves around resistance and collaboration struggles over the imposition of land management institutions and rules, during both the colonial and the post-independence eras. The upshot

has been the diminution of access to land and of security of tenure among a growing majority of citizens. Land tenure consists of the social relations established around the control and use of land. Land tenure systems and their sets of tenure relations are interwoven and related to other societal structures and institutions, including economic as well as family structures, with their marriage and inheritance practices (Lastarria-Cornhiel 2002). Land tenure systems have thus increasingly been a site of contested power and accumulation.

Historically, the genesis of land tenure reforms in Africa was established through conquest by Europeans seeking to extract resources and dominate the polity. However, the diversity of the historical colonial experience means that land tenure systems and problems vary considerably, albeit with some commonalities. Alongside a growing scarcity of arable land, the denial of access to land and natural resources for the majority by landlords and the colonial and post-independence states, through tenure systems and laws, shapes the common legacy of insecure and discriminatory land tenure systems. An understanding of the land tenure systems that obtained in the pre-colonial states and the transformation process they underwent as a result of colonialism is critical to our appreciation of the land tenure conflicts that obtain today. Colonialism introduced new dimensions in the forms of land ownership, land title, and management, as well as to the rights and responsibilities related to land and natural resources. Africa was colonised through a combination of military conquest, unjust treaties (Mamdani 1996; Berry 1993), and unequal trade and development. But the unique feature of its colonialism is that it defined land as a superimposed statutory and private value on prior land tenure systems.

According to Cheater (1988), the colonial powers initiated and nurtured the notion of customary tenure with three key distortions. First, the notion of community rights became so one-sided that it was not in agreement with the concept of individual rights. Second, the definition of customary authorities who would exercise the right to allocate community land for household use mixed up ritual powers with proprietary rights. Third, another serious distortion was the identification of the community with the tribe – and hence all migrants who did not belong to the particular tribe were viewed as strangers with no traditional right to land (*ibid*). These distortions were however contrary to the practices that had prevailed in pre-colonial African societies. Instead, status and wealth accrued to those who could attract dependents or followers, and strangers were welcomed (see also Mamdani 1996). This process would lead to social relationships developing by way of marriage and settlement, contributing to the prestige and often the labour force of heads of household and kin group multi-ethnic communities (*Ibid*).

The current land tenure complexities are based upon administrative and resource rights systems imposed during the colonial period, and confounded by the emergence of rural markets as well as the commoditisation of natural resources. Colonialism in Africa defined land as a communal and customary possession (Mamdani 1996). Thus, customary tenure was related to both personal relations (marriage, succession, movement) and access to productive resources (land). But colonial custom was not voluntary or socially sanctioned. It was enforced by colonial governments in order to tighten the control of the colonial state on the natives, through what Mamdani (1996) calls containerisation of the subject population.

Since indigenous black populations were seen as ignorant of land ownership concepts, the colonial state alienated land to white settlers on the basis of freehold tenure and thereby gave virtual absolute ownership to them with the greatest bundle of rights (Ibid). The expropriated population was then settled on the worst lands and governed by administrative discretion while land rights were held in trust by a state body justified by colonial paternalist ideology (Ibid). Customary laws as modified by the colonial state governed relations among the indigenous communities themselves. Thus at independence most African countries inherited a dual, unequal and hierarchical system of land tenure in which freehold and leasehold land rights were treated as superior to customary land rights (Shivji et al. 1998; Moyo 1998). This remains a dilemma that most land tenure reform initiatives face.

Contrary to indigenous tradition, since colonial times Africans living in areas under 'customary systems' have tended to occupy land by the permission of the state, which was the ultimate owner or the holder of radical title (Shivji, Ibid). Their occupation and use of land was controlled by criminal law and sanctions, and they had no legally entrenched rights, in contrast to the state as an owner and in contrast to those holding land under received law. Among themselves, they were allowed to continue to relate to each other under the customary law that also governed their land relations and tenure but, whenever the state so desired, the permission to occupy and use land could be withdrawn by administrative fiat (including forced removals) and African lands appropriated without resort to law. Thus customary law tenure was insecure and fragile, and was presented and perceived as such. Within weak and fragile customary land rights there were further inequalities and inequities. Constructed in the shadow of colonial power structures and struggles, the real practices of customary law perverted its supposed original content which was based on harmonious and fairly homogenous communities.

In reality, the 'community' is differentiated along class, social, and gender lines. It reproduces the unequal and inequitable access to and use of land, most particularly for women. The imposed ownership and inheritance rules discriminated against women and weaker ethnic minorities. Furthermore, in most countries, customary lands are essentially state land, managed on behalf of clans and cannot be transferred through the market system.

In post-independence Tanzania, the land laws which were inherited from colonial times reinforced the perception that all land not occupied under granted rights of occupancy (right to use and occupy land for a specified period up to 99 years) were 'public lands' at the disposal of the President (Shivji 1998). Customary occupiers occupied such land not as a matter of legal right, but at the discretion of the President (Ibid). Outside of freehold systems, access to land in Africa varies between men and women, including the social classifications of women, for example, married and unmarried. Access may also overlap, a situation that often leads to the development of conflicts over the land and other natural resources. The discriminatory role of customary tenure along social and gender lines is a direct product of colonial manipulation, given the distortions of custom that came with conquest (Ibid).

The myths regarding the effects of insecurity in communal systems of tenure were extended to them being the basic cause of land degradation. These myths also served to justify private or state land ownership. However the boundaries designed for the native reserves made it impossible for people to acquire land rights elsewhere. By 'halting migrations into frontier lands' pressure was added to the land carrying-capacity which the 'uncolonised' African customary tenure practice of out-migration had easily addressed whenever there was a population increase or shortage of land' (Okoth-Ogendo 1996). Moreover, state or privately owned land is just as degraded of its natural resources.

The current vogue in land reform of establishing land committees and assemblies faces the danger of creating essentially statutory bodies, perceived as an extension of the state. In doing so, the main source of land tenure insecurity, state land expropriation, is retained (Shivji 1996). By granting land titles to these quasi-state institutions, direct land expropriation by the state is effected and existing customary tenure abolished, and replaced by statutory tenure (Ibid). These land tenure reforms also gave rise to the problem of dealing with the existing deemed rights of the villagers to village lands before village titling was implemented. Establishing this system was at any rate very costly as it involved the processes of land conflict adjudication, cadastral surveys and

formal land demarcations, all involving numerous technical contracts and the titling and registration of ownership (Ibid).

Changes in land tenure in the transition to a market economy and imposed land tenure reforms modify the concept of property from control of wealth based upon social, cultural, and use values (for example, to provide food and shelter), to the ownership of material and marketable goods. As a consequence, customary societies find it more difficult to enforce their rules and practices of allocating community resources based on the need to provide resources to community households for their welfare and sustenance. Thus customary norms and practices adapt to these changes, often at the cost of those groups such as women and minority ethnic persons who are considered secondary members of the community (Lastarria-Cornhiel 2002).

What is customary, what is tradition, and what are society's values and norms are of course always changing. Customary norms are selectively practised to benefit those who are in authority or who are powerful (Ibid). The overlapping rights over a particular land parcel that exist under customary tenure become extinguished, and the main primary holder of rights increases his prerogatives at the expense of secondary rights holders (Ibid). It would appear that some market economy values and practices are more readily adopted than others, and often the greatest resistance is to the recognition of social equity, particularly gender equity (Ibid). For example, the family head may adopt the practice that family land under his control is his individual private property, but he may still hold the cultural norm that women are of lower status and therefore do not own land (Lastarria-Cornhiel 2002).

Two significant political economic processes confound this land tenurial complexity: namely, increased population density, and commercial agriculture. These processes result in land scarcity and competition for land, and in increasing levels of individualisation of land rights. When land is not a scarce resource, long-term rights to a particular parcel of land are neither rational nor necessary (Ibid). Land scarcity reduces the prospects for land rotation while the community has less land to allocate to newly formed households. Nomadic pastoralism and transhumance have become the most constrained in this way in East and West Africa. As a result, the trend is for families to enforce more sedentary and intensive agricultural and livestock grazing practices. Thus, land becomes valuable and families identify with and seek long-term control rights over specific land parcels (Ibid).

The African land tenure systems have as a result been confronted by the combination of demographic pressure and related land scarcity, with artificially created land scarcities arising from the expropriation of customary lands

by the state and elites seeking to expand commercial farming and to impose markets in land market.

But these land tenurial and distributional deprivations have yet to be fully incorporated in current democracy and governance discourses. Land rights have not quite been perceived as being embedded within the broad spectrum of human rights or social rights, such as the right to food and to life (Moyo 2001). In Africa, such rights are to be sought from access to or control of land as the foremost means of social and economic reproduction. Rural livelihoods are dependent on having a secure place to live, free from the threat of eviction and with access to productive land and natural resources. Land tenure reforms which do not guarantee such basic living conditions are not only meaningless but confound Africa's land question, as seen in land conflicts in various African localities. A major dimension of these land problems lies in the gender relations of both land tenure and land distribution. This process shapes the contestations over land tenure reforms, land privatisation and evolution of land markets.

In customary land tenure, individual rights to land are derived from their relationship to other persons in the household and community, as these in turn are determined and shaped by societal institutions (Ibid). From an institutional perspective, land tenure consists of land rights and the institutions that determine, administer, regulate, and enforce those rights. Within that perspective, as important as determining to whom land belongs, is determining who has what specific rights to a given piece of land, particularly the rights of allocation, use, transfer, and reversion (Ibid).

Generically in customary tenure regimes, the community chief or lineage head is considered the ultimate custodian of community land. But all households belonging to the community have recognised rights to this land and other natural resources. The degree of control and management that community leaders enjoy over land and resources, and therefore the control that individuals hold, varies considerably across customary systems (Ibid). Rights for individuals and families vary from discrete temporary uses such as gathering natural resources in communal forests, grazing on communal pastures, cultivating a specific field for one or several seasons, to permanent control over a piece of land or other resource for cultivation and passing on to heirs (Lastarria-Cornhiel 2002).

In West Africa, unlike other regions, existing land problems have less to do with past land expropriation by settlers than with the insecurity of tenure and the effect this insecurity has on the effective exploitation of land (Toulmin and Longbottom 1997). Under customary law, traditional leaders remain the domi-

nant and de facto land owners. It is through them that community members obtain access to land resources held by them in trust but, once allocated, the land comes under the control of the family in most cases. Whether people would also say that the chief owns the land is questionable. As most West African countries inherited distorted tenure laws from colonial governments, the state assumed greater powers of land ownership at independence, granting itself rights over land sales and leasing. Consequently, customary land tenure practices have been weakened, and are no longer adequately recognised by either the state or rural communities (DFID 1999). Reconciliation of differences in land tenure policies, compounded by the influence of Islamic law, has generally led to more confusion and conflicts between land users (Toulmin and Longbottom 1997). Migration from northern West Africa to the coastal areas has led to the generation of major land tenure conflicts as discussed earlier.

Indigenous land tenure systems are said to be dynamic in nature, and to evolve in response to changes in factor prices (Kiamba 1985; Migot-Adholla et al. 1991). It is argued that there is a spontaneous individualisation of land rights over time which allows families to acquire a broader and more powerful set of transfer and exclusion rights over their land as population pressure and agricultural commercialisation proceeds. Migot-Adholla et al. (1991), citing empirical evidence from rain-fed farming areas in sub-Saharan Africa (Ghana, Rwanda and Kenya), maintain that traditional African tenure systems have been flexible and responsive to changing economic conditions. For instance, where population pressure and commercialisation have increased, these systems have evolved from communal rights to systems of individual rights.

The literature thus suggests that customary systems of tenure in Africa should be permitted to evolve or 'adapt' rather than be replaced by freehold (or other western) systems (Bruce and Migot-Adholla 1994). Barrow and Roth (1990) advocate land privatisation and titling only under circumstances where tenure is already evolving towards individualised holdings. This rationale, which advocates permitting dual (private freehold/customary) tenure systems to continue, is based on the need for land to serve different purposes under different conditions, and is justified by invoking the flexibility of indigenous livelihood strategies as having always been a means of survival in harsh physical and economic environments.

### **Statutory and private land tenure systems:**

#### **The evolution of land markets**

In countries with predominantly customary land tenure systems there is a tendency to high population densities on land regarded as marginal, as for

example around mountainous areas, and on scarce arable land. In fact, in Swaziland and Malawi, the struggle for equitable land ownership invokes the control by traditional leaders over land allocation (Mashinini 2000).

Land as private property in a market economy means private and individualised ownership: the owner is the only person with rights to that land and has the right to exclude everyone from the property; even members of the family. It appears that the concept of ownership of land, as opposed to custodianship or user rights, evolved out of the market economy system based on individualised private property, while in customary tenure societies, the relationship between people and land is not generally one of ownership but of use and stewardship. (Lastarria-Cornhiel 2002).

This process of individualisation has also involved another change in the concept of land rights – primarily a change in the number and types of rights a particular owner holds. The bundle of land rights in any tenure regime consists of three types: use rights, exclusion rights, and transfer rights (Ibid). As individualisation advances, use rights may expand to include other commercial purposes such as planting productive perennials or extracting soil and gravel for sale or other uses. Transfer rights regulate how and to whom the landholder can transfer the land, including giving, bequeathing (whether *inter vivos* or to heirs), renting out, pledging, and selling land to others (Ibid). Under customary tenure, transfer rights tend to be limited to lineage and community members or the community itself, and do not entail commercial transactions, although a symbolic ‘payment’ may be made, since the ability to sell and mortgage land, particularly to outsiders, is generally confined to market economy societies (Lastarria-Cornhiel 2002).

In reality, African tenure reforms created various types of land markets to provide a framework for land disposal between private persons (natural or corporate), without recourse to state bodies, except for purposes of registration and notification of the transactions. Thus transactions in the land market are not absolutely ‘free’, as the state administrative structures retain intermediary functions through the land registry, the land administrative courts, and other entities, which proscribe such land transactions. In land redistribution programmes, different versions of land markets have evolved through systems such as: (i) ‘willing seller-willing buyer’, transfers in which there is no hindrance in land sales; (ii) ‘market-assisted’ land reforms, in which resources are mobilised from the state and donors for land acquisition and settler placement; (iii) ‘market-led’ land reforms, in which the ‘open market’ determines land transfers; (iv) ‘state-led’ market based approaches, in which the state, as the leading buyer of land on the open market, finances both acquisition and



settler placement. However, land markets also vary depending on the form of laws underlying the freehold concept (Roman-Dutch laws as opposed to English common law) and in relation to various land regulatory processes, such as land taxation, land use directives, rules regarding land sizes and environmental management controls.

Lumumba and Kanyinga (2003) observed more critically that the practice in land tenure reforms of 'individualising and titling land' has led to a markedly skewed distribution. The chiefs, the loyalists, and the wealthy acquired more land than others, while the lower social groups lost considerable amounts of land, especially if they did not or could not participate in the adjudication of their rights. Individualising land, its titling and its incumbent conflict resolution processes, has generated more conflict than it can solve, and may have decreased people's security of tenure (Ibid).

In the 1980s, the government in Tanzania introduced village titling in order to encourage investment in land through the perceived security conferred by individualisation. In this system, villages would be given titles of 99 years, and villagers would receive sub-titles ranging from 33 years to 99 years (Shivji 1998). This tenure system was found to be fraught with ambiguities, and was the direct cause of new land conflicts, in spite of the expectation that newly formed institutions such as Village Councils, Land Committees and Village Assemblies in which title to each village were to be vested, would resolve them.

In post-independence Tanzania, therefore, the nationalisation of freehold lands as well as villagisation gave birth to new problems of land conflicts and land tenure insecurity. Land was nationalised through the 1963 Freehold Titles (Conversion and Government Leases) Act, which converted all freehold titles, totalling about one million acres, into 99-year government leaseholds (Bruce 1986; Shivji et al., 1998). The policy of 'villagisation' however was built around promoting communal production, and initially relied on voluntarism and persuasion but later became compulsory. This approach totally disregarded the existing customary land tenure systems, while the future land tenure requirements of the newly established villages were also ignored (Shivji 1998). Villagisation, in effect, meant expropriation of customary rights and the compulsory acquisition of land under customary rights using the colonial land law, inherited at independence. The process reinforced the belief among politicians and bureaucrats that all lands not occupied under granted rights of public occupancy were public lands at the disposal of the state. The relocation of villages and the redrawing of boundaries gave rise to boundary problems that exist to the present day, including extensive litigation aimed at reclaiming lost customary rights (Bruce 1996; Shivji 1998).

As Shipton (1989) points out, the individualisation of land rights in African societies gives individual persons more freedom (or greater exclusivity) to use and administer land. Rights to that land by other persons are denied. This process has been observed by Migot-Adholla et al. (1991) in Ghana, Kenya, and Rwanda where communal rights to land in rain-fed cropping areas have evolved toward more individualised rights in response to increased population pressure and commercial agriculture. Market forces also increase the perception of land as a marketable good, and there was a greater incidence of land transactions between individuals (Ault and Rutman 1979; Berry 1988; Shipton 1989; Bruce and Migot-Adholla 1994).

The question of whether and how land markets determine investment in land, and through this affect productivity and investment, including food security, remains contentious. The combined pressures of population growth and increasing commercialisation of agriculture tend to be seen as the drivers of change from 'communal' tenure systems to an individualised and market-based land tenure system (Bruce 1986). For example, the commercialisation of agriculture that started with colonisation, when commercial crops such as oil palm, cocoa, coffee, cotton, tobacco and others were introduced, tends to be associated with the rise of individualised land tenure and a greater incidence of land transactions (Berry 1984; Bruce 1986; Lawry 1993; Platteau 1992). Yet this imposed individualisation of land rights through freehold tenure was mainly for exclusive allocation to settlers, large multinational corporations (MNCs) and elites, indicating the spuriousness of the argument around productivity, given the attendant biases in state policy and national resource allocations (finance, infrastructure, etc) to these beneficiaries. However, changing rules of inheritance also tended to shift in support of this process.

Land tenure reforms have been a direct instrument in generating land conflicts through new forms of exclusion, as we saw in Côte d'Ivoire and Kenya. Côte d'Ivoire's Rural Land Plan (RLP) pilot project (from 1999–2000) sought to map all existing rights in order to give them legal status. This triggered the questioning of the land rights of long-term immigrants, and led to ethnic divisions alongside the north-south divide of ethnicity and religious difference.

Data from the RLP registration showed that the nature of land tenure arrangements was often unclear in many areas, and in particular that they were not perceived in the same way by the indigenous people and the migrants (Zalo 2001). Given that official documents such as the land certificate and their legal consequences were not adequately disseminated to people, there was uninformed renegotiation of previously conceded land rights (Zalo 2001). Since land is scarce, and is a limiting factor for development because the size of family

agricultural plots is small, the roots of land conflict in Côte d'Ivoire can be more widespread than is understood, given that land distribution is uneven. There are 3,744 traditional large farms and 1,076 modern farms and a number of agro-industrial plantations (palm-tree oil, hévéa, sugarcane and pineapple-banana plantations), but traditional owners of the land are not beneficiaries of the exported products, and do not have access to various goods and services (Zalo 2001). Because in the customary system the value of agricultural land is measured in terms of its development and seldom according to its intrinsic value (i.e. it is not an officially exchangeable good), land cannot be offered as a guarantee to creditors for loans necessary for intensive development, and it is difficult to rent or sell land at a good price. Thus poverty persists among most of the rural population, in contrast to the minority of 'modern' farms (Ibid). Migrants have become the most insecure tenurially, alongside the youth and women.

Apart from the former settler colonies in southern Africa, where expropriated land was converted into private property, formal and informal land markets have been growing in Africa. The increased incidence of land transfers through private purchase tends to be associated with growing or high population pressures and expanded agricultural commercialisation, as observed in a study of sixteen localities in six different countries, namely Kenya, Rwanda, Burundi, Uganda, Malawi and Zambia <sup>3</sup> (Migot-Adholla et al. 1991; Place 1995; Andre and Platteau 1995). Land purchases are considered to be stronger in East Africa than elsewhere (Box 3-2). Such land transactions are said to have a positive impact on the capacity of individual households to mobilise food for their survival from year to year, although evidence also shows that land selling households end up being co-opted into the labour markets and are unable to sustain their livelihoods (Ibid).

The individualisation of property rights and the evolution of land markets in customary land tend to be considered a 'natural' phenomenon in Africa by some scholars. In one example, Migot-Adholla et al. (1991) note that, by 1930 in Machakos (Kenya), customary tenure already recognised private rights, particularly to cultivated land, which could be sold, inherited or loaned.

However, they concluded that there was a very weak relationship between individualisation of land rights and agricultural yields in the regions they studied in Ghana, Rwanda and Kenya. According to them, indigenous tenure institutions, particularly their land rights, do not appear to constrain agricultural productivity, since it is likely that farmers feel sufficiently secure in their ability to continuously cultivate their land, regardless of the land rights category.

### **Box 3-2: Examples of land markets in East and West Africa**

Place (1995) reported that 80 percent of households have purchased land in southwest Uganda. In the same area, the percentage of plots acquired through purchase equals that from inheritance. Roth et al. (1994) found that between 33 percent and 60 percent of land parcels were purchased in southwestern Uganda. Even higher figures are observed in Kenya, Rwanda, Burundi and Somalia. Furthermore, Place found that 16-25 percent of land parcels acquired were bought in three prefectures of Burundi. Also, purchases comprised 18-19 percent of the number of parcels and total farm area in two regions of Kenya (Migot-Acholla et al., 1994). Roth et al. (1994) found that smallholders purchased 31 percent of their parcels and had rented another seven percent in the Stebe Valley in Somalia. Pickney and Kimuyu (1994) found significant land sales among households in the northern Tanzania highlands. The importance of purchasing increased over time in Rwanda, but not necessarily in Kenya. However, there are hardly any sales in Ethiopia because of enforced government policy. Also, complex, indefinite and fixed duration transfer of land (and tree) rights are commonplace in the humid areas of Cameroon, Nigeria, Benin, Ghana, Côte d'Ivoire, and Sierra Leone (Adesina and Chiany 2002; Kallan 1996; Chauveau 2000). The incidence of land market transactions is highest in areas characterised by immigration. Delville et al. (2002) report that about two-thirds of households in the oil palm delta of Ghana had entered into share contracts, while renting was more common than borrowing between relatives in a relatively sparsely populated area (less than 70 persons/km<sup>2</sup>) in north eastern Nigeria. Migot-Adholla et al. (1994) observed that 18 percent of parcels were purchased in a cocoa growing area, while 41 percent were rented or pledged in a very densely populated coastal area in eastern Ghana. Quisumbing et al. (2001) noted that the proportion of land acquired through purchase from individuals was between four and five percent in Ghana, a proportion that is growing with time, while the area acquired through rental markets is as much as 18.8 percent among migrant villagers. Generally land markets are limited in the drier Sahelian countries (e.g. Matlan 1994 for Burkina Faso; Golan 1994 for Senegal).

Source: Place (2002)

The mode of transactions in land that take place in Africa can best be described as involving both market and non-market transfers. Non-market transactions mostly refer to the transfer of land rights through gift, borrowing and the inter-generational mechanism of inheritance. Generally non-market transactions relate to the transfer of land rights in customary tenure systems, and

increasingly the evidence shows a steady development of informal land markets in that sector (Moyo 2000; Place 2002). This is interpreted to mean that non-market transactions have increased the flexibility of customary systems to cope with population pressure, the commercialisation of agriculture and other driving forces (Place 2002).

The main reason why the emergence of land market mechanisms in Africa has been considered desirable is their assumed ability to enhance the search by both buyers and sellers for willing land transactors, including land rentals that involve an exchange of land rights mainly on a spot basis. These mechanisms are not always considered to require formalised arrangements, such as documentation or written contracts, since informal agreements, using indigenous forms of verification or evidence, are considered to work. There are a host of such land purchases and rentals that obtain in Africa, even where transfers of land rights involve non-family or unrelated individuals. Limited duration arrangements include fixed rentals, sharecropping arrangements, pledges, accessing rights over perennial crops without the land, and the use of numerous forms of payment or compensation. Similarly, land sales do not always involve a one-time exchange of cash for complete land rights. Tenancies may evolve into purchases among migrants. Land sales may involve an indefinite transfer of a certain bundle of rights, and compensation may be in the form of in kind gifts rather than cash. However, developing formal land markets in Africa tends to have been accompanied by land registration initiatives, especially during the colonial period.

Land markets that developed under customary tenure exhibit particular tendencies. In Tanzania, land sales in the Sukuma area were identified in the late 1800s (Malcolm 1953). Feder and Noronha (1987) reported that in Sokoto, Nigeria, land market transactions accounted for 30 percent of land holdings (Lunning 1965). Other examples of land markets include the commonality of sales around the Nuba area of Sudan (Roden 1971) and land rental markets in the cocoa areas of Ghana and Côte d'Ivoire (Hill 1963). Furthermore, Barrows and Roth (1990) cited Mukwaya (1953) as reporting that 58 percent of landholders in the Buganda region of central Uganda had purchased land (see also Box 3-3).

The deliberate disposal of assets, including land, is a survival strategy which poor Africans have been forced to adopt in hard times. Land tenure systems which permit outright alienation of land can result in the permanent loss of livelihoods among the distressed poor, where the sale of land is usually at prices below the market value (Watts 1983; Mamdani 1986). Basu (1996) notes that even in contexts where land can be sold, land markets are often inactive

### **Box 3-3: Land sales in central Côte d'Ivoire**

Sales of land according to customary procedures have always taken place, irrespective of their lack of legal recognition. Generally, sales have evolved from the former practice of giving or loaning land. Conflicts in relation to access to land and its control have also been on the increase. For example, younger men are known for contesting the validity of transactions carried out by their elders and demanding that these agreements be revoked. This has led to the loss of authority amongst chiefs de terre and elders, who are now perceived as having profited personally from land sales and rentals at the expense of family inheritance. Thus the youth are challenging the legitimacy of past transactions, especially upon the death of one of the transacting parties. In other situations, there is now a ban imposed by local people on all sales and rental of land to strangers. Political debate and the 1998 rural land law, which does not allow non-Ivorians to own land, have greatly influenced the current land claims debate. As such, indigenous inhabitants are demanding that land formerly sold be considered a rental or loan, which can be called back to the landowner when needed and that it not be inheritable by the children of the migrant farmer. Land transactions have given rise to various forms of conflict, including trespassing beyond the boundaries agreed for a field, selling a plot to two different people, or selling a plot which is not one's property, settling or farming without owner's permission etc. To alleviate such conflicts, paper records of such land transactions evolved from 1970 onwards. People seek, where possible, to record the existence and nature of a transaction, that an agreement has been entered into and their rights to the land. In most cases, the process involves personally measuring and mapping the plot. However, this does not constitute a legal title to land.

Source: Summarised from Delville et al. (2002)

except for distress sales, meaning that land losses maybe irreversible. Carter and Wiebe (1990) note that even under circumstances less severe than famine, poorly endowed, food-insecure households, irrespective of output per unit of land, may be forced to invest more in 'self insurance' (such as maintenance of substantial food reserves or allocation of land to low risk, low return crops such as cassava) rather than investing in the productivity of their agricultural holdings or purchasing land via an active land market.

### **Concluding comment: Land tenure, land productivity and agrarian transition**

These land tenure systems discussed above, and the contradictory efforts to reform them, suggest that the promotion of private land property rights has been a dominant concern of the African state and international finance capital, even though the emergence of land markets has not been as generalised as these agents desired. The general conclusion that can be derived here is that land tenure reforms have tended to be motivated by and directed at promoting or protecting the landed interests of domestic elites and foreign capitalists for expanded access to land for agriculture and natural resource extraction. The details of such state reformist strategies, including both redistributive and tenure reform policies, as well as the social pressures for popular land reform, are discussed further in chapters five and six.

Land tenure reforms have tended to reinforce the land concentration and exclusion processes discussed in the section on 'Land distribution questions', using policy mechanisms which justify open and protected access to land by urban-based elites, state enterprises and infrastructures, and foreign 'investors'. New forms of state-led land leasing and concessioning, freehold land market creation, and the adaptation of customary tenure drove this concentration process. This is what we have called land concentration from 'above'. This process of land concentration escalated after the 1980s alongside the neo-liberalisation of African economies under structural adjustment.

Land tenure reforms have also served to formalise, increase, and protect land concentration from 'below', in a longer term process of the growth of petty commodity production. This entails widespread but not comprehensive change in which local rural agrarian capitalists have emerged locally, and have acquired larger than average tracts of land, based on internal social differentiation processes, which include resource accumulation from land 'grabbing', various state resources, the accumulation of petty agricultural savings, wages and remittances, and other non-farm sources. Local land concentration also entails situations in which traditional leaders, elders and primary indigenous settlers have hoarded larger land parcels of better quality. Here, state land tenure reforms have tended to formally recognise discriminatory customary tenure rules, or to condone their persistent abuse by local elites and local state functionaries, as well to introduce statutory tenure for the benefit of these elites. Both customary and statutory tenures have in this way been used to promote land concentration and exclusion in general.

These land tenure and land distributional changes have tended to marginalise the land rights of the rural poor and their capacity to reproduce themselves is increasingly undermined. Yet the evidence on the extent to which land privatisation and land concentration have promoted improved land productivity and agricultural investment suggests that land individualisation and land markets do not perform better than customary tenures in this regard. The general trend is that land productivity and agricultural investment in agriculture in Africa remains stunted, as is encapsulated by sustained rural poverty, food insecurity and limited technological transformation.

The roots of this stalled agrarian transition need to be further examined, beyond the constraints that are imposed by the property, distributional, and tenure issues discussed so far. We need also to examine how the wider African economic, agricultural, and land use policies are grounded in development strategies, which have distorted land use and agrarian development, and how these problems of land use constitute a critical aspect of Africa's land question in its own right.

### **Agrarian 'transition' in Africa: Land use patterns and distorted growth**

#### **Agrarian capitalism, landed property rights and land use trajectories**

The reform of African land tenure systems and the scattered emergence of land markets reflect wider development processes, particularly the slow growth of agrarian capitalism as opposed to the widespread growth of technologically backward agricultural petty commodity production and the sustained extroversion of agricultural land uses, in a context of semi-proletarianisation. The failed agrarian transition of Africa, in which agricultural transformation and capital accumulation have remained restricted, reflects both the narrow spread of agrarian capitalism as well as the relegation of the majority of the African population to dependence on petty agricultural production for their survival. Conflicts over land rights thus reflect a structural problem of mal-development as well as the contradictions of the evolving land tenure systems, including the emergence of unequal access to land and of tenure insecurity, and ineffective land use policies.

Mkandawire (2002) points out that during the last two decades, there has been an acceleration in the process of commodification of land by African states, and an increase in the class of emerging agrarian capitalists interested in the productive and speculative use of land since independence. Two factors account for the ease and speed with which this process is taking place today, compared to the colonial era. One has been the exploitation by these emergent



capitalists of the usufruct rights they enjoyed in their traditional communities, especially the right to cultivate as much as one wanted of the available land.<sup>4</sup> The presence of these large farmers, who were usually males, was not seen as the alienation of land to foreigners but as a productive use of land by indigenous people dedicated to bringing 'development' to their own village. The extent to which this process has led to increased land productivity and the beneficial use of land is questionable.

This process of land concentration and agrarian accumulation, both from 'above' and 'below', did not require the transfer of land to formalised individualised property, but the manipulation of indigenous land usufruct rights by emergent capitalists using non-traditional processes of land acquisition and the protection of their newly found land rights. There is, for instance, widespread use of access to the state bureaucratic apparatus to purchase 'certificates of land occupancy', as well as the circumvention of both traditional forms of land allocation and the stated objective of new land tenure laws, which is to vest the trusteeship of all land in the state, to ensure its productive use, to maintain equitable access, and to protect the poor. Thus land alienation and individualisation have accompanied expansion of capitalist agriculture, not necessarily because of the pressures of population growth, agricultural intensification and agrarian differentiation from below, but because of the imposition of the modernising tenets of statutory land tenure selectively to support emergent agrarian capitalists, natural resource extraction, and capitalist tourist enterprises.

Thus the process of land commodification and concentration has been facilitated by the repeal or circumvention of traditional land tenure systems by African governments, without them necessarily adopting freehold tenure systems. In many cases the governments have 'nationalised' land both from large foreign capitalist landholders and from small-scale communal owners.<sup>5</sup> African governments use their moral edge over colonialists, based both on 'nationalist' and 'developmentalist' ideologies, to justify the state's national control of land and natural resources for the 'public good', as opposed to the interests of narrow ethnic or social groups. In addition, the neo-liberal ideological stance, underlying African structural adjustment policies, encourages the 'freeing' of land from traditional ties, so that the 'open market' allocates land to purportedly<sup>6</sup> more efficient land users.

Neoclassical and institutional theorists (Platteau 1996; Berry 1993; North 1990; Ostrom 1990) have argued in this context that land markets should be encouraged to evolve naturally on the grounds that an incipient land market exists in Africa, rather than being suppressed by the post-independence state.

They argue that land markets would not impoverish many since it is the most inefficient farmers who are forced out of agriculture by an active land market, and that these would at any rate be incorporated into the money economy. However, as we saw earlier in most instances, it is the poorest, the least endowed, and therefore the most food-insecure farmers who tend to be forced to sell their land in bad times. Displacing such farmers may not be efficient, since land concentration among agrarian capitalists can be 'inefficient', given that the relationship between farm size and productivity indicates that small farmers tend to be more efficient in terms of output per unit of inputs and total factor productivity (Weiner et al., 1985; Binswanger 1993; Roth 1990; Von Blackenburg 1994). Second, the labour market outside agriculture is based upon below-subsistence incomes (Arrighi 1973), and is unreliable, given its many risks, including retrenchments and redundancy. The evidence suggests that the rural poor seek non-farm jobs alongside their petty farming activities because the wage (even adjusted for the probability of finding a job), while greater than in peasant agricultural labour in some circumstances, is not adequate for the total social reproduction of most households.

Initially the multilateral institutions, in their quest to provide a cure for Africa's agrarian crisis, considered the commodification of land to be an important ingredient in its adjustment programmes, and invested heavily in land tenure reform. Many African governments, aware of the potential political dangers of massive land alienation through titling, acted cautiously (Moyo 2000; Mkandawire 2002), but often devised ways of circumventing some of the traditional constraints on the commodification of land. But the World Bank tended to view this as either unnecessary prevarication or as evidence of statism (World Bank 1995). This perspective has since been abandoned by most development agencies in favour of the thesis of evolutionary land markets, operating in tandem with the growth of other factor markets.

Two assumptions underlie the expectations that an evolution towards land markets will occur. One is that evolving factor endowments must not only lead to changes in property rights but must also induce technical change resulting in 'autonomous intensification' and, therefore, better performance in African agriculture. The second is that this process would produce the best possible property relations in terms of the efficient allocation of land rights, without causing social conflict over distributional issues. Yet nowhere in the history of agrarian capitalism and the agrarian 'transition', has 'modernised', and technologically advanced, capitalist farming emerged without extensive state subsidies or support to farmers for the acquisition of land, technology and other inputs, as well as the protection of agricultural markets and related

industries. The opposite of this situation was proposed by structural adjustment programmes in Africa, and the result has been a failed agrarian transition characterised by increased food imports and aid dependence, and the persistence of the export of primary goods at declining secular terms of trade (see also Patriak 1999; Sen 2004).

Subsidies to agriculture in the USA and the EU through agricultural and trade measures emphasise how it is state intervention and not natural evolution which defines the trajectory of agrarian capitalism, both in the terms of land markets it sustains and the direction of agricultural 'development'. The SAP approach to the liberal development of agrarian markets in Africa was, in a sense, a double jeopardy which led both to the failure to develop agrarian capitalists (Mkandawire 2002), and to the demise of the peasantry. This experience is reminiscent of the colonial governments' promotion of technologically backward peasant dominated agriculture in much of 'non-settler' Africa (Ibid), and the institutionalised promotion of a narrow and racially discriminatory agrarian capitalism, while destroying the peasantry in settler Africa.

The alternative project of developing mass-based agricultural production, using small farmers, continues to be considered a pipe dream by neo-Stalinists and pro-large farmer theorists, such as Sender and Johnston (2004), using recent evidence from redistributive land reform in South Africa. In the context of the self-fulfilling 'successes' of large white farmers in Zimbabwe, Namibia and South Africa, where land redistribution and agricultural policies have systematically undermined the peasantry, it might be too early to write off small farmers in Africa's development project. Nor does it help the debate to label negatively as 'peasantist' the search for land and agrarian reform based on small peasants and semi-proletarians, as does Bernstein (2004), who also wrongly argues that under contemporary 'globalisation we are witnessing changes which predict the "end of land reform"'. The theoretical conceptualisation by Bernstein (Ibid) which argues that there is a resolution of the 'agrarian question of capital' in the 'north', while admitting the existence of an 'agrarian question of labour' in the 'south', is in fact unsound, because it assumes falsely the separation of capital from labour, and the north from the south in an agrarian question which is actually global, but unequally dominated by capital, trade regulation, and subsidies in the north. That perspective also fails to appreciate the actually existing African land and agrarian questions that are tied to exploitative trade and financial relations with the north, as this volume shows. Most critical is the way development and land policies have undermined the agrarian transition in Africa, while retaining perverse

commodity exports based on unequal land and wider resources distributions, as we argue below.

### **Extroverted land use policies and discriminatory land use regulations**

A long standing land question, which has confronted the African continent since colonial and post-independence times, and in the last two and half decades of imposed neo-liberal orthodoxy, is the manner in which development policies, including macro-economic incentives and public allocations, agricultural incentives and public allocations and land use regulations have directed the use of land in ways which are not beneficial for national development and which favour distorted accumulation by a small elite and foreign capital. The productive purposes of land use, including the types of commodities produced and their trade and domestic benefits, and the levels of productivity promoted by these policies, have tended to remain extroverted.

Low levels of land use intensities, because of the poor adoption of land and labour productivity-enhancing technologies, (including various inputs – seeds, fertilizers, water and machinery) and low agricultural wages, are key features of current land use patterns. The ‘profitability’ of farming has tended to be low because of negative policies such as ineffective agricultural input and output market regulation and pricing systems, the low levels of state subsidies to agricultural land uses which target domestic market needs, and the perpetuation of agricultural trade patterns which are based upon commodities which continue to face declining terms of trade, while permitting the dumping of cheap agricultural commodities derived from the ‘north’, given their subsidy and trade protection systems.

Together these policies have contributed to the decline of African agriculture by reducing the levels of private agrarian capital accumulation and state revenues from agricultural growth. In this way they restrict the scope for internally generated agricultural finance and credit, investments and subsidies. These development policies perpetuate ‘backward’ agricultural techniques, restrict the accumulation of agrarian surplus, limit food security, and enhance the disarticulation of its predominantly external-oriented and non-industrial economies. Moreover in a very direct way, low land use intensities and low income and consumption returns to land use per hectare, as well as the poor quality of and returns to labour applied, exacerbate the scarcity of available productive lands by maintaining extensive or land consuming land use practices. The African land use problem is also related to poor land productivity, derived from the effects that unequal land distribution and discriminatory land

tenure policies bring to the productive use of land by these increasingly marginalised and food-insecure poor people. Thus African land use policies, including economic and agricultural policy incentives, and land use regulation, reinforce not only the distorted agrarian transition and inefficient land uses, but also unequal land distribution and discriminatory land tenure patterns.

Land use policies currently undervalue land, largely by allocating land and related resources to commodities with poor returns and domestic linkages. This reflects the external co-option of the policies of the neo-colonial or neo-liberal African state, which has led to the demise of African agriculture in general, expanded food insecurity, food imports and aid dependence, and the inability of agriculture to accumulate investable resources and finance itself, without resorting to external debt entrapment. This pattern has tended to reinforce the failure of African agriculture to transform its technological basis, hence the failed agrarian transition and the lack of agro-industrial growth. State resource allocations (credit, infrastructure, water, export supports, etc.) and land use regulations (where to produce certain commodities, environmental controls, etc.), within this distorted agricultural development model and extroverted land use direction have also tended to discriminate against the poor and the weak.

The trend towards expanding land use patterns for exports has led not only to the loss of local livelihoods (pastoralist and peasant cropping systems), but also to increased conflict over the control of land and to gradual processes of land alienation. Thus land concentration and the marginalisation of the land rights of poor peasants have been reinforced by export land use conversions and a growing competition for local resources (labour and natural resources), which favours a stunted agrarian and rural bourgeoisie, comprising of a hybrid 'elite'. Various examples of these new export land use trends and their effects can be observed in several African countries.

One controversial trend emanating from SAP liberalisation land use policies is the conversion of farming land exclusively to wildlife and nature-based land uses through the consolidation of large-scale farms into even larger scale 'conservancies'. These land uses are justified as being the most environmentally, socially, and economically, sustainable management of land and natural resources in fragile areas. But these conservancies add to the previous exclusion of the peasantry from substantial lands by the state in the name of attracting national, regional and international capital in the tourism, forestry and biotechnology sectors. They remove the visibility of the human face of individual land ownership from the struggles over land and shift these to abstract legal entities

of ubiquitous domicile, justified through putatively benign environmental theologies (Moyo, 2000). Thus the socio-economic face of rural differentiation through large-scale land ownership and use for external markets is transformed into remote public and private shareholding structures, which extol modern common property management regimes and decry 'traditional' communal tenures.

In southern and eastern Africa these environmental land use shifts are widespread but highly contested. Land use conflicts and policy debates uphold a moral and socio-economic value in allocating prime land to wildlife and tourism uses, and consider such allocation to be of greater utility than the land use utility of the majority of human beings (small farmers) vis-à-vis the few individual large farmers and the animals themselves! The general tendency therefore is to exclude the peasantry from vast tracts of land and natural resources, based upon the argument that such lands are too marginal for intensive crop and livestock farming, and that they should be left to natural uses such as wildlife (Moyo 2000).

Tourism, environmentalism, and related markets have thus created a new land frontier in African states in which various 'stakeholders' at the local, district, provincial, national and international level, involving private, state, NGO and community actors, are engaged in land struggles for the exploration and preservation of new forms of bio-diversity and methods of economic and social exploitation (Moyo 2000).

Policies and regulations which directly and indirectly orient land use towards minority elites and external markets have thus become a major site of contestation in the currently existing and evolving land questions facing African states. This preferential allocation of state resources to land uses aimed at the reproduction of nature in state lands and in parks and forests, emphasises their short-term commercial and macro-economic value to the state, elites and foreign capital, rather than their interest in rural poverty reduction.

The 'commercialisation' of African agriculture has for long tended to be driven by land use policies which focus on export production and land tenure reforms aimed at the individualisation of land rights (Boserup 1981; Barrows and Roth 1990). Eicher and Baker (1982) identify negative links between the commercialisation of agriculture and food consumption and nutritional status, suggesting that an increase in cash income accompanies a decline in subsistence food at the household level, and hence increases market vulnerability and food insecurity. Von Braun and Kennedy (1994) try to refute these relationships, suggesting that the integration of smallholder agriculture into the exchange economy is necessary for successful development, since the devel-

oping world cannot afford the presumed inefficiencies of resource allocation (especially of human and land resources) that subsistence agriculture entails. They argue that while there is some variation among specific crops that are commercially produced in Africa, increased production, employment, income, food consumption, and nutrition are all associated with the commercialisation of agriculture.

However, von Braun and Kennedy (1994) concur with other studies (Weibe 1992) that suggest that when markets function poorly, concerns over food security remain a strong rationale for some amount of subsistence production, and hence may be responsible for the misallocation of land and other resources. They recommend that the commercialisation of agriculture through specialisation toward comparative advantage at the farm or household level, should be supported, and that land policy, particularly land tenure, is one of the critical elements of support to agricultural commercialisation, provided that the tenure systems grant land rights to women. The World Bank, supporting the above arguments, has advocated combining commercialised agricultural production with the liberalisation of markets, and the privatisation of land rights as the three primary pillars of its agricultural development policies in the 1990s (World Bank 1993, 1994).

Bouis and Haddad (1990) note, however, that under certain circumstances, the introduction of cash cropping has increased landlessness through the expansion of land under commercial production and the incorporation of the landless in agrarian labour. This has contributed to the crisis of livelihoods generated by increasingly destitute rural populations, in a context in which there is concentration of land ownership among the wealthy. Poor people respond to this inequity through social and political organisation to pressure the state to provide access to land and, in some instances, demanding development programmes which are masked as social security: the provision of school fees, health assistance, and care for the elderly and orphans. However, such intervention strategies are not enough to overcome destitution, as the resources provided are often inadequate. For instance, communities still devise their own livelihood strategies through the intensification of land use, diversification of their income portfolios, and by other remunerative activities, such as the commodification of natural resources, petty trading, small-scale mining of rare minerals, etc. Some respond through the greater exploitation of the remaining common property resources through cultivation in vleis and grazing areas, and the invasion of forest and park lands for arable land.

Land use policies focussed on commercialising agricultural production have tended to drive land tenure policy reforms. Maxwell and Wiebe (1998) give an

example from the Kenyan land reform, which sought to introduce private and individualised land property in order to promote economies of scale in land use and agricultural investment, and to develop 'commercial farming', as well as to reverse the fragmentation of holdings that had developed because of inheritance rules and heavy population pressure. The fragmentation of these holdings had been developed as a risk-minimising strategy of diversifying the micro-environments in which a single family farmed (ibid), not as a symptom of non-commercial farming. The de jure consolidation of holdings thus undercut this environmentally sound land use diversification strategy. Nonetheless, the farming of fragmented and dispersed fields continued despite the land tenure reform, because farms in the hilly areas were formed in strips running from a ridge to a valley, and allowed farmers to retain their desired topographical and land use diversity.

Most land tenure reform policies, in which land holding consolidation and individual titling are the target, are based on the assumption that commercialising agriculture requires land use specialisation rather than diversification, for growth to occur. These policies also assume that equity considerations may not be a problem, given the presumed abundance of agricultural land in most African countries. Maxwell (1995) notes that the growth in subsistence agricultural production in urban and peri-urban areas in Uganda for example is largely a strategy used by low income women to protect food security for their households in circumstances where decades of hyper-inflation have rendered wage incomes, even of the middle class, totally inadequate to provide for basic needs. However, much of this agricultural production is on land under-utilised by its 'true owners', and the land is informally or illegally accessed by the cultivators who have little de jure security of tenure. Under these circumstances, a proposed land tenure reform advocated by international donors, aimed at privatising and formalising land ownership, would have the effect of strengthening the property rights of small food-secure elites, but would have a negative effect on the food security of the low income group which had gained some informal access to land (Ibid).

Land use policies and regulations tend to be subtly based on the view that large size farms are critical for agricultural export growth and that small producers should focus on production for own consumption and domestic markets. Except perhaps in west and north-east Africa, relatively larger land holdings under freehold or leasehold tenure in most of Africa are supported by the state, because of their perceived superiority in the production of agricultural produce for export. But almost all the coffee exports in Kenya, Uganda, Tanzania, Rwanda, and Ethiopia are grown by small holders on customary land. The



same is true for tea, beans, and various horticultural productions in Kenya. In addition, there are many smallholder cocoa farmers in West Africa, and smallholder cotton farmers in west, east and southern Africa. Yet the evidence suggests that the production of food for own consumption has become critical for the food security and sustainable livelihood of the majority of Africa's people.

### **The peasant and 'merchant' capital paths of land use:**

#### **Large versus small farmers**

African policy-making perspectives increasingly convey the belief that 'commercial' as opposed to so-called 'subsistence' farming is not only desirable but also best promoted through large-scale landowners, and that currently emerging bi-modal agrarian structures which combine a few large-scale farmers with a mass of peasants are only of transitory value. This policy perspective, in which the main large-scale farmers in Africa have been white settlers and private foreign corporations, tolerates 'subsistence farming' as a residual social function sustaining what is believed to be an 'organically' unproductive peasantry. This model has become the goal even in a number of countries which formerly relied on peasant agriculture for 'traditional' exports. The piecemeal efforts to integrate black elites into large-scale farming in southern Africa through affirmative action programmes, although overshadowed by large-scale white settler, transnational, and state farming capital (except in Zimbabwe now), also reinforce this bi-modalism.

Land use policy reforms in Africa, oblivious to mainstream neoclassical agricultural economics discourse, which argues that smaller farmers tend to use their land more productively in terms of higher unit yields and the use of labour, remain wrongly obsessed with the penchant for economies of scale in land-based production activities, mainly due to their equally mistaken view that viable tractor mechanisation is tied to large-scale landholding structures. The reality is that based on the self-exploitation of domestic labour in peasant households, particularly of female and child labour, small farmers have performed impressively in some countries such as Kenya, Zimbabwe, Malawi etc. (Weiner et al, 1985; Moyo 1987).

This belief in the greater efficiency of large farms has led to economic and related land use policies which concentrate the allocation of most of the means with which to productively use land on a few indigenous capitalist farmers. This historic resource concentration on large-scale capitalist farmers has had the effect of concentrating 'commercial' production among elites, and has, in a self-fulfilling prophecy, served to legitimise the further expansion of large-

scale farm land holdings and undermined redistributive land reform or land use policies in favour of the peasantry.

As a result of the development policies in which resource allocations and incentives favour larger farmers, land use patterns in most African countries tend to be characterised by dominant farming enclaves of better rewarding but internationally exploited agricultural export production activities. These 'enclaves' benefit various rural elites and urban-based farmers and foreign transnational firms, while exploiting the local cheap labour of the peasantry, the landless and the unemployed, focussing largely on casual female labour, as well as increasingly child labour. Policies which favour this 'merchant' class path to agrarian development not only notably discriminate against the middle and poor peasant classes, but also focus limited national resources (finance, water, land and other inputs), on maintaining the production of low export earning commodities, with limited domestic market and wider economic linkages. The skewed income distributions that this outcome produces thus limits the developing domestic markets and the broad consumption base that is critical to industrial development. This has left most of the continent food-insecure and with limited or lost agro-industrial production and employment opportunities, a process which was accompanied by de-industrialisation of key agro-industries and food dumping since SAPs were introduced in the 1980s. The poor peasantry has faced the brunt of this land use and development trajectory.

Moreover, land use policies and regulations which privilege large-scale commercial agriculture over small-scale farmers are a major source of inappropriate land allocations and land speculation in Africa. Even the World Bank has acknowledged this fact (Deininger 1998; Van Den Brink 2002), and argues that the notion of a 'viable' farm size is not related to production economies of scale. Instead, the size of farms is always determined socially, through agricultural policies, which define the income targets of various farmers. In the southern Africa context, farm sizes were set using racially discriminatory approaches to agricultural income target setting. This minimum target was set in Southern Africa for instance to ensure that white farmers were able to earn an income that was 'socially' acceptable with reference to the white settler societies. Once the desired income was set, a calculation was then made as to how big the farm should be, and thus the 'viable' farm size. On the other hand, farm sizes set for black peasants were based upon white minority state planners' perceptions of the minimum 'subsistence' consumption incomes and thus farming outputs that could sustain peasant households, without competing effectively with wage labour on large scale commercial farms.

Efficiency had nothing to do with the calculation of viable farm size, as is further demonstrated by the fact that if large farms were more efficient than small farms, there would be no need for the existing legal restrictions on farm sub-division (Van Den Brink 2002). To this date, large tracts of land owned by large-scale farmers remain under-utilised in southern Africa, and in other African countries with bi-modal agrarian structures. The current effort by the World Bank to promote 'efficient' land use and production through more efficient land markets, land sub-division, liberalisation and the removal of land use regulations (Deininger 1998) is however integral to the strategy of promoting increased new exports to stimulate agricultural growth.

The evidence is that relatively new land uses such as horticulture in countries such as Ghana, Zimbabwe and Kenya yield high profits on smaller land units than is the norm in the large-scale commercial farms (Moyo 2000). Structural Adjustment Programmes adopted by numerous African governments in the 1980s and 1990s have nonetheless tended to retain the concentrated allocation of resources such as land, irrigation facilities, and production infrastructures on large farmers. Large-scale farmers, with their disproportionate access to such resources, have thus been the main beneficiaries of SAP incentives, thus consolidating the move towards the increasingly export-oriented conception of land use efficiency in Africa. These SAP policies have thus sharpened the class and racially based inequalities over access to land and resources, as well as the unequal land utilisation patterns and capacities among small and large farmers.

Even global agrarian capital is threatened by the growth of land concentration in some parts of Africa, such as is shown by the evidence from Ghana, although in settler Africa its dominance has been established through large-scale white farmers. Contract farmer schemes, which are expanding in Africa, are the basis on which international capital invests in the agricultural sector and directs land utilisation. Many large international agri-businesses worry that the existing indigenous capitalist farmers are expropriating land and have become a barrier to their operations, which relied on peasant sub-contractors and community land management schemes (Ibid).

Debates about the relative efficiency of small versus large farmers in terms of land utilisation reflect how dominant perceptions of peasant inefficiency are socially constructed. The tendency to view small farms as inefficient and large farms as more efficient in terms of yields per unit of land has mainly been constructed within the racial and class prisms of former settler countries (Moyo 1995). This perception has long been debunked in Zimbabwe (Weiner et. al., 1985; Moyo 1987), Malawi, Kenya and elsewhere. Increasingly, so-called pro-

poor growth and poverty reduction strategies constructed for but 'owned' by Africans are based on promoting smallholder land use intensification, albeit with strong resistance from elites and large-scale farmers.

### **Land use regulation, land degradation and environmental sustainability**

Given the tendency for small-scale farmers or peasants to be largely concentrated in marginal land areas, and to have the least access to water infrastructure and investment finance, it is not surprising that their land uses are extremely vulnerable environmentally. It is in these peasant lands that land use regulation is coercive rather than based on incentives.

Land use patterns in Africa are very restricted by the agro-ecological potential of the land, as well as the underdevelopment of irrigation resources and the low levels of finance available for and applied to farm technologies. Africa accounts for 20 percent of the world's land mass (2 963 313 000 hectares). About 66 percent of Africa is classified as arid or semi-arid, and the region experiences extreme variability in rainfall. Approximately 22 percent of Africa's land area is under forest (650 million hectares) Around 43 percent is classified as extreme desert (1 274 million hectares), and only 21 percent (630 million hectares) is suitable for cultivation (FAO 2001a; UNEP 1999). In 1999, it was estimated that about 200 million hectares (32 percent of the suitable area) were under cultivation while some 30 percent of the total land area (892 million hectares) was being used as permanent pasture (FAOSTAT 2001). These land use patterns reflect environmental vulnerability and technological backwardness in African farming, and the framework within the peasantry is marginalised.

Smallholder agricultural development schemes are notorious for the coercive and discriminatory regulation of land uses applied to them. Land held under freehold tenure systems and by the state tends to be the least regulated, while customary tenure systems under which most of the indigenous people in Africa live attract numerous coercive and top-down land-use regulations (Shivji et al. 1998). However, since these customary tenure regimes support important electoral constituencies and also tend to be physically remote from the reach of an increasingly withdrawing state, the direct regulation of their land uses cannot be extensively implemented. The colonialists seem to have been able to enforce many such regulations with greater vigour than post-independence governments have been able to do.

Land use patterns in Africa have tended to develop in close relationship with coercive land use regulations. Dirigiste land use regulations tend not only

to determine which commodities are to be produced, but also the timing and methods of production. In this respect, land use regulations themselves have been part of the problem of food insecurity at both national and household levels, given their promotion of so-called 'cash' (and export) crops over domestic food crops, in keeping macro-economic incentives and agricultural support services directed at promoting these land use patterns.

The expansion of these short-term and externally-oriented land use policies has led to greater land use extensification in Africa, and to a diminishing land and resource base available to the peasantry. Such processes have themselves not only extended the scale and scope of environmental degradation, but have also reinforced unequal patterns of access to land through the enclosure of vast tracts by the state and elites. The effect here again has been the marginalisation of large rural populations from access to natural resources for their basic consumption and livelihood.

It is this inequality in access to land and natural resources, as well as misguided land use regulations, which underlies much of the land degradation in Africa, rather than the neo-Malthusian demographic determination thesis, in which increasing demographic pressures on land lead to natural resource depletion. Ineffective agricultural and economic policies, entrenched by misguided short-term domestic elite interests and the external manipulation of global agricultural and financial markets, structure the land question around distorted land use regulation and misguided production incentives.

Repressive land use regulations are commonplace in Africa because they are driven by state and NGO-led environmental ideologies. Current environmental approaches to issues of environmental degradation, conservation and sustainability can be argued to comprise a form of eco-imperialism (Kirkby and Moyo 2001). In this framework, global interests create the environmental regimes under a project of ecological modernisation labelled 'sustainable development'. Nature is preserved as national parks and biosphere reserves, or debt for nature carbon sinks created apparently for the benefit of the third world. This is achieved with and through the compliance of local elites and in many cases at the cost of excluded and dispossessed people. Many responses to deforestation, desertification, soil erosion and bio-diversity loss are within this mode, characterised by top-down, hierarchical and neo-colonial systems. In some cases these totalitarian approaches are best described as 'eco-fascist' (Kirkby and Moyo 2001).

### **Concluding comments**

In most of Africa, land-use regulations and planning frameworks have been an ideological tool for maintaining the unequal distribution of land and an inequitable security of tenure. The regulation of land use, usually rationalised on the basis of the need to protect the legitimate public interest, is often unevenly applied to different tenure systems, and through this to different classes of landowners and land-use systems. Land use regulation is often unfairly and inequitably applied to the peasantry. In analysing the various forms and types of regulations governing land-use, it is important to go beyond the stated formal rationale of sustainable development, and to uncover the origins and value systems implicit in such regulations. In many cases, the imposition of land use regulations is intended to protect the interests of emerging agrarian capitalists rather than the national or public interest of the poor peasantry. In other cases, the regulations may, in theory, protect the public interest but, because of unequal land distribution, the impact of such regulations might be to deny the excluded peasantry their legitimate right to state support.

The question is whether this new generation of land use policies and regulation promotes efficiency in the utilisation of land and labour resources, and thus improves national welfare in general. The persistence of under-utilisation, low land productivity and external land use orientation suggests that land use and related policies has been an obstacle to agricultural transformation. So far little research has captured adequately these land use complexities and their implications for land reform. New trends of land use and productivity in Africa reflect new forms of control over land ownership, its land use and production content and the benefits derived from them. Understanding land use contradictions in relation to land control and distribution can contribute towards new conceptions of Africa's land question.

### **African urban land questions**

#### **The location and sources of the urban question**

Most of the literature on the land question tends to focus on land problems associated with agricultural ownership and use, to the exclusion of urban land issues. However, urban areas are increasingly a critical site of struggle in terms of a growing demand for land for residential purposes, as well as for working space. Urban land is also central to capital formation, both as ground rent and for speculative purposes. Thus the urban dimension of the land question takes varied forms, which are critical to this debate on the African land problem.

Since the 1960s, African cities have been growing at tremendous speed,

with the rates of urbanisation reaching average levels of 30 percent in some countries today, compared with an average of less than 15 percent prior to that time. Urban fertility rates and rural to urban migration both continue to drive urbanisation, leading to expanding demand for access to urban and peri-urban land. Urban demand for land includes its use for residential purposes, for 'urban farming' to supplement the basic food and income needs of the urban poor, and for working space encompassing petty trade and industrial and other services provided by the working classes and the unemployed. Growing urban landlessness, homelessness, and 'illegal' settlement constitute the main dimensions of common land questions which affect a growing number of Africans today.

But the demands placed on urban land are increasingly mediated by the emergence of urban land and housing property markets tied to expanding urban real estate enterprises and financial markets tied to property development. The urban land question is primarily defined by the competing demands for the control of urban land by capital or by the proletariat and semi-proletariat for their social reproduction. These competing demands are expressed in terms of the contested ownership and uses of urban and peri-urban lands. The contending actors include the state, at the central and local urban municipality level, customary authorities and leaders within and around urban areas, 'communities' of families with long-standing 'indigenous' rights in both old and new cities, various social categories of urban and peri-urban residents, including so-called 'illegal' land occupiers ('squatters' or 'informal settlers'), and real estate developers and other elites involved in land speculation.

These contested land claims are mediated through competing urban land tenure regimes, which in most cities are driven by a process of the conversion of urban land from customary land tenure regimes towards state (public) tenure and private property regimes. The major source of the urban land question is the struggle over the unequal allocation of urban land rights along class, gender and other social cleavages, and the commodification of land in urban real estate markets leading to property prices beyond the reach of the poor majority. These land questions extend to large peri-urban zones surrounding most African cities, a rural landscape which also has a larger proportion of the African population today. While the total urban land area is smaller than in rural areas, the intensity of urban land conflicts, the financial stakes involved, and the power struggles and patronage processes entailed far overshadow the rural land question faced in most countries.

The urban land question is of fundamental importance to the working classes mainly because both employment and wage levels in the African city remain

so low as to make excessive the cost of access to residential land, housing and utilities, and transport. Hence the overcrowded living conditions, homelessness and 'illegal' land occupations.

### **The unique roots of the African city and land conflict**

The African city is characterised by two distinct origins of the urban space (Mkandawire, 1985), which define different but increasingly converging forms of land problems and conflicts in general.

First are the older urban spaces on which cities emerged over a few centuries out of existing rural settlements and small centres on the African coast. These various sites of long-standing village concentrations are found in most west, north and eastern African cities. They include old cities such as Accra, Ibadan, a number of urban centres in Botswana, and most coastal towns. These spaces were 'owned' by local indigenous communities by virtue of long-standing customary land tenure rights, but have evolved into freehold and statutory tenure regimes for urban spaces which at times combine numerous villages (for example, Accra and Lagos). Over time and through long drawn-out land transfer processes, most of these urban lands were transformed into public or state urban properties, while large tracts were sold or allocated to individuals and companies through formal and informal land market processes. A critical aspect of the land question in these cities is the contestation of the land rights between the original 'indigenous' communities, through the customary authority system, and immigrant populations and the state.

The second types of cities are the truly 'new' settlements created from scratch, either by the colonial or the post-independence state. These were created by alienating large tracts of land from indigenous populations, or through the enclosure of extensively settled land to create state land urban properties. Such cities, which tend to be better 'planned', were allocated to various new owners through state land administrative processes or through newly created urban land markets. Typical of these are all the southern African cities, some Kenyan ones, as well as the new capital cities in west and east Africa. These cities tend to segregate clinically the working class residential sites in 'townships' far distant from elite 'suburbs', but relatively close to the industrial estates. In southern Africa such segregation had a purely racial dimension, in which social service provision was also discriminatory. Given the immigrant origins of these urban populations and the high land and housing prices, a larger degree of informal settlement tends to be found in these new cities.

The creation of these urban spaces has been a continuous and expanding process, such that most cities and their peri-urban spaces encroach increas-



ingly into rural settlements and farmlands, which are converted into urban space by the state, by 'squatters', and by 'land grabbers'. Thus, increasingly, the land distribution problem expresses itself largely in urban and peri-urban zones.

In eastern, central and southern Africa, urban land problems present complex and deep-seated social and physical manifestations in both massive urban slums and marginal rural areas under extreme population pressure. Highly unequal urban income distribution patterns in Africa are reflected in equally high unequal access to land and housing in most cities. The lack of access to sustainable incomes outside of agriculture and unemployment thus underlies the urban land question.

In the former settler territories, where racist land ownership patterns were applied in urban areas through the physical residential segregation of black 'townships' from white 'suburbs', such segregation remains largely intact after independence, having changed only in terms of the increased number of blacks in the 'suburb'. Thus the land distribution problem has a crucial social dimension in which elites have sought to maintain their own enclaves of social segregation in the form of separate schools, hospitals, country clubs, and so forth. These exclusionary benefits tend to create violent conflicts and criminal activities articulated along racial and class lines in countries such as South Africa and Zimbabwe.

### **Urban informal settlements, homelessness and land occupation movements**

The evolution of the urban land question in terms of increasing homelessness, informal settlements and large-scale urban land occupation movements, is an organic problem of the failure of Africa economies to develop cities based on the internal accumulation of capital and its investment in urban infrastructure commensurate with the rate of urbanisation. The urban land question also interfaces with the rural land and agrarian questions, in which rural underdevelopment and poverty are structurally unified with the problem of urbanisation processes incapable of providing gainful employment.

The South African city provides a good example of these processes which are now common in most African cities. In South Africa, for example, the majority of South Africa's poor are blacks, whose unemployment rate was 44 percent in 2000, reflecting the dis-articulation of black urbanisation, compared to the unemployment rate of 6.8 percent for whites (Pieterse 2003). The South African urban land problem has been acute since the 1970s. Between 1980 and 1989 more than 150 percent of the land set aside for African residential devel-

opment had to be allocated to the homeless. Thus land for township establishment increased so rapidly that by the turn of the decade, more land had been allocated for township development than had originally been envisaged in plans for the turn of the century (Hendler 1992).

Apartheid was forced to respond to large-scale urban land occupations which were driven by the deteriorating economic conditions. The decline of smallholder farming, compounded by declining formal sector employment, increased farm worker evictions, and the ravages of HIV/AIDS fuelled migration to towns and the search for land in the peri-urban areas (Lahiff and Rugege 2002). The peri-urban area has become a major site of struggle because the costs and formalities of entry here are less encumbered by urban regulations and market-related financial responsibilities (Ibid). The survival strategies of these populations include continuous land occupations (Sihlongonyane 2004) and informal market activities, such as beer brewing, prepared snacks, hair plaiting, small-scale retailing, prostitution, handicrafts, and tailoring, many of which had not previously been commoditised (Bryceson and Bank 2001).

But accommodation in such settlements is poor, non-agricultural informal sector wages are low, and food security is compromised (Bishop and Scoones 1994; Davies et al. 1999). The demand for security of tenure in these urban areas is often expressed as a desire for freehold land rights, due to the poor relations between tenants and private landlords, and tenants and different levels of the state (Marcus et al. 1996).

Similar land access and tenure problems are found elsewhere in Africa. However, the relatively poor development of urban land markets and the dominance of customary land tenure and rights in the 'old' cities characterise the tenure systems and administrative procedures. Securing land that is on record and enjoys legally protected title in such cities tends to be an extremely bureaucratic, long drawn-out contestation over rights. Such a process thus excludes mostly the poor immigrants, who dominate informal settlements.

### **Concluding comments**

The African urban land question of homelessness and illegal settlements, while quite similar to Latin American and even the Asian situation, can mainly be distinguished from the latter by the unique enmeshment of its land tenure systems. Thus while similar economic processes of disarticulated development drive urbanisation in the 'south', the nature and form of urban land rights provide an important source of difference in terms of the struggles over urban rights and the role of the state and civil society in mediating urban land conflicts. Much more research which brings coherence to our analysis of the urban land question is thus required.

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## Gender Land Inequalities and Tenure Insecurity

### **Patriarchy, power relations and unequal gender land rights**

Cutting across unequal and discriminatory patterns and structures of land distribution, land tenure and land use, is the land question with regard to gender inequality. The key land question here remains women's access to and control of land, which is inadequate and constrained by various customary and generally patriarchal social relations. In general, land tenure where women hold land is extremely insecure. The major forms and sources of this unequal land distribution and tenure problem is its derivation from the dominance of patriarchy and customary land tenure systems and local authority structures. These perverse social relations, also characteristic in different form in pre-colonial African societies, were contrived during colonial and contemporary times by the male-dominated central and local state and political power structures.

Unequal gender relations regarding land control and use have over time worsened and deprived women of their land rights in many parts of the continent, reduced the extent and quality of the land rights that they continue to hold, and failed to cater for the new forms of land rights and the growing land needs of women. Women's land rights are insecure and inadequate for their ascribed roles as key agricultural producers and as the custodians of children as well as of the family livelihood in rural and urban areas. Unequal gender rights in land must be understood in the context of the discrimination and exploitation of women through the instrumentalisation of land tenure regimes that worked against women's land and other rights, particularly the manipulation of the means and structures of land use and production. These processes tend to

marginalise women from the products of their labour and the benefits of the control of land.

The social and economic costs of not recognising the rights of women to land and property are many (Tsikata 2001; Moyo 1995; Cheater 1981). Changing concepts of property and citizenship and their gender implications are critical to understanding land and agrarian relations. Gender relations can be examined through the different ways in which men and women are inequitably treated in land ownership and land use relations, especially in terms of the role land plays in the wider subordination of women in the patriarchal structures which dominate broader social and production relations. Race, class, ethnicity, age, economic and political circumstances are thus systematically structured to influence gender relations with respect to land and the benefits derived from its productive use.

Gender-based struggles for land where men and their male heirs enjoy inequitable control over land are common in Africa. Disenchantment with male-dominated local land administration processes managed by the state, traditional authorities, and local committee structures is a pressing concern for women. Both the extended family structure and nuclear families are key production and investment strategies for the subsistence and market systems of production which are utilised by families and communities (Lastarria-Cornhiel 2002). Often there are blurred distinctions between customary and formal systems, and between family and community structures, which are manipulated by the interests of powerful groups in the allocation and use of land, leading to unequal gender outcomes around social equity, citizenship and land rights (*ibid*).

There is general agreement that customary land tenure rules discriminate against women in Africa. Why this is the case, the ways in which such discrimination occurs, and therefore the most effective solutions to combat gender inequality, are all contentious subjects (Tsikata 2001). Historical and anthropological work on women's interests in land in both patrilineal and matrilineal groups has sought, among other things, to demonstrate that women did have some significant interests under customary land tenure, and that these have been eroded by the processes of agrarian change and codification of customary law (*Ibid*). However, women have contested and resisted this erosion of their interests in various ways, including recourse to favourable traditional practices, and less commonly, by recourse to legal processes (*Ibid*).

In customary societies, the concept of citizenship (or membership) is differentiated along ethnic, lineage, gender, and age lines (*Ibid*). But colonial taxation systems conferred citizenship on male adults through payment of the tax,

and reinforced their land rights. Generally, full members of the community have direct and secure rights to community land and natural resources and to long-term control over certain pieces of land (ibid). Allocation of land is generally the preserve of men, particularly after reaching a certain age or after marriage. Minority ethnic groups and women in patrilineal kinship systems are generally denied the right to receive allocations of land. Particularly women who marry into the community are denied this right, and enjoy only use rights to land allocated to them by their husbands (Ibid). This denial reflects women's (and some minority groups') citizenship status: they may be denied any citizenship at all, or may be considered minors, transient, or second-class citizens (Ibid). Related to this denial of property rights is the corollary that those who cannot own property themselves become the property of others (Ibid). This secondary status is accompanied by social inequities such as the constraints placed on women's behaviour and rights, for example their inability to enter into contracts (a husband or male relative must sign the contract), to participate in the public arena, their vulnerability in dealing with public officials, and women's susceptibility to abuse (ibid).

The mechanisms which define these unequal gender relations are well known. Patriarchy, patriliney and the extended family structure are some of the most distinctive features of most 'customary' regimes, since they also define who belongs to the community and who is a full member (ibid). Patriarchy implies that all significant rights and powers are held by senior males, and that women and junior males do not have the same rights and enjoy a lower status. In addition, women who marry into the lineage and community are usually considered transient members. Patriliney means that, for the purpose of succession, men are the medium through which a family's bloodline is traced, and wealth, property and status passed on. Within the logic of customary societies, however, the extended family with its expansive network of kin has provided individuals, including women and other persons of lower status, with a secure basis of material support and protection. Much of this social network has been breaking down during the last century of marketisation (Lastarria-Cornhiel, 2002). Thus both the relics of customary tenure regimes and the market economy undermine women's land rights.

Unequal gender relations in land control have deep roots in the class, race and ethnic aspects of African society. Ethnic and racial political mobilisation for economic dominance in Africa has a distinctly gendered pattern. This aspect is not well documented, largely because the discourse on ethnicity and race in the context of the land question tends to be weak on the gender dimensions of the inequalities and repression that accompany ethnic and race differ-

entiation. Thus, '... ethnicity has been implicitly recognized until now as strictly a matter involving men, because, according to the patriarchal model, men transmitted only their identity to their offspring' (Jewsiewicki 1989). This was apparently so because the indigene in colonial society was excluded from the Napoleonic Code and could legally convey no property to his descendants (Ibid). However, men, as the only recognised wage-earners in colonial society, were seen as the main source of transmitting class position to other men (Ibid), despite the evidence of the real proletarianisation of women, which has never been properly recognised either by colonial legislation or by historians (Ibid). African women were assumed only to transmit a legal status of 'native', the basis of which lay in race. The manner in which these processes of social and economic differentiation and mobilisation influence gender relations in the control of land requires further investigation.

### **Patterns of gender-based land inequities**

The widest source of gender discrimination regarding control of the land is in the agrarian sphere, given the dominance of agriculture in the African economy. Women in sub-Saharan Africa dominate the small-holder sector and account for more than three-quarters of the food produced in the region (Saito 1994). Despite this situation, women generally hold a peripheral position with regard to control of and access to agricultural land, especially in the dynamic context of land reforms and agricultural growth (Moyo 1995), as some few examples show.

The attempt to modernise customary tenure systems in order to stimulate market economic activities through private land property, in countries such as Kenya and Uganda in the 1950s and 1960s, and in other countries in 1980s, has had far-reaching negative effects on gender relations and land. The formalisation of land rights has ostensibly been promoted to protect a person's access to and control of land and to benefit them through access to credit, agricultural resources and services, with the expected positive development effects that include increased agricultural production (and consequently higher income for smallholder families) through improved access to factor markets (Feder et al. 1988). In theory these benefits can accrue to women if they become land titleholders, hence the strong thrust of many women's land advocacy organisations, particularly NGOs, towards demands for land titling.

Gender discrimination in the provision of secure land rights is widespread. Although women constitute the majority of the population in most countries (in East Africa for example - Kenya, 50.5 percent, Tanzania, 51 percent, and Uganda 52 percent) and women are critical to the agricultural economy, they

enjoy limited land rights (Lumumba 2003). For instance in Kenya less than four percent of the women have title deeds to land registered in their names compared to seven percent in Uganda and ten percent in Tanzania (Ibid). And, according to May et al. (1995):

women... in South Africa... [face the most severe]... spatial and economic marginalization [among] rural African women... [because]... women, who have the primary responsibility for household reproduction... have limited direct title or control of land. Such access to land rights is only through their husbands or families.

Cross (1999) argues that

... land access is closely defended by power structures and is key to the institutional processes that determine what women can and cannot do with resources in the support of their households, [while] customary tenure systems are... deteriorating, as corrupt administrators and developers, on the one hand, and widening divisions within communities, on the other, fail to enforce accountable land rights (Cross 1997; Cross et al. 1996)..

In this context, access to land by unauthorised occupation provides women with the opportunity to meet a variety of household needs, including those that are socially identified as being the responsibility of women (Bryceson 1995).

The deprivation of women's rights (control and use) through customary and currently practised procedures around land inheritance and property distribution after divorce, is however the most widely contested issue between women and the state and patriarchal institutions (Tsikata 2001). Yet men remain central heirs and holders of land rights in patrilineal communities under customary land tenure regimes, as well as in so-called formalised property relations. These unequal gender relations of access to land in a context of land concentration and privatisation of land tenures is so deeply entrenched that it underlines the importance over the third land question – the regulation of land use processes.

### **Concluding remarks: Advocacy for women's land rights**

As a result of growing struggles for the redress of unequal gender rights across the continent, especially through the expansion of women's NGO networks, African land policies are increasingly being 'engendered'. Hilhorst (2000) elaborates some of the specific policy provisions that have been included in different land policies for the sake of improving the position of women in relation to access and control over land (see Box 4-1). While at the legal and policy level progress has been achieved, the implementation of equitable land policies is

**Box 4-1: Land and gender considerations in selected countries**

Some of the specific legal and policy provisions meant to improve the status of women in relation to land include the following: (i) The Ugandan Constitution includes a commitment to gender equality and affirmative action (Ovenji-Odida 1999); (ii) South Africa's Constitution provides for equal treatment of men and women; (iii) According to Yacouba (1999), equal rights of access to natural resources without discrimination by sex or social origin are provided for in Niger under provisions of the Rural Code; (iv) In Malawi, legislation allows women to register land independently of men (Ouedraogo and Toulmin 1999); (v) The Mozambican Land Act enshrines the right of both men and women to use and benefit from land (Quadros 1999); (vi) Women's rights to land are provided for in the National Land Policy of Tanzania; (vii) In Zimbabwe, policy provides for the joint registration of land in resettlement schemes between husband and wife; and (viii) The Communal Land Bill of Namibia provides for women to be represented in the Land Boards, which are expected to be responsible for the survey and registration of approved forms of land title in their jurisdictional areas

Source: Toulmin and Quan 2000, and other sources.

lagging behind. Much of the failure to implement such policies can be explained by the rigidities of customary land tenure systems as well as the pervasiveness of patriarchal values in society in general and in the state machinery.

The gender-based land problem demonstrates how deeply rooted land conflicts can be, especially because the land question tends to be manipulated mainly by male politicians, who in rural areas seek to co-opt traditional authorities.

The centrality of the latter institution in defining patterns of gender inequities in land control cannot be underestimated. It is for this reason that advocacy for women's land rights in the form of freehold or leasehold tenure is intended to achieve the wider goal of releasing women from the shackles of traditional authority structures.

These social structures, which influence unequal gender relations in access to and control of land and in tenure relations, should be understood in the dynamic context of the underlying land questions facing Africa today – the process of land concentration and the marginalisation of the land rights of the poor peasantry and urban populations mainly affects the scope and security of



women's land rights. Growing land alienation and the attendant scarcity of arable lands, the enclosure of large tracts for large-scale 'commercial' agricultural, mining and resource extraction purposes, and the increased marketisation of land rights, tend to disproportionately marginalise the rights of women. The urban land question is a critical site of the marginalisation of women's land rights. Struggles to reverse these patterns of unequal land rights confront complex resistance from central and local state structures, while most of the visible popular land reform movements tend themselves to be male-dominated and patriarchal in focus, as are most of the predominantly male scholars of the land question. The nature and context of struggles for redistributive land reforms and the role of the state in sustaining the land questions identified above is discussed next.

## The African State, Land Reform and Politics

This chapter examines the experience with land reforms in Africa, with particular emphasis on the role of the state, in the light of the peculiar factors and the empirical trends which distinguish the African land question. We comment broadly on the African state and the politics of accumulation and land control. Then we examine state-led redistributive and tenure reforms, and the reshaping of local land administration structures.

First, what problems should concern African land reforms? Land reform in Africa should be expected to address the need for extensive redistributive land reforms in southern Africa and those parts of east and north Africa which have relatively higher levels of unequal land distribution alongside landlessness and land shortages. In these territories, however, limited redistributive land reforms had been attempted since the late 1950s, while since the 1980s gradualist market-based land reforms were initiated in southern Africa. Land reform was only 'radicalised' recently under conflicted conditions in Zimbabwe. The need for redistributive land reforms could also be expected in other countries, where localised and regional enclaves of land concentration have emerged through gradual and piecemeal expropriation by the colonial and post-independence state. Redistribution would also involve land allocated to public agencies for economic use and environmental protection purposes, some of which has been concessioned out on a large scale to domestic and foreign capital at the expense of the increasingly landless or land-short.

African redistributive land reforms would be expected to differ physically from their Asian and Latin American counterparts mainly because the form of land redistribution required involves restoring lands which are physically controlled by large landholders through the resettlement of displaced peasants and alienated semi-proletarians, and the enlargement of peasant land areas

using repossessed contiguous lands. This approach would differ from the Asian reforms in which land-renting peasants are allocated land rights mainly by re-allocating them the 'title' independently to hold the land they formerly rented, or by upgrading the conditions under which they rent land from feudal or semi-feudal landlords. To some degree, the upgrading and re-assigning of tenure rights to land users is relevant in some parts of Africa where land rentals and sharecropping have emerged (especially in West Africa). But this form of redistributive tenure reform, of the 'land to the tiller' genre, is more relevant on a large scale outside the continent.

Redistributive land reform in Africa should be accompanied by 'progressive' land tenure reforms to counter the general tenure insecurities and land grabbing processes which have been ushered in and facilitated by regressive state-led land tenure reforms over the last fifty years. Current resistance to land marketisation and 'individualisation' schemes, as well as to the manipulative reform of land administration structures, encapsulates the type of issues which would define progressive land tenure reform.

But the land tenure reform requirements of Africa also include institutional reforms which can defend the poor against potential land losses as well as accommodate those excluded (for example, women, minorities, settlers) from increasingly scarce arable lands. Such tenure reforms would also need to be able to prevent and resolve conflicts over competing claims over land rights and ensure the fair administration of rights and land use regulations. Whether the land tenure reforms required would include the ability to 'transact' (rent and sell) and mortgage peasant lands, especially in the absence of measures to prevent land alienation and concentration, is as politically contentious as its feasibility is questionable.

Our research suggests however that African redistributive and tenurial land reforms, instead of addressing directly these land issues, are more focused on selective and piecemeal modification of land management institutions in a manner which has tended to reinforce rather than redress the land problem. This result, as we discuss below, reflects mainly the peculiar power relations which define the African state and its agrarian class interests, mediated ideologically and programmatically through neo-liberal conceptualisations of the land question, land reform and development strategy.

### **The African state, land policy and primitive accumulation**

The economic and material foundations of the African state rest largely on primary resource extraction and export activities in agriculture, oil and mining, and natural resources (forest, wildlife, bio-diversity exploitation), given

the low levels of industrial and services sector development. With a few exceptions of countries which have experienced relatively high but capital intensive industrial growth, such as South Africa, the control of land and natural resources and their product markets is a dominant factor in the mainstream processes of capital accumulation and social reproduction. These determine the revenues and resource base of most African states, such that power structures and politics are heavily influenced by control of land, even where mineral rents are critical.

Large tracts of lands in Africa are controlled by the state. State agencies hold land directly and indirectly, the state has powers over local authorities that control land under customary tenure and through its regulatory instruments, it wields powers over statutory lands, particularly leasehold lands, and land markets. State power and political hegemony over national territory and the populations are expressed specifically through powers over the allocation of land and related resources, the regulation of land tenures and land use, and through state structures responsible for the resolution of disputes and conflicts which arise from competing claims over land. Such control is accompanied by extensive state influence over the allocation and use of water and natural resources, and through this and other policies, the state influences patterns of land utilisation. Thus, African states broker and build power structures and accumulation largely through land and natural resource controls, land market regulation and patronage systems. Land reforms represent potential and actual changes in the extant land resource allocations, regulatory powers and institutions.

The African state, situated within the context of neo-colonial class formation processes and extroverted economic structures, is itself shaped by differentiated internal social forces which define actual political power and accumulation. But these remain subordinated to external capital and markets. Yet the state is central to 'primitive accumulation' in general and access to major national socio-economic resources in particular, given the absence of a mature indigenous bourgeoisie dependent on private capital, resources and markets. As such, access to political office can be critical to the direction of accumulation. Weak neo-colonial African states, whether these were formerly settler colonies or not, retain different degrees of 'customary' regimes of authority, including some forms akin to remnants of feudalism and semi-feudal regimes, as in Morocco, Ethiopia and northern Nigeria, and these play a critical role, together with the central and local governments, in the control and allocation of land.

Unequal land distribution in Africa grew initially through colonial state instigation and was then perpetuated by dominant elite capital accumulation and political power structures during the post-independence era. Weak economic performance in general, dependence on the state for basic social and economic resource accumulation and social services, the over-reliance of the economies and livelihoods on agricultural resources (land, water, etc.), and negative external trade and finance transfers have tended to induce accumulation strategies focussed on a limited set of natural resources, using 'backward' technology. This has restricted the scope for equitable resource allocation and the improvement of popular livelihoods. State power has been a key instrument of exclusion from access to land and related resources, and such power tends to be maintained through bureaucratic fiat, the manipulation of markets, patronage systems and even wars, many of which rely on external alliances.

The crude use of political power and patronage preferentially to allocate land and related resources to various groupings in the elite, and the resultant inequitable access to land and the concentration of related resources, have been institutionalised through inappropriate development strategies, adopted putatively to resolve Africa's agrarian question. The dilemma of transforming (read 'modernising') agriculture and expanding the related productive base of the economy historically arises from the inability of colonial capitalism to transform pre-capitalist relations of production, and the adoption of a development strategy which sought to by-pass the African peasantry (Egwu 1998, citing Beckman 1984). This strategy informed class formation processes focussed on developing indigenous agrarian and commercial capitalists in 'enclaves' at the expense of the peasantry in some regions, through harnessing alliances of the state and capital (domestic and foreign), towards an extroverted pattern of development. These strategies evoked ethno-regional dimensions of the land and agrarian questions.

For instance, efforts to transform agriculture in Nigeria since the mid 1970s, in collaboration with the World Bank using Agricultural Development Projects, focussed on pockets of the elite in various regional enclaves, to the exclusion of some ethno-regional populations in particular, and remote peasant social formations in general (Egwu 1998). Regional variations in natural resource and land endowments accompanied by the regional concentration of infrastructure and social services fostered an unequal class and ethnic distribution of socio-economic opportunity and exclusion. This provided ideological grounds for the evocation of ethnic motivations and deterministic thought in explaining these patterns of inclusion and exclusion, and the ethnicisation of inequali-

ties which to a large degree are based mainly upon local class-based interests in alliance with external capital (*ibid*).

The expansion of colonial era trade led to attempts by coastal inhabitants in West Africa in particular to mobilise themselves as privileged intermediaries between the Europeans and the African clientele of the hinterland (Agyeman, 1998). This led to a social differentiation of an ethno-regional character, dividing the coastal economies from the northern savanna and pastoralist social formations. Structural shifts in the livelihoods and occupations of southern and east Africans generated both during colonial and post-independence periods, arose mainly from fundamental economic and resource policy interventions which centred on land expropriation and the creation of cheap labour migrant systems. In Kenya where colonial land alienation deprived mainly the Kikuyu, some of them became petty traders, sought new and better markets, and spread throughout the country, especially in new urban centres and along the railway lines, generating ethno-regional resentment (Peacenet-Kenya 2001). Land policies were thus integral to the 'ethnicisation' of land control and 'development'.

Purporting to develop agriculture, national economies and global market relations, the African state led the process of reforming social relations over land towards private property. These were resisted in most African countries, as we saw in the struggles over the Land Use Decree in Nigeria (Egwu 1998). Since the 1960s, gradualist reforms of customary tenures were initiated through the consolidation of elite alliances, involving accumulating bureaucrats, emergent capitalists, foreign capital and 'traditional' leadership. Land marketisation was accelerated under the neo-liberal economic reforms of the 1990s, leading to new social and political conflicts over competing land claims.

New and old conflicts over land expanded on the basis of traditional cleavages of class, gender and ethnic difference, but arose also around struggles over autochthony, 'indigeniety' and citizenship rights. These conflicts reflected the emergence of land claims by national and trans-national migrant workers and settlers, and the new demand for land as a survival instrument among unemployed educated young peoples and those retrenched due to SAP programmes. These diversified conflicts over land question the efficacy, if not the legitimacy, of neo-liberal land market developments and the political rights and democratisation approaches which underlie them. They also question the capacity of older notions of nationality and customary authority to manage social exclusion and the marginalisation regarding the fundamental social need for access (and the right) to land, and the political conflicts which they provoke or which are instigated by them.

The primary contradiction facing neo-liberal 'development' strategies and democratic struggles remains the unequally globalised markets. Trade relations are intended to replace state interventions as an instrument of development. State intervention for development, tied to increasing market relations of resource (including land) control, have tended to exclude the weakly organised, and have favoured domestic elites and foreign capital through the manipulation of the markets and administrative processes which govern resources, such as land and water.

The control of land has increasingly become a key source of mobilising power through electoral politics in which capital and class power direct struggles for democratisation and development. Land reforms can be critical sites of electoral political struggles, when class and race power structures in relation to the interests of external capital are unevenly pitched in the context of unequal land distribution, as the Zimbabwe experience shows. The 1992 Kenya election outcome, for example, was grounded in violent strategies of maintaining power by politicians who manipulated long-standing, but latent, inter-ethnic disputes over land. Thus, the nature and form of control of state power and the ideological grounding of the ruling incumbents can be critical to the form and content of land reforms. We examine the nature of land reforms implemented so far, and then later discuss social mobilisations which influence land reforms.

### **The state and land reforms in Africa**

The increasing pace of concentration of land among African elites, albeit in different degrees and based upon varied historic legacies, (see chapter three) is a common but differentiated phenomenon. This commonality reflects land reform processes which are dominated by 'ruling elites', under the tutelage of external 'development' finance and private capital, with the support of largely urban middle class professionals and dominant urban-based 'civil society' organisations. This form of state-society corporatism has generally failed to redress the entrenchment of unequal development and high levels of wealth inequality, including unequal land distribution. Distorted national development excludes marginalised social groups from the formal economy and from access to adequate land and related resources. The resilience of the process of land concentration, of the diminishing access to land by the poor, insecure tenure, the marginalisation of the land rights of women, and the growing land conflict in rural and urban areas, reflects the inefficacy of the land reforms implemented so far. The next section examines redistributive reforms in Africa.

The emergence since the 1980s of democratic movements in Africa, based on constitutionalism and multi-partyism, as the 'governance' framework for

land reforms, has not led to power sharing systems and policies which promote sustained development, equity and inclusiveness in class, regional and ethnic terms, nor to political harmony. Instead, class, ethnic and other lines of social conflict have continued to develop, largely because of the failure of markets and the reformed 'governance' systems to allocate resources equitably and to enhance growth. Recent efforts at redistributive land and tenure reforms have, to begin with, been unable to address the national question largely grounded in the question of unequal race and class-based land distribution, wealth concentration and poverty in southern Africa. International interest in land reforms in that region reflects the entrenched interests and power of global capital in land and related markets there.

Land reforms have also failed to address the national questions of social exclusion and poverty induced by land shortages and low productivity in the multi-ethnic and class differentiated and largely rural societies of the rest of Africa. Land reform as an anti-colonial, anti-racist and nationalist struggle against the dominance of minorities and imperialism remains to be addressed, just as much as it still needs to be addressed in the political terms of building stable and inclusive developmental African states. In this framework, land reforms are a critical to any national development strategy and the democratisation process on the continent.

### **Redistributive land reforms: State-led and market-'assisted' tendencies**

Redistributive land reform initiatives in Africa span the forty-year history of national liberation, but the experiences vary according to the land questions faced in each country. Whereas different socio-economic and political specificities determine the nature of land reforms, the gradual shifts in the nature of national liberation struggles among the countries since the 1960s tended to reflect changing ideological and political mobilisation of the social forces engaged in resistance to imperial rule, and the distinct land reform strategies used. The literature on redistributive land reforms in Africa, and their actual implementation in recent times, is heavily biased towards the southern African experiences since the 1980s. Hence our main focus is on that region here. For example, land reforms in the SADC region from the 1960s through to the 2000s experienced a clear, changing and regressing divide between the radical nationalist-cum-socialist orientation to redistributive land reform and the liberal approach.

Where national liberation was decisively concluded, as in Mozambique and Angola, the land distribution question appears to have been broadly resolved,



although new sites of localised land concentration have emerged. Where liberation was only partially concluded, as in the main settler territories of Zimbabwe, Namibia and South Africa, negotiated settlements left both the national question and the land question relatively unresolved. In particular, the racial dimensions of the national question were not adequately addressed. Thus, racially inequitable structures of wealth, income and land distribution remained intact, while liberal democratic constitutions and market principles protected these inequalities.

The 'radical' land reforms were based upon the nationalisation of colonial and settler lands and foreign commercial and industrial structures of capital (as pursued in Tanzania and Zambia during the 1960s and early 1970s) and in Mozambique and Angola (from the mid-1970s). The nature and outcomes of land reform radicalisation also varied. Whereas Tanzania, Zambia and Mozambique had pursued 'socialistic' land and agrarian reforms based upon developing largely state marketing systems, and land settlement and use reorganisation (villagisation and rural development in Tanzania, and resettlement and integrated rural development in Zambia), Mozambique pursued land nationalisation with more intensive attempts at socialist transformation, using state and cooperative farms. Angola, which started off mired in civil war, did not pursue further significant land reform after land nationalisation from 1975. Civil war in the Lusophone territories, fuelled by South African destabilisation and by relative international isolation, limited radical agrarian reforms, with the result that 'post-conflict' land tenure reforms have re-introduced some land concentration.

In contradistinction to this experience, more liberal strategies of land reform were adopted in the colonial 'protectorates', which predominantly faced indirect colonial rule accompanied by minor degrees of white settlement alongside colonial cheap labour migrant systems (for example, Swaziland, Lesotho and Malawi). In the latter countries, the land reform experiences involved a limited degree of market-based expropriation of settler lands, accompanied by market-led compensation with some colonial finance, as was the case in Swaziland and Botswana. The expropriated land was 'indigenised' as large farms, with limited foreign and white minority-dominated large-scale land ownership and estate farming remaining, alongside the emergence of state farms and resilient peasant and pastoral agrarian structures. Liberal approaches to land reform also varied, but consisted mainly of limited market-led land redistribution efforts and attempts to modernise peasant agriculture within a contradictory context of imbalanced public resources allocations, focussing primarily on developing the large scale indigenised and state capitalist farm-

ing sub-sector and its increasing incorporation into global agricultural export markets.

The north African experience of redistributive land reform, especially between the 1950s and the 1970s, is also instructive. A landmark in Egypt's land history came with the Free Officer's coup of 23 July 1952, which resulted in the redistribution of all land held by individuals above 200 feddans (1 feddan = 0.42 hectares), thereby removing the power base of the large landlords. The policy generated support among the small peasantry. Land ceilings permissible on individual land ownership fell from 200 feddans in 1952 to 100 feddans in 1961 and 50 feddans in 1969 (Rihan and Nasr 2001). Since then, the major focus of land policy is the efficient utilisation of existing land and water resources.

In Libya, the state owns any land which is not allocated to sedentary populations, reflecting the nationalisation approach to land reform, and the promotion in some sense of collective land ownership by local communities. On the other extreme are the limited post-independence redistributive land reforms of Morocco, in which the royalty and a few elites held on to the bulk of the best land and water resources, leaving numerous micro-scale peasant farms eking out a bare subsistence and providing cheap labour to the former.

Redistributive land reforms that were implemented in North Africa thus varied across the region. For example in Algeria, the government nationalised the farms formerly owned and managed by French settlers. The main beneficiaries of these socialist policies were tenants and other landless agricultural workers. A similar policy was also implemented in Tunisia upon attainment of independence in 1956. The new agricultural land property law of 1964 resulted in about sixteen of the total cultivable lands, which represented the best quality land in the country, being taken over by the government (Rihan and Nasr 2001). Such land was acquired through the market and was partially nationalised, with a small percentage being allocated to landless people.

While the objectives and strategies for land redistribution programmes in Africa vary, their common focus tends to be to rehabilitate and politically stabilise countries torn by armed liberation struggles and civil war, rather than extensive redistribution. Some of the stated specific objectives of land reform tend to include: to de-congest overpopulated areas; to expand the base of productive agriculture; to rehabilitate people displaced by war; to resettle squatters, the destitute, the landless; to promote the equitable distribution of agricultural land; and to de-racialise or expand indigenous commercial agriculture. These objectives are mostly underpinned by the aim of addressing historical injustices of colonial land expropriation and to assert the right of access by

'indigenes', within the framework of existing legal, institutional and constitutional frameworks, leading to costly and slow processes of land acquisition and transfer of land rights. Land redistribution has tended to be proscribed by market-oriented approaches to land acquisition and the legal challenge by large land owners of the land to expropriation mechanisms, while the negotiated voluntary transfer of land has not occurred on a significant scale. African experiences with land redistribution have in general been based upon four inter-related tactical approaches.

The dominant approach adopted mainly in Zimbabwe and Namibia before the implementation of compulsory land acquisition, was the 'state-centred but market-based' approach to land transfers. Land was purchased by the state for redistribution following willing seller-willing buyer procedures. The private sector led land identification and supply through the market, and central government was a reactive buyer choosing land on offer. Governments identified the demand and matched the private supply with beneficiaries selected by its officials. The land restitution approach followed in South Africa is essentially a state initiative in which government pays mostly market prices for redistribution to individuals and communities who identify their land claims, in a limited land rights and time-bound framework. These programmes were slow in redistributing land, except during the very early years in Zimbabwe when this was accompanied by extensive land occupations on abandoned white lands.

The use of compulsory land acquisition by the state with or without compensation for land and improvements was pursued in Africa mainly in the past, where expropriations with varying levels of compensation were adopted in Tanzania, Kenya, Zambia, and in north Africa, and since the 1990s mainly in Zimbabwe. This approach involves direct intervention by government in the identification and acquisition of land, whose value where compensation is paid is determined at market prices. The governments also tend to manage the resettlement process, although settler selection is generally more locally controlled. Zimbabwe has used a mass compulsory acquisition strategy and up to 7,000 freehold farm properties had been gazetted for expropriation by 2004. Litigation by landowners against compulsory acquisition has been a key constraint. In South Africa, a few cases of compulsory acquisition have recently evolved out of its land restitution programme, given the resistance of landowners to part with their land, while legislation was amended in 2003 to enable smoother land expropriation. The South African government argues that this approach will be used sparingly. In early 2004 the Namibia government initiated legal measures to expropriate eight farms, three of which are intended

to assuage urban landlessness, while some of the others are being expropriated to accommodate farm workers evicted by landlords from their farms.

A third approach to land redistribution that has been tried to a limited degree in both South Africa and Zimbabwe in the context of testing 'alternative' approaches, is the market-assisted land reform approach, espoused mainly by the World Bank. This approach is to be implemented in Malawi from 2004, using a World Bank grant, in the context of the usual macro-economic policy conditions. This land reform approach is meant to be led by the private sector, communities and NGOs, who identify land for transfer or beneficiaries to purchase land within a market framework. This framework of land acquisition seems to favour the large landowners' compensation requirements, given the land price response to demand. However black communities in the sub-region resist paying for land, which they feel was expropriated through conquest. Very little land has been redistributed through this approach so far, and this is mainly in South Africa. Efforts to follow this approach in Zimbabwe during 1998 and 1999 were aborted before they took off as the actors tended to fail to agree on financing the process, on whether and how to combine the use of market and compulsory acquisition, and on the approaches to the identification of agreed amounts of land for redistribution and the beneficiaries.

Finally there is the community-led land self-provisioning (Moyo 2000) strategy, mainly in the form of land occupations or invasions by potential beneficiaries. This approach has tended to be either state-facilitated and formalised, or repressed by the state at various points in time (Alexandra, 2003; Marongwe 2003; Moyo 1995). As a formal strategy to land redistribution, it has not been implemented on a grand scale in most African countries except in Zimbabwe during the first four years after independence, and then in 2000 under different political and economic conditions, with different formal responses by the state in the two periods, including its repression from the mid-1980s to mid-1990s. In this approach land identification is led by communities through 'squating' and the government later purchases the land at market prices or pays only for 'improvements'. This approach is what in Zimbabwe was labelled the 'Accelerated Resettlement Programme' during the early 1980s, and dubbed the Fast Track Land Reform (2000-2003), where land occupations were encouraged extensively, and supported by the state through compulsory land acquisition procedures, and the payments have been staggered and exclude payments for land itself. Occasional isolated land occupations have been reported in Malawi, Botswana and South Africa. The latter has experienced large urban land occupations since the 1980s. These were later formalised into home

ownership schemes. This approach however is not formal policy in Africa and tends in fact to be officially discouraged.

These various approaches to land redistribution increasingly tend to be used in combination, although the market-based approach has remained dominant. Recent donor support to land reform tends to favour the market-assisted approach to land reform, which is intended to provide an alternative to the pursuit of compulsory acquisition on a large scale or to pure willing seller-willing buyer approaches. However, most African countries facing demands for land reform may require strong state intervention in land markets given the legacy of inequitable social capital and the control of financial markets, and the limited redistributive outcomes.

The scale and social composition of those benefiting from land redistribution thus far has been narrow. Since independence in 1990, only about 30,000 black Namibians have been resettled. Of these, only 6,515 have been resettled on commercial farms, and the rest were resettled in communal areas. Land reform in South Africa has gradually picked up pace, although less than three percent of the white-held lands have been redistributed. By 1998, Zimbabwe had redistributed 3.6 million hectares to 70,000 families during the first five years of independence. Between 2000 and 2004, about 130,000 families have been resettled on about ten million hectares of land expropriated under the Fast Track Programme. However much of the acquired land is still being contested by land owners, and the provision of infrastructure and services to the resettled families has been minimal, given the lack of state resources during the attendant economic downturn.

These land and agrarian reforms outcomes have all however led to sites of intensified land concentration, steady growth of agrarian social differentiation based on capitalist accumulation, labour exploitation and rural marginalisation, and a bi-modal agrarian structure which has become entrenched at different scales throughout the continent. Over time neo-liberal land reforms have tended to fuel renewed land struggles, whose conduct confronts issues of democratic change, as the Zimbabwean 'dissidence' on land reform shows. An overriding land question therefore is that little progress has been achieved in the implementation of redistributive land reform, while greater effort has been made with land tenure and land use regulatory reforms.

### **Land tenure reforms**

The experience with land tenure reforms is perhaps most documented in West and East Africa. Several countries in West Africa have pursued land registration as a step towards creating land markets (see also Moyo 2003a). The inter-

national influences on land tenure policy and legislative reforms escalated in West Africa since the early 1990s, with countries such as Guinea, Mauritania, Guinea Bissau and Burkina Faso introducing the concept of private property in response to such pressures (Delville 2002). When empirical evidence questioned the relevance of privatisation in promoting security of tenure and the lack of marked differences in investment between customary tenure systems and private property rights, land tenure policy debate shifted towards 'local rights recognition' (Delville 2002). In Nigeria, Titilola (1987) reports that land tenure reforms meant that the 'government has provided a package of incentives with the hope of encouraging foreign investors to participate in direct agricultural production'. Le Roy (1998) identifies several land policy measures in French-speaking West Africa which are characterised by land codification (Niger), instrumental measures involving cartographic and judicial recognition of rights, (such as in the rural land plans of Côte d'Ivoire, Benin, Guinea, Burkina Faso), decentralisation of land management to local authorities (Senegal), and the establishment of Land Observation Posts in Mali.

Generally, the notion of land title registration was introduced in both Anglophone and Francophone colonial Africa to protect the interests of European settlers. There were however exceptions in the development of land registration systems and land markets in countries like Uganda, Madagascar and Sudan. For example, in Uganda, registration was introduced following the 1900 Buganda Agreement, largely to restore stability in a kingdom that had been bitterly divided by civil wars and to shore up the position of the Kabaka (Dickeman 1987). The agreement provided for the allocation of large tracts of land (up to eight square miles in area – hence the name 'mailo' land) to members of the royal family, nobles and 1,000 chiefs and private elites. This marked the formal use of tenure reforms to concentrate land holdings in indigenous African society.

In Senegal, the Commission on Tenurial Reform was installed at independence in 1960 to reform to the customary tenure system, which was considered an obstruction to development. The Law on National Property of 1964 categorised land into various classes – urban areas, classified areas, established cultivated areas, and recently developed agricultural land in forest frontier zones – and paved the way for the formal registration of titles. Implementation of the law resulted in several conflicts, such as the monopolisation of huge areas by agri-businesses, restricted access to passageways, resistance by customary tenurial practitioners to modern land legislation, conflicts between chiefs and rural councillors, and conflicts between agriculturalists and pastoralists.

Ghana's Administration of Lands Act of 1962 (formulated by Kwame Nkrumah) nationalised land, disregarding customary land ownership. However, the 1979 Constitution re-vested land administration in local authorities, while the 1992 Constitution upholds the authority of chiefs and divides land into public (vested in the President and managed by a Central Lands Commission) and customary tenure under chiefs. A series of legal provisions that include the PNDC Proclamation 1982, Article 267 of the 1992 Constitution and the office of the Administrator of Stools Land Act of 1994, have been enacted by central government to curtail the power of chiefs. The Land Title Registration Law of 1986 requires that all persons with claims to land be registered at the local registry units in their state. Yet research shows the increased commercialisation and expropriation of land as a result of the production of export crops, a phenomenon that has spread from pioneering zones of virgin lands to ancestral lands, setting in motion serious conflicts (Amanor 2003), such that increased land pressure and growing land markets define the *de facto* land tenure transformations in Ghana.

However, while Ghana's National Land Policy of 1999 recognises the principle of optimum land and resource usage and the need to facilitate equitable access to land and tenure security, it also emphasises the private sector as the engine of growth, and states that there is need to encourage 'responsible' land-use through land taxes that reflect economic market values, as well as promoting community participation in land management (see Moyo 2003a). Furthermore, the policy seeks to initiate a process of registering land, beginning initially with harmonising legislation, supporting decentralised land administration systems, the adoption of pilot projects for testing different ways to register land, and the strengthening of revenue generation within the land administration services (Ibid). These tenure reforms essentially veer towards establishing land markets in the long-term.

Among the countries in Africa which have developed legislation allowing the privatisation of customary land beyond West Africa, Kenya was a pioneer. South Africa and Uganda are at different stages of effecting policy and legislative changes to allow the issuance of titles to customary land. Currently, Mozambique is implementing land laws and tenure reforms that recognise the need for encouraging land markets, decentralising authority within state institutions, and integrating customary institutions and practices into the statutory land tenure regime.

In East Africa and the Horn the post-independence land tenure reform policies have ranged from extreme tenure individualisation and privatisation, as represented by Kenya, to the collectivist approach to land reform represented

by Tanzania and Ethiopia (Moyo 2003b). Countries such as Burundi, Rwanda, Comoros, Djibouti and Sudan maintained the private land ownership which existed at independence, while Burundi and the Comoros expanded private land ownership through the conversion of indigenous land tenures (Ibid). Kenya has largely remained committed to individual ownership of land, while Comoros and Uganda are at different stages of this path.

Kenya's Swynnerton Plan of 1955 emphasised the consolidation of holdings, individualisation of title, and land registration. In Uganda, the 1995 Land Constitution and the 1999 Land Act emphasised security of tenure for Uganda's small holders, protection of women and other vulnerable groups from 'irresponsible' land sales, and the promotion of investment and the smooth operation of the land market. Uganda's land policy has, therefore, followed the Kenyan route of promoting the sanctity of private property. Somalia, however, pursued public ownership of all land as a strategy for attaining social justice, equality and development.

With a few exceptions, most countries in East Africa have provided some legal recognition to indigenous customary land tenure (Bruce 1996). Tanzania, Ethiopia and Eritrea abolished private ownership and sought to replace indigenous tenure systems with alternative community-based tenure reforms. Collectivisation of tenure took place conspicuously in Tanzania and Ethiopia, the former through programmes of 'ujamaa' and 'villagisation', and the latter through 'land to the tiller' reforms. To date, Tanzania and Ethiopia (and now Eritrea) remain committed to broad state ownership of land and tenure policies which seek to support household farming through decentralised land administration (Moyo 2003b). Land reform in Ethiopia generally succeeded in meeting the equity objectives, while the peasant associations provided a nationally uniform framework for the system of local land administration. Collectivisation and state farms took less than ten percent of farmland but were very costly and inefficient, and beneficiaries were subjected to repeated redistribution of land to accommodate new claimants, resulting in reduced security of tenure (Ibid).

In north Africa tenure reforms were in the ascendance from the 1970s. A major component of the Tunisian tenure reform land policy was the settlement of land claims through registration and certification of ownership, supported by a dual plan for promoting economic stability and environmental protection (<http://www.unep.org/aeo/180.htm>, quoting Gharbi 1998). However, despite the government's attempts to encourage registration, half of all eligible lands have not been registered, and even amongst registered lands, successive land transfers often go unrecorded (Ibid). The process of privatisation of state and



collectively owned lands has also been slow, as has the emergence of land markets. Fragmentation of land and resources remains a principal concern which the government is attempting to redress by means of legislative modifications, extension programmes and improved administrative procedures (Ibid). A recent policy shift saw the government privatising 1.2 million hectares of agricultural land and 600,000 hectares of rangelands in 1991 (Ibid). In Morocco, land tenure policy has emphasised streamlining registration, controlling land fragmentation, the standardisation of tenant contracts, and the privatisation of state-owned and church-owned lands. Private tenure is seen as providing greater security and greater incentives for investment on the land.

This Africa-wide trend towards land tenure reforms, in the form of individualisation and titling of customary lands, was heavily sponsored during the 1970s and 1980s by donors who were convinced of the superiority of private property rights, which they conflated with secure property rights (Basset 1993; Platteau 1996). Later in the 1990s, when these schemes failed to gain social and political acceptance, the World Bank in particular adopted a neo-institutionalist, evolutionary stance towards land tenure reform, arguing that as population pressure increased, societies would spontaneously evolve new property relations and land markets, and that the task of African governments would be to formalise such evolving property relations through titling (Moyo 2003b). As a result there has been a marked shift in land reform tenure policies from a paradigm of replacement of customary tenure to one of its adaptation (Bruce 1994), based on the recognition of existing land rights and the notion of tenure security. Guere (2002) summarises this as follows: 'The new programmes aim to give legal status to existing, locally recognised rights, in contrast to their de facto denial under statutory law'. Several African countries which have adopted market liberalisation programmes leading to the establishment of land titles and registers are bent on encouraging investment by domestic and foreign entrepreneurs, contrary to the claim of recognising local land rights, even if for now only small areas have been subjected to formal registration and titling.

Notions of creating secure land tenure system now dominate tenure reform debates in Africa, although the content of security varies from country to country and across sub-regions. In general the basic tenet underlying land tenure legislative reforms is to protect the land rights of holders and ensure that the 'rule of law' is applied when land rights are extinguished or land sequestered by the state. This tends to mean that land has to be appropriated through consent and that appropriate compensation is paid to the former landowner. The empirical evidence of changes in land tenures and distribution of landholding suggests that these policy ideals are hardly achieved where reforms have been imple-

mented, and that where land is expropriated from those considered to be colonial or foreign settlers, the right to compensation is contested.

Empirical evidence of land titling in Africa shows that the benefits of titling have been minimal with respect to the increased financing, investment and productivity in agriculture, contrary to expectations. Instead, land registration tends to have increased the transaction costs of land, with more resources being spent on registration and administration than on productive use of the land, while undermining the jurisdiction and participation of local communities in land administration systems dominated by local traditional and religious authorities. More critically, land registration benefited particular elite classes, and in some instances, privileged ethnic groups of people by giving them access to more and better quality land, leading to disproportionate benefits to those with the finance to invest in agriculture. Apart from the exclusion that titling brings to the poor, numerous social and land rights problems have emerged at the family level, including disputes over inheritance, exclusion of women, and conflicts over access to village level common lands, including burial and spiritual places. This begs questions about the efficacy of local land administration systems, which we discuss next.

### **Local state governance and customary land tenure administration**

Because the literature on Africa's land reforms focuses on land tenure problems, it tends to identify weak land administration systems and the need for their reform as the main issue of concern (Quan 2000; Adams 2000), rather than the redistribution issue. Land administration reforms tend to be proposed within a neo-liberal conception of good governance, focussing on the decentralisation and democratisation of land institutions, to enhance land administrative efficiencies, a broad-based representativity of local structures of land control, and civil society participation in land administration, within a framework of introducing formal and statutory law in the land management systems. The main purpose of these proposed land governance system reform is to develop 'secure land tenure' regimes, implicitly to make the institutions benign to market processes.

However, most African governments have yet to allocate the resources and build the capacities required to create these new systems of land administration (Palmer 2002). Decentralised land reform implementation processes have failed to take off, largely due to a lack of both financial resources and technical capacities, as well as the lack of political will (Ibid). The Rural Land Plan of Côte d'Ivoire and the Land Commissions in Niger instead introduced pilot programmes as a strategy for testing new institutions and provisions, while in

some countries such as Niger, the Rural Code was initiated through public hearings and studies of tenure rights throughout the country (Toulmin and Quan 2000).

There is no doubt, however, that African land management institutions pose vexing problems, and that these constitute an important aspect of the land question. The institutional frameworks for land administration are exceedingly complex and fractured (Shivji 1998; Palmer 2002). There are numerous competing agencies involved in land administration, including line ministries and central government departments, several large parastatals as well as urban and rural local authorities and traditional leaders (Moyo 1995). The responsibilities of these different agencies in different aspects of land administration within the different land tenure areas tends to overlap, and create confusion and conflict amongst the various players, thus posing difficulties for the creation of integrated and comprehensive land administration processes (Shivji 1998).

In general, land administration conflicts in much of Africa, are derived from the conflict-ridden relationship over the power of the state to allocate land vis-à-vis that of customary law authorities (Mathieu 1996). Control over land allocation and concession procedures in post-independent African states tends however to be increasingly delegated to 'elected' or appointed rural councils, leading to conflicts between formal law and customary land rights (Delville, 1999). In formal law (for example, in Côte d'Ivoire and Burkina Faso), where the 'traditional chiefs' are granted the right to mediate 'customary rights', this is most often limited solely to the right to cultivate (Delville 1999). This contradicts fundamental aspects of customary land tenure regimes, wherein the authorities responsible for land allocation also played a role in regulating local land use systems (Delville 1999). But although the state has taken over the absolute right of land allocation, these local authorities usually remain legitimate in the eyes of the community and continue to enjoy considerable political power over land management systems (Ibid). The right of eminent domain and the power to allocate land rights are fundamental to customary systems and the power of local authorities, hence pre-colonial states used their right of conquest to allocate land to their clients or servants (Ibid).

In Ethiopia, the Agricultural Land Law of 1975 removed land ownership and land allocation powers from traditional authorities, and individuals were required from then on to register their land, while restricting both the size of landholding and the period of the usufruct rights to up to fifty years (Submariam 1996). The costs and time required to register the land became a major barrier while titles were disproportionately allocated to outsiders, town dwellers, and

the state and cooperative farms, which displaced small farmers. Community elders never accepted this statutory system of land allocation and often actively opposed those with documentary title. Since uncultivated land risked appropriation by the government as well as outsiders, unregistered farmers tended to clear their bush land although they might not have had plans of cultivating it (Ibid). Ethiopia thus remains committed to state ownership of land, with the responsibility for the development of new tenure arrangements (leasehold) land taxation and ensuring equitable land holding sizes devolved to the ethnically defined regional governments.

A truly democratic approach to land administrative reform would require that the following basic principles of democracy be the guiding criterion for resolution of land administrative problems: equity, efficiency, accountability, transparency, legitimacy, and participation (Shivji et al. 1998). The concentration of administrative powers in national authorities with regard to the allocation and use of land and natural resources tends to be the main contest. For instance, most national parks and forest areas are controlled by central government statutory institutions such as parastatals in the form of boards, commissions and committees, and these allocate occupancy rights and concessions to a range of interests through licenses and permits for hunting, fishing, tourism or logging. Such central government land allocations are excessively centralised, but they tend to lack transparency and their procedure is time consuming (Shivji et al. 1998). Popular demands for transparency reflect protest over corrupt land and resource allocations, especially the tendency for state officials and political leaders to dominate the licenses, leases, and concessions. The land administration institutions also tend to be inaccessible and unrepresentative of local interests (ibid).

In many African countries, a dual legal system which presides over land conflict management and adjudication, has been the source of many conflicts and contradictions over land rights (see Tsikata 1991; Shivji 1998; Lastarria-Cornhiel 2002). Customary law in land matters in southern Africa, for example, applies mainly to indigenous Africans, while the formal legal system is reserved for white settler land markets (see also Mamdani, 1996). African countries with ethnic groups that practise different customary legal systems may or may not recognise the dominant systems of customary adjudication. In those countries with significant Muslim populations (such as in Nigeria, Tanzania and Sudan) the adoption of Islamic family laws in predominantly Muslim regions contradicts the customary laws and received legislation on land that applies to other regions with different legal traditions (Lastarria-Cornhiel 2002).

The problems of promoting land administration systems which recognise the existing legal pluralism rather than a simple legal dualism in land management is increasingly the subject of much critical debate in Africa (Alinon 2003; Tsikata 1991). The problem with the recent promotion of legal systems which adapt customary land tenure through land codification is that they both homogenise procedures and raise new equity considerations. Often the resistance to the recognition of social equity in land rights tends to be masked under customary land tenure administration and adjudication procedures and in conflicting statutory law mandates (Lastarria-Cornhiel 2002).

In many countries, land administration remains highly centralised and there is poor representation and the institutions which adjudicate land issues at the local level are widely dispersed (Shivji et al., 1998). At best, weak land administration systems tend to be created at the local level, a situation which perpetuates centralised land administration powers over customary land tenure regimes. Furthermore, as Amanor (2003) argues, within rural West Africa there are limited channels for addressing land grievances and demands for land tenure reform. Rural popular organisation tends to be weak outside of the 'community organisations' and structures, which are dominated by lineage elders, a framework which has been reinforced by the state, and these 'community organisations' prevent rural demands from being placed in a broader context than the community (Ibid). Within this 'community development' framework it is difficult to present demands other than the local parochial interests of the residents of settlements.

Thus, since the territorial distribution of local 'traditional' authorities is generally based upon lineage and clan social structures with particular ethnic identities, land conflicts have often assumed an explicit or implicit 'ethnicised' character. Colonial administrations in Africa universally created administrative and political districts around 'tribal' chiefdoms, which in many cases contrived regional centres of ethnically-based chiefly authority over groups which had in fact been autonomous, and thus generated conflicted land administration structures. In Zambia for example, the MacDonnel Commission of the 1930s was set

... to demonstrate the separate and independent origins and development of the Lunda and Luvale tribes and their autonomy from the Lozi... It sustained both Luvale and Lunda claims to autonomy and the government responded by creating Balovale District and separate Luvale and Lunda Native Authorities. As the Luvale and Lunda saw it, they had saved themselves from Lozi over lordship after a generation of struggle (Papstein 1998).

The Great Lakes region is also confronted by wider 'ethnicised' land tenure conflicts arising from civil wars, voluntary migrations and population displacements, as has been the case in Burundi, Uganda, Rwanda and the DRC, where there are increased threats to and conflicts over the control of natural resources. Here, the traditional rivalry between farmers and pastoralists fuelled by government policies, which are against pastoral common property tenures, is compounded by high population densities and ethnic tensions, in a situation of excessive competition for land and natural resources.

Success in developing local land management structures is scarce. However in Tanzania, the Land Act and the Village Act, both of 1998, provide the legal framework under which a village council can 'register village lands, including village forests or other common areas, in the name of the village or register them in the name of a user group or association' (Deiniger, undated). This approach has reinforced the importance of community-based forestry management in Tanzania, and has provided the linkages between land and forestry policies that are often missing in other countries.

In countries such as South Africa, Mozambique, Uganda and Tanzania, the new tenure laws and policies make room for individuals, groups of people, associations and communities to register as legal entities that can own land in their own right (Palmer 2000). The key issue with regard to land administration is the extent to which official sanctions apply to different forms of tenure. Many communities resent the heavier presence of administrators (besides the traditional leaders) in customary systems of tenure than is found in freehold tenure regimes, perceiving it as based upon restricting, and in some cases criminalising, the use of natural resources and imposing land use policies which the local people may not like. The fact that individuals under freehold tenure, including on plantation estates, tend to have more rights to the management of their land creates the problem of the assumed superiority or inferiority of the different forms of tenure, when in fact these problems are based on the form of land administration.

Thus tenure inequities are reinforced by the fact that the expropriation of land for 'commercial' and 'social' development is usually carried out by central state institutions, which in the name of development and national interest allocate land to state projects and private commercial interests, to the exclusion of the poor (Amanor 2003). When this expropriation is opposed by rural people, the legal channels open for them to readdress their concerns are limited, since the state has created the legal framework through which it initiates the process of expropriation (Ibid). This is usually carried out by unrepresentative land bodies including chiefs, elders, and others in leadership positions at

Ward level (Shivji 1998; Amanor 2002; Murombedzi 1999). While chiefs are often the partners of the state in expropriating farm land, they are recognised by the state as the legitimate representatives of the people, such that their role in the mediation of land conflicts is usually overshadowed by transmitting government orders to the rural people and ensuring compliance with policies (Amanor 2003). Their powers are omnibus and not separated as would be required in theory by liberal political systems.

Land policies have also often stressed the development of land administration structures that are expected to take the lead in implementing tenure reforms. Dispute resolution processes are increasingly being incorporated in the emerging land policy documents, although their effectiveness is questionable. In Ghana, a council of elders and land allocation committees are expected to help the customary trustees in all aspects of land management, including the allocation of land to strangers and the settlement of disputes (Kasanga 2001). In Tanzania, the Land Commission recommended the creation of the 'Baraza la Wazee' at the village level and the participation of the elders (*wazee*) in the Circuit Land Court and at the High Court as the main land dispute resolution structures (Shivji 1998). The Malawian land policy proposes a dispute resolution process characterised by, in ascending hierarchical order, a Village Land Tribunal, a Village Tribunal, a Tribunal of Traditional Authorities, and the Central Land Settlement Board.

But, as Amanor (2003) argues, recent land administration and adjudication reforms have had limited results in Africa. For instance, during the 1980s most West African states developed comprehensive schemes for democratic decentralisation involving community participation in development planning (Ribot 2001; Amanor 2003). These involved local level elected Rural Councils in Senegal, Decentralised Territorial Collectives in Mali and Burkina Faso, and District Assemblies and Unit Committees in Ghana (Ibid). Downward accountability was distorted by 'participatory development projects' which mobilised organisations dominated by chiefs and other village elites, who imposed decisions without heed to the plurality of interests and social differentiation in rural communities (Ibid). The structures force compliance with global and national policy directives regarding natural resource management and usage (Ibid). Thus community participation through traditional authority structures and institutions tends to undermine any movement towards popular democracy, downward accountability and platforms for rural people to develop informed land and development policy perspectives (Amanor 2003).

These land tenure institutional reforms are generally costly, and current financial resources allocations to them are limited. Yet the preoccupation with

formal land tenure reforms has meant that most official land policies neglect redistributive aspects such as improving access to land, water, nature parks, forests and woodland resources by the poor, while efforts to improve environmental security, alleviate poverty, and improve land and labour productivity tend to focus on small-scale *in situ* palliatives on marginalised peasant lands.

### **Concluding comments: land reform and marginalisation**

The role of the African state in promoting equitable access to land through redistributive reforms has been limited. Tenure reforms have instead increased land concentration. Existing African legal frameworks and institutions for managing land allocation and land use or dispute resolution often protect the interests of those with disproportionately larger land rights, including those property rights derived from past expropriation, rather than the interests of the victims of these inequities. Clearly, in most African countries there is a need to correct and modify the colonial and contemporary distortions of so-called 'customary law' with regard to both the configuration of the existing customary land rights, and the administration and adjudication of such rights. This dilemma of tenure inequity also faces those countries which had large segments of their lands alienated under private property tenure regimes. Traces of rural resistance to undemocratic and inequitable land governance systems and land redistribution are increasingly evident because of their negative social impacts.

The effects of unequal land distribution and tenure insecurity on poverty have usually received minimal consideration in official land reform programmes, although the exclusion of various social categories of vulnerable populations from sustainable land-based livelihoods has become a critical feature of Africa's land question. Natural resources (common resources such as forests, water, and land) remain important to the livelihoods of the majority of the population, just as much as supportive agrarian policies and access to farming resources are necessary for effective land use among the marginalised. For those who do not yet have any land, the officially perceived lack of ability to use it properly tends to lead to exclusion from land reform processes. Whereas many peasant households which suffer from various resource limitations, including debilitating diseases, face constraints to the use of their land due to inappropriate land use policies, public resources continue to be focussed on elite farmers. Thus, vulnerable household members must seek jobs for quick money. For those who do have access to land, limited and declining skills and labour, along with the depletion of financial and reproductive assets which



accompanies social vulnerability, undermine the ability to make use of land and natural resources.

Where a family has land, when members become chronically ill or die, their ability to mobilise labour to work the land diminishes. According to Mullins (2001), if a family lacks the labour to make use of its own land, and also lacks cash and other resources to hire skills and labour, it (or the decision-makers within the family) may resort to selling or renting land. There is a tendency for those living with HIV/AIDS to be excluded from land reform programmes, due to their non-selection in systems which focus on 'successful' farmers, or for them to lose their land due to illness. Across Africa, between fifteen and thirty-five percent of adults between fifteen and forty-nine years of age are HIV-positive, and many are likely to become chronically ill and die within ten years, while at least half of today's fifteen year olds are likely to contract HIV (Ibid). State institutions which directly or indirectly support land reform, and supply essential goods and services or provide markets, are also affected, limiting their capacity to carry out land management functions (Ibid).

The moral and social considerations regarding 'poverty reduction' in land reforms, as well as the wider class-based land interests of land-short peasants and semi-proletarians, may conflict with the short-term agricultural productionist emphasis of developing larger scale capitalist farming. The constraints to land use faced by the poorest families and their land losses tend to be ignored by state-led land reforms. While the issues of concern to the socially vulnerable are becoming more central to 'poverty reduction' strategies, they are not adequately addressed in official land reform processes. This suggests that without social pressures from 'below', through land reform movements, the land reform agendas of the marginalised might for long be neglected. We discuss trends in the social mobilisation for land reform next.

# 6

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## Social Movements, Civil Society and Land Reform

### **Social movements, land rights and struggle**

Because of the centrality of access to land in the livelihoods of the majority of Africans, demands for land reforms have grown. These demands are expressed in different forms depending on the nature of social forces which articulate them. But the literature on peasant organisations and social movements targeting land reform in Africa is currently not very robust. Indeed, debates about the nature of African peasantries (Mafeje 1997), and their resilience (Bernstein 2005), suggest a lag in our understandings of the future of the peasantry. Intellectual discourses on the demand and struggles for land in Africa have often been limited to extremely narrow perspectives on the nature of demands and popular pressures for land reform, leading to a tendency to underestimate the scale and scope of the constituency that demands radical land reforms.

The emergence of new social movements and NGOs in Latin America and the re-creation of its peasantries which underlie these movements suggest the renewed political and social significance of the social pressures for land reform. In many countries, peasants and landless workers are the major actors in stimulating the development of a comprehensive – albeit limited – agrarian reform programme even in cases of state-led reform (Veltmeyer 2005). The existence of a revolutionary option towards land reform has generally been resisted by the state, acting on behalf of the landed (Veltmeyer 2002). Peasant-based social movements in Latin America have increasingly taken a radical stance towards land reform through promoting direct action such as land invasions and the use of armed force in relation to the state (Ibid). The growing

interest in land reform and related social change has so far however been the preserve of scholars preoccupied with constitutionalism, electoral and multi-party politics, democracy and governance (Veltmeyer 2002).

The creation and re-creation of the peasantry occurs alongside exclusion from land, and in the process, their social differentiation and displacement by merchant and elite classes (see Moyo and Yeros 2005). This process does not necessarily lead to the proletarianisation or the transformation of the peasant into a capitalist class, resulting in the so-called disintegration of the peasantry (Lenin 1985 and Kautsky 1986). It leads to the re-creation of the peasantry in different forms. One is by the 'subjection of income from land to capital that happens with the subordination of peasant production to capital that dominates and expropriates income from the land and, in addition expropriates practically all of the surplus produced, reducing the income of the peasant to the minimum necessary for his/her physical reproduction' (Oliveira 1991, cited by Fernandes 2001). The land occupation tactic has thus been a major tool of peasant resistance to exclusion (Ibid). Hence, land struggles are central to efforts to regain access and autonomous control over land (Moyo and Yeros 2005).

In Africa however, civil society groupings associated with the current renaissance of peasant organisations are predominantly middle class in content, with strong international aid linkages. These structures tend to neglect radical land reform strategies and reproduce formal grassroots peasant organisations as appendages of middle class-driven development and democratisation agendas. Rural operations of civil society in Africa within a neo-liberal framework have been characterised by demands for funds for small-project 'development' aimed at a few selected beneficiaries (Moyo 2002), leaving a political and social vacuum in the leadership of the land reform agenda (Moyo 2001). Membership of formal rural or farmers political unions tends to be widely differentiated, with leaderships dominated by an elite group of 'capable' farmers whose demands are for larger portions of freehold land (Moyo 1996). These organisations, like their counterpart community-based organisations, which form mainly under the social control of lineage hierarchies, far from representing the majority peasant demand for redistributive land reforms, have been co-opted into neo-liberal land tenure reformism. The majority interests seem to be more often reflected in 'informal' movements of a variety of social forces, including those that pursue land occupations, resource poaching and sabotage.

Land occupation movements such as those in rural and urban Zimbabwe, before and after the country's independence, represent an unofficial or underground social pressure used to force land redistribution onto the policy agenda (Moyo 2001). The 2000–2001 occupations in Zimbabwe marked the climax of a

longer, less public, dispersed struggle over land in that country, which intensified under adverse economic conditions that were exacerbated by the onset of liberal economic and political reform (Ibid). The dynamics of land reform in this and other contexts are complex and variegated, and can best be understood in political terms – that is, in terms of a protracted struggle of peasant, poor urban workers and other rural groups for access to land, and in terms of the reaction of the dominant landholding class to this struggle, as well as the responses of the state. Land occupations thus take form as a tactic of class struggle and direct collective action (Veltmeyer 2003).

Social movements are differentiated and adopt different strategies. At times their actions might contradict some progressive struggles on issues such as democratisation or land reform. In Africa, tactics of the land occupation for example have not been nationally comprehensive. The absence of the social and institutional infrastructure necessary for widespread mobilisation of the African peasantry could be a major bottleneck. This is compounded by the neo-liberal ideologies which define the strategies of civil society organisations concerned with land reform.

Research on African social movements, inspired largely by rational choice interest group theoretical frameworks, informs us more about the way in which farmers' associations and federations can be utilised in the policy lobby or advocacy agendas grounded in state neo-liberal practises, rather than on radical land struggles. From this we learn more about lobbies for modernisation through increased exports and improved land use practices, and the short-term financial and environmental utility of rural change for global markets and ecological stabilisation. The related research focus on formal associations to the neglect of underground and sporadic social movements is a critical reason for the dearth of literature on land struggles.

However, social movements involved in land struggles are numerous, albeit isolated and scattered. Theoretical perspectives which seek to study widespread social movements rather than incipient processes of organised land struggles show that high profile as well as the numerous low profile land conflicts of both a spontaneous and engineered nature define Africa's growing land question (Moyo 2001). In general, even formal farmers' organisations and unions which collaborate with the state are differentiated in their political intent and domestic policy demands (see Khalid 2002; Abutudu 2002), given their relationship to capital and state-driven land processes and existing alliances with external social forces. Numerous social movements resist the dominant logic of capitalist development in areas and in particular struggle to retain control over land (Lumumba 2003).

## **The organisation of land struggles**

The unequal forms and sources of access to and control of land in Africa generate varied social and political contradictions, including various forms of resistance struggles to regain land rights. These struggles are also actively resisted by various social agents, including individuals or classes with landed interests, ethnic formations, racial syndicates, traditional and elite leaders, political parties and specific agencies of civil society in various political alliances and social movements. Land reform and resistance movements can be progressive or reactionary, broadly national or local, ethnic or nationalist, class-based, or trans-class and race-based or trans-racial or particularistic in terms of specific land rights, religious or not. They can be purely domestic or linked to foreign interests, including pastoral trans-national groupings or ethnic formations such as the Tutsi. In some cases international capital from imperial states supports such movements, at times in alliance with local 'comprador' elites using transnational armies.

Land and natural resources struggles tend to revolve around five major issues. First is the general scarcity of land, which forces villagers to occupy land perceived to be vacant. Second, electoral competition tends to mobilise illegal settlements among aggrieved villagers. Third, communities also dishonour boundaries which restrict their livelihoods. Fourth, the marginalisation of certain social groups forces them to defy certain rules and regulations. Last, armed conflicts ensue and often result in opportunistic resource grabbing and the destruction of environments, which in turn spur wider land struggles.

Official analyses of demand for land tend to underestimate the nature and scale of demand and to ignore the racial, class and social tensions which underlie inequitable land distribution. Demand for land reform takes various forms in terms of type and quality of land and resources claimed, and the tenures sought. Land demands also arise from various sources, including formal and informal demands, legal and underground, or illegal, forms of demand for land redistribution, and demands which may be based upon the restitution of historic rights or contemporary demands based upon different needs. The different types of organisations which mediate such demand include civil society organisations, farmers' unions, political parties, workers' unions, War Veterans Associations (for example, in Kenya, Zimbabwe, Namibia), business associations, representing elites in need of land, community-based organisations of peasants and urban working peoples, and lineage and religious structures. While these structures are central to the shaping of demands for land

redistribution, their social and class content tends to vary, and at times to be dominated by elitist interests.

Strategies and mechanisms used to advocate land reforms take a variety of shapes in terms of types of institutions or organisations that are involved, ranging from formal national level civil society structures, international NGO alliances, local level individual or networked NGOs and local community committees. The tactics used include formal policy advocacy activities by a variety of civil society organisations as well as non-formal and even illegal self provisioning tactics (land occupation, resource poaching, the market exit option/parallel markets), including also legal or repressed confrontational tactics (mass direct action, boycotts, etc.). In general a combination of these forces is found, together at times with armed insurrection, and these seem to contribute towards the creation of a policy environment conducive to the adoption of or co-option into state-led land reforms.

For example, land reform policies in southern Africa, as they have in countries such as Brazil, seem to be evolving through the interactive use of market and compulsory land acquisition approaches for the redistribution of land to both the landless and an emerging indigenous agrarian bourgeoisie, as a response to the growing mobilisation of popular pressure. At the local level, peasants use various strategies to press for their land demand, such as the 'poaching' of natural resources, fence cutting, illegal settlement/land occupations and resistance to development projects, while civil society organisations focus on land reform policy advocacy.

In addition to the above forms of organisation and struggles, armed rebellions which emerged in Africa over the last two decades, excluding the liberation struggles waged primarily over land in former settler states, have tended to include elements of struggle for land rights and territorial autonomy, including land allocation systems. Mkandawire (2002) has argued that most of the armed rebellions in Africa have been led by urban combatants, who are aggrieved by common urban social problems, and are not led by or in sympathy with rural grievances, such as land alienation, especially in non-settler Africa. It would be a mistake to assume that the land questions emerging in Africa are not an important source of some of these 'rebellions', as the mobilisation of rural grievances over land and 'traditional power structures', together with urban grievances over the lack of urban employment, which in turn has forced the urban youth towards rural land resources, cannot be over-estimated.

For instance, the mobilisation of apparently mainly rural grievances over land in the Côte d'Ivoire, due to the competing claims over land rights by autochthones versus long-term 'foreign' migrants, still considered non-citizens,

was heightened by the growth of unemployment among urban-based youths (see chapter three). Rural grievances were critical in the recruitment of rural youths in the Sierra Leone rebel wars, largely because of the collapse of rural markets and repressive traditional authority, including land tenure systems (see Richards 2004; Abdullah 1997). The re-mobilisation of land reclamation or occupation movements by liberation war veterans, the ruling party of liberation movement origin, and the state in Zimbabwe since 1997, involved substantial components of urban semi-proletarians, the working and elite classes in general (Moyo 2001).

But rural grievances can be mobilised by central state structures or regional groups of politicians for direct short-term electoral gain, as we saw in some districts in the Zimbabwe 2000 elections, albeit by mobilising latent land occupations movements. And violence can be instrumental in such processes, leading to displacement, as we also saw in Kenya (see box 6-1).

Yet these 'rebellions' and land movements exhibit critical contradictions in so far as they can entail both progressive tendencies, such as anti-imperialist, redistributive and democratising impulses, and retrogressive practices, such as excessive violence, opportunist resource grabbing and various criminal activities such as stock and property theft (Moyo 2001). Nor are these broad land reforms and liberation 'struggles' immune to being co-opted into the neo-liberal development paradigm and, its extroverted land use and agrarian market precepts (Moyo and Yeros 2005). Indeed the trans-nationalisation of some of these 'rebellions', financed by transnational mining capital, using private ar-

### **Box 6-1: Ethnic land conflicts in Kenya**

In 1991, 'ethnic/land' clashes, which at their peak affected three of the eight provinces (Rift Valley, Nyanza, Western) and twenty out of the sixty-two districts in Kenya, erupted in Mteitei farm, Nandi district, Rift Valley Province. By November 1993, over 1,500 people had been killed and more than 300,000 displaced. Thousands of people thus displaced were unable to cast their ballot. Violence continued after the elections in such districts that were known to be pro-opposition, as Nandi, Kericho, West Pokot, Trans-Nzioa, Kisumu, Kakamega, Bungoma, Nakuru and Uashin Gishu. The clashes served to frighten and intimidate non-Kalenjin ethnic groups which presented a greater threat to the ruling elite of losing parliamentary seats and subsequent control of parliament and state power. Large numbers of non-Kalenjin ethnic groups were displaced from the Rift Valley before the elections.

mies or local warlords, points largely to the tendency for contradictory values and politics of the movements.

Thus the leadership of some 'land movements' is often dominated by elites, who seek both private opportunity, alongside assuaging local land and other social grievances. Contrary to the thesis which simplistically demarcates some of these African conflicts and movements as motivated mainly by 'greed' (Collier 2000), the instrumentalisation of disorder (Chabal and Daloz 1999) and narrow authoritarian nationalism (Raftopolous 2003), more complex sources of social mobilisation and confrontation over resources in Africa have to be sought (Mkandawire 2002). We elaborate on these issues below.

### **Neo-liberal land advocacy and the co-option of land reform**

Despite a broad consensus in Africa among governments, the landless, civil society, landowners, and the international community on the need for land reform, actual redistribution has been limited. The onset of structural adjustment programmes, as well as multiparty 'democratisation' since the 1980s, has not led to extensive redistributive land reforms. Instead, the land demands of the middle classes and elites have taken precedence within civil society organisations and within both the ruling and opposition parties, within a liberal political and human rights framework, with less attention given to the fundamental issues of economic restructuring and redistribution of resources outside the market. The demands for land by the poor (rural and urban) and elites are founded on the contradictory objectives of enhancing the livelihoods of the former and the accumulation strategies of the latter. Thus, the predominantly urban-led civil society has not formally embraced extensive redistributive land reform, given the class interests of, especially, NGO leaderships. Informal rural demands for land, including land occupations and natural resource poaching, remain a critical source of advocacy for radical land reform.

The multiplicity of organisations which are engaged in struggles for land and related market control yields a variety of ideological, material and organisational conflicts. The politics of national land policy making and implementation appears at times to be about settling common middle class and elite ideological and material differences within the state, 'civil society' and the emergent bourgeoisies over private landed property, the control of agricultural markets, and access to agrarian resources and institutional protection provided by the state and donors.

For example, the Uganda Land Alliance, which started as a network of concerned individuals but later transformed into an NGO, managed to change the content of what became the 1998 Land Act and also convinced the government



to engage in a wider consultation process (Zimmerman 1998). The land policy issues negotiated included: the centralisation of government institutions and their authoritarian practices, the dominance of state institutions and their excessive regulations on other stakeholders; political and institutional corruption (that is, land grabbing, patronage), contradictory laws, inaccessible land dispute resolution mechanisms; dissipation of local expertise, and the monopolised information on land policy (Ibid). Less visible in these negotiations was the reversal of wider land concentration processes and longstanding unequal landholding, usually spatially and socially differentiated in their contribution to the formulation of land reform policy and they work at different levels (local, national and sub-regional) of the policy process.

Since the late 1990s therefore, NGOs have emerged as an important lobby for land rights, with some NGOs turning to the more structural causes of poverty such as lack of access to land as the means of social and economic reproduction. Legislative debate, the drafting of parliamentary bills and lobbying for land have been led by NGOs, particularly in Uganda, Mozambique, Tanzania and South Africa, as well as by farmers' unions and traditional authorities. Most of the NGO's land advocacy has received support from international NGOs and bilateral and multilateral donor institutions, while in some countries land tenure reforms legislation was developed at the instigation of donors, as part of the conditions for financing structural adjustment programmes.

With a few exceptions, such as the Land Campaign in Mozambique, which succeeded in making rural communities aware of their new rights under the law and how to go about legally establishing them (Negrao 1999), much of the new national land policies which result from the NGO lobby often reflects state interests. The common approach used to guide such interests includes expert panels, task forces, investigating teams, or comprehensive commissions of inquiry, which involve quick consultation processes and reports providing material for the state's independent land policy decisions. This has been the case with the Presidential Commission of Inquiry on Land Policy Reforms in Malawi, the Land Commission of Tanzania, the Land Tenure Commission of Zimbabwe, and so forth. Not surprisingly, given the predominately middle class basis of most NGO land advocates, few have supported radical land advocacy struggles, such as land occupations.

Yet non-state or NGO efforts to mediate land conflicts can also be critical. In Kenya for example, the mediation of local conflicts in an area most affected by tribal clashes and cattle rustling and land ownership, where the peace processes had not enjoyed the support of the government nor of local politicians, was led by an NGO multi-actor forum, and it restored some peace in the Rift

valley region (Peacenet-Kenya 2001). Relief, policy advocacy and development projects led by National Council of Churches of Kenya (NCCCK), the Catholic Justice and Peace Commission (CJPC), provincial administration, NPI/Roman Catholic, ECJP, Clean, GTZ, PACVAC, SACDEP, OXFAM, the media and the donors were used to resolve these problems (ibid).

Since many civil society organisations are one issue-oriented they divide between those with structuralist (redistributionist) and proceduralist (governance) perspectives of social and economic change, even though in reality these issues confront society in a unity. These approaches to NGO land advocacy raise contradictory tendencies in the ideologies and foci of land and social movements, especially between those who struggle for access to social (land and broader resource redistribution) rights and those focussed on political (civic and human) rights. Over the years, the formal demand for radical or extensive land reform has tended to be submerged, especially in recent struggles for democratisation, by the proceduralist thrust of civil society activism, much of which is ensconced within a neo-liberal framework. This is reinforced by the fact that recently the balance of external aid to civil society in Africa has tilted towards the support of 'governance' activism. While 'governance' activism may be necessary, exclusive emphasis on its tools has served to highlight mainly the issues of human rights and electoral transgressions by the state, to the detriment of the redress of unequal structures and social rights issues at the national and global level. With the exception of food aid, HIV/AIDS and health social activism, which have received most of the aid as basic humanitarian and poverty support, development as state responsibility has become of less concern to donors.

Civil society discourse on land reform, therefore, to the extent that it goes beyond human rights and rule of law issues, has attended more to the procedural aspects of land tenure reforms. Where redistributive reforms are addressed, their focus has been on a procedural critique of methods of land acquisition and allocation, without improved tactics or workable alternatives to land market acquisition and expropriation instruments. Nor have they mobilised marginalised peasants in support of extensive land reform in the face of resistance by landlords and other stakeholders, as we have seen in Brazil.

Civil society demands for land reforms in Africa frequently represent the emerging class interests of business executives, agricultural graduates, civil servants, and 'consultants', who tend to dominate land reform policy debates and advocacy. For example, de-racialising large-scale commercial farming is a particular land reform perspective that has gained importance in former settler Africa, to a critical extent at the expense of the landless. In Zimbabwe, land

reforms since the 1990s for example had promoted the emergent black large-scale farmers in what appeared less as resettlement than a land reallocation programme intended to redress racial imbalances. By 2004, thirty percent of former white lands were held by about 5,000 black elites on medium to large but relatively downsized commercial farmlands, as well as about 20,000 small-scale black commercial farmers, as distinct from peasant and other small farmers (Moyo and Yeros 2005). In South Africa and Namibia, land policies have also sought to create and empower black commercial farmers as an integral aspect of their land reform.

These essentially neo-liberal land reform movements may marginalise the vulnerable and less organised social groups. For example, groups such as the war veterans in Zimbabwe, although they led the land occupations movement, received less than the twenty percent quota of resettlement land which they had fought for. Whereas significant progress has begun to be seen in recognising women's land rights in policy, in practice women's rights have remained marginalised in law in most of the countries. Farm workers' land rights especially to residential and farming land have received little recognition in all the former settler territories. In Zimbabwe the Fast Track Land Reform Programme had accommodated less than five percent of the former farm workers who had been displaced by 2003, while in Namibia and South Africa landlords continue to evict them at will, reflecting their weak autonomous organisation, and under-representation by civil society organisations concerned with human and social rights.

In Botswana some civil society organisations are however moving beyond the neo-liberal paradigm of democratic struggles (for example, the enjoyment of basic freedoms, civil liberties and regular free and fair elections), and are increasingly calling for economic empowerment and social justice regarding land and natural resource allocations, to avoid future conflict (Molomo 2003). Thus, in spite of the predominantly middle class social base of NGOs which dominate the 'visible' debate within the current power structure and the distribution of economic resources, and their external donor-driven linkages (ibid), there is an incipient struggle over the land questions of inequitable access and control and tenure insecurity. This advocacy tends however to be mobilised within a social and human rights framework of 'defending' the land rights of 'indigenous' ethnic and marginalised minority groups, particularly the Basarwa.

### **Land occupation movements of peasants and others**

Under colonial rule, the land cause was led by the liberation movements, and in the 1970s was pursued by means of armed struggle (Chitiyo 2000). In the

post-independence period, civil society advocacy for radical land reform has been slow to emerge, as discussed above. Advocacy for extensive redistributive land reform in southern Africa countries continues to be predominantly led by former liberation movements, war veterans' associations, the scattered efforts of traditional leaders and spirit mediums, and the few emerging but narrowly based 'leftist' civil society organisations, as we have seen in Zimbabwe, Namibia and South Africa. In the latter, a few left-leaning NGO groups have supported the formation of the Landless People's Movement (LPM), although the contradictions of white middle class intellectual leadership of the black people's landless structures, and the trans-class and nationalist nature of the interests in land, have become evident in the slow maturation of a nation-wide radical land reform advocacy agenda. Black indigenisation or affirmative action lobbies, some with ethno-regional and gender foci, have on the other hand re-focussed the land reform agenda more towards the de-racialisation of the ownership base of commercial farmland. Thus, a dual and essentially nationalist approach to land redistribution advocacy for both large black farmers and poor peasants now dominates the formal or official land reform agenda.

The social and political mobilisation for land reform in southern Africa has for example heightened racial and class polarisation and contradictions around approaches to implementing land reform within a context of democratisation. Land occupations and resource poaching strategies often target various forms of state lands, particularly forests and national parks, and communal areas, as well as privately owned lands (Moyo 2000). In the latter, land occupations are found on large-scale farms or lands whose legitimate ownership and effective use are contested, as well as where labour and other social conflicts between landowners and land hungry people exist (Moyo 2001).

In the case of Zimbabwe, land occupations have targeted various land tenure categories over the last two decades, including white owned 'commercial land' and state land (Moyo 2000, 2001). In areas where forest and national parks are dominant, state lands become the soft targets for land occupation. As Moyo (2002) found, 'The land occupations represent an unofficial or underground social pressure used to force land redistribution to be taken seriously. The 2000-2001 occupations mark the climax of a longer, less public and dispersed struggle over land...' War veterans and landless peasants, the urban poor as well indigenous elites, utilised land occupations, in collaboration with dominant elements in the state and ruling party, to force the government to pursue official compulsory land acquisition in a 'fast track' programme. The Zimbabwe land occupations movement of 2000 was thus a trans-class nationalist movement, instigated by the ruling party and led by war veterans, who

mobilised latent and usually repressed scattered land occupation movements of peasants, traditional leaders and semi-proletarian groups, towards land repossession. Once the scale and force of such movements had reached a peak in 2000, the state was forced to use mass land expropriation measures, which targeted ninety percent of the former settler lands for allocation to about 150,000 families.

In South Africa, organised radical demand for access to land has mainly been found in the urban and peri-urban areas, given that seventy percent of the population is urbanised, leading to an urban land occupation movement. However, the demand for land in the rural areas is also growing and leading to polarisation at the political party level and between white farmers and blacks demanding access to the land of their ancestors, with a background of significant violence against landowners. The emergence in South Africa of a landless peoples movement demanding land redistribution for workers and peasants, with an explicit threat to boycott the ANC in elections, has had the effect (alongside the pressures from Zimbabwe's experiences) of bringing greater urgency to the South African government's land reform initiatives.

South African land struggles have taken different forms over the centuries, depending on the relative balance of forces at a particular time or place, including militant actions, social and political movement protests and 'illegal' land occupations. Land occupations became popular in the 1980s and have remained the most active mode of articulating the plight of the landless in the post-apartheid period (Eveleth and Mngxitama, mimeo). Various waves of land alienations led to social resistance which escalated in opposition to apartheid in the 1960s, and later saw the United Democratic Front, together with churches, mobilise against forced removals. Resistance gained momentum in the 1980s, when the struggle against land removals began to be the subject of a legalistic and human rights debate, with called for a stop to the demolishing of urban shacks. This coincided in the late 1970s and 1980s with the emergence of land rights non-governmental organisations (NGOs) fighting against forced removals under apartheid segregation laws such as the Group Areas Act. The National Land Committee (formerly National Committee against Removals) emerged this way, and promoted the establishment of the Landless People's Movement in 2001 and the Landless People's Assembly.

Land occupations however were rampant in urban areas in the late 1980s. These were fuelled by the removal of apartheid laws by F. W. de Klerk, which sparked a massive movement of people in South Africa and from neighbouring countries into South Africa, to both urban and rural areas. The flexible stance of government with regard to squatter settlements (including the up-

grading of informal settlements and support for green-fields settlement) encouraged land occupations, as did the institutional and policy vacuum in government associated with the transition period of 1990–94. But these institutional issues are secondary to the force that massive poverty, inequality of land access, and the housing shortage brought to land reclamation among South Africans. Approximately 13.5 percent of all urban households (one million households) lived in ‘freestanding’ squatter settlements on the urban peripheries and in backyards of formal housing units (RSA 1994). These numbers reflected an increasing housing backlog due to the low rates of formal housing provision and an increasing number of land ‘invasions’, in the formation of informal settlements, and the proliferation of backyard shacks in overcrowded conditions in existing formal housing areas (Royston 1998).

Transforming the wider social and class relations of agrarian production, particularly land property rights, is at the centre of a few radical land movements which are slowly emerging in Africa. In South Africa, organised groups of landless people, rural land restitution claimants and labour tenants, increasingly frustrated by the slow pace of bureaucratic land reforms, worsening working conditions on white commercial farms, and by the continuous land evictions which the state is unable to stem, are slowly organising themselves into a land rights movement, which some NGOs and political parties are joining. Resistance to gross human rights abuses by white farmers against labour tenants, growing demands for access to land from white commercial farmers, and resistance to labour re-engineering processes, which reduce the status of labour tenants to the even less protected category of ‘farm workers’ (NLC), are the focus of these struggles. They resist farm eviction orders, trespass notices, court cases, fines, bribery of law authorities by landowners, and even prison sentence. They also confront demolition of their homes, the closure of access to water taps and natural resources, the barring of tenants from rearing livestock, the chasing of family members out of the family, and even the demolition of tombs. Their struggles resist landlord power over labour, the constitutional protection of landlordism, and the failure of the market-assisted land reform approach to redistribute land.

The scarcity of land in Malawi has resulted in the encroachment onto private land, gazetted forests, national parks and other protected areas that border high land pressure zones, and, in some cases, such actions have turned violent (Kanyongolo 2005). A study by the Land Commission in Malawi showed that leasehold and freehold land were often targeted by land hungry citizens, a trend which was mainly observed in the tea growing areas of Mulanje and Thyoto, and the tobacco estates in Kasungu (Government of Malawi 2000). A

similar trend of encroachment was also observed in relation to the national parks and wildlife reserves of Malawi. For example, the Nyika, Kasungu, Lengwe and Liwonde National Parks were quite vulnerable to such encroachment. The root cause of the problem is that most national parks were established after the displacement of entire villages, an example being the people of sub-chief Kachulu in Rumphu who were forced into valleys of uncultivable gradients (Kanyongolo 2005).

In Kenya, 'illegal' urban and rural land occupations, whose intensity in Nairobi and Mombasa is notable (Lumumba and Kanyinga 2003), have been a longstanding source of pressure for land reform in the face of elite land 'grabbing'. Settlement of game and forest reserves is also extensive in a country like Uganda where the Kibale Forest Reserve and Game Reserve/Corridor in Kabarole district, Mabira Forest Reserve in Mukono District, and Queen Elizabeth National Park in Kasese and Kabarole Districts, have been the target of illegal settlement (*ibid*). Similarly in Ghana, resource poaching, where peasants and youth 'illegally' harvest farm produce and trees owned by elites, state and private corporations, is not uncommon (Amanor 2003).

Women have also been a critical component of land occupation movements, especially in the rural areas (Cross 1999), but in struggles which go beyond the nationalistic or class dimensions. Access to land through occupations provides women with the opportunity to meet a variety of household needs, including those that are socially identified as being the responsibility of women (Bryceson 1995). Many women are driven to land occupations because they are more vulnerable to unemployment than men (Lalthapersad-Pillay 2002). Since most rural women do not have high literacy levels or specialised skills, they are rendered superfluous in the low-skilled job sector. Even in circumstances where women are employed, they are by and large drawn into the very bottom and most deprived end of the formal economy, such as domestic service and commercial agriculture. Land gained through occupations also shifts the social struggles that repress women in general, given that 'gender ground' livelihoods require new solidarities in the face of laws that result in unequal struggles.

These recent African experiences of rural land occupations in Zimbabwe, in peri-urban South Africa, in rural Namibia, Malawi, Botswana, Kenya, Uganda and Ghana thus demonstrate the intensity of popular demand for land redistribution. They reflect a diverse range of social forces such as the rural landless, former refugees, war veterans, the rural poor, the youth, former commercial farm workers, women's groups and the urban poor and black elite.

While much land reform has been rural-oriented and focussed on promoting national food security and agricultural development, urban demand has

also come to the fore. The cutting edge of demands for land reform at this stage rests on expanding the access and rights to land by the poor, the landless, and the disadvantaged sections of society such as women, farm workers, and poor urban workers. Because research and media documentation of these trends is weak, and only high profile land occupations are noted, our perspectives on the demand for land reform tend to be narrow and 'surprised' by purportedly 'spontaneous' land movements (Moyo 2001).

### **Ethno-regional movements, successionism and revolts**

Pressure for land reform is also at times organised on an ethno-regional basis. These ethnically-based groupings claim to promote local development and mobilise resistance to regional inequity under the leadership of urban professionals and the elite. One of the most extreme cases of the use of ethno-regional associations to mobilise power and the control of land can be found in the experience of the Zulu in South Africa. The

... Zulu ethnic movement... [was] a response to the immense social dislocations which resulted from capitalist development in South Africa. As increasing numbers of people were pushed into the towns in search of work, social relations in the countryside were transformed and whole communities disrupted. The cheap labour system and the racist ideology which accompanied South Africa's industrialization exacerbated the tensions. ... The significance of Zulu ethnic associations and cultural nationalism was that it diffused class-based organization and fractured national movements... In the 1920s the creation of the first Inkatha movement was explicitly seen as a counter to more radical tendencies and was envisaged by both the South African state and the black middle class as a counter to the ICU and to 'Bolshevik' propaganda in the countryside... More recently, the second Inkatha movement has been seen by many whites as the answer to more radical forms of politics, whether nationalist or more overtly class-based (Marks 1989).

Land movements intended to address wider ethnic grievances in various ethno-regional contexts are often led by elites seeking to attract state investment into their rural districts of origin. One author (Papstein, 1989) suggests for example that::

Luvale and Lunda intellectuals and civil servants, some of whom now hold important national positions... attribute... the lack of "development" in [their] potentially rich agricultural area [to]... tribal strife and antagonism which



lead the central government... [to limit its]... investment of resources in an area where localism [can] hinder... [such investment]. The major locally perceived reason why the [ethnic conflict] issue must be settled is that this would be a first step towards economic development, better school and medical services, and the creation of an infrastructure which would allow local farmers and fishermen greater participation in the national economy' (ibid).

The extent to which the social differentiation and land concentration accompanying such ethno-regional manifestations actually dominate these movements is not well documented, although Abutudu (2002) has noted how this differentiation processes can be critical in the Nigerian situation.

Ethno-regional land movements have emerged in a number of African countries, such as those representing the San in South Africa and Botswana, and pastoralists in east Africa. Increasingly the land struggles in Botswana involve ethnic minorities and some NGOs challenging the dominant paradigm of the nation-state and nation building. This paradigm is constructed through the diffusion of the values of the majority culture of the dominant Tswana groups (Molomo 2003). A Working Group on Indigenous Minorities in Southern Africa (WIMSA – comprising 100,000 people) which is a transnational land and social rights movement of the San ethnic formations in South Africa, Botswana and Namibia has also emerged with the support of NGOs from these and other western countries.

### **Concluding comment**

The fundamental issue of concern is whether the strategies of emerging African social movements which demand land reform have the potential to influence radical land reform or not, in both the classical and historical sense of land as an element of the agrarian question. To answer this question, the conceptual framework required is one which provides a structural rather than an eclectic analysis of the evolution of social movements around the land question in Africa based upon a clear understanding of their social and class origins, strategies and impacts (Rahmato 1991; Veltmeyer 1997; Moyo 2003). Various studies on whether African struggles for land reflect a systematic mobilisation of incipient social movements (see Moyo and Yeros 2005) or whether they merely exhibit defensive and reactive tactics of the 'politics of everyday life' (see Scott 1985) are fortunately being written, as the survey above shows.

## Conclusions and Suggested Research Directions

The African continent faces a critical land question in terms of both contemporary equity and historical social justice issues. A large proportion of the African population will for some time depend on land and natural resources for their basic social reproduction and employment, while primitive accumulation processes increasingly revolve around land concentration. These issues remain central in the tenuous relations between the state and civil society, and to wider struggles for democratisation and national development. Yet the literature on the land issue in Africa has tended to focus narrowly on selected aspects of the land tenure and land use problems, to the neglect of issues of unequal land distribution and struggles for land rights vis-à-vis land reform policies. Our understanding of the political economy and social relations of land control and land use is thus limited.

A number of theoretical and methodological problems were identified in our review of the literature on the African land question. A particular source of weakness is the tendency of much of the research to reify land property relations through an institutionalist perspective on issues of land tenure security. More critically, the empirical evidence on the precise scope and the extent of change in land distribution patterns, land tenure relations and market relations, and land use patterns in Africa has yet to be adequately collated. Much of the research tends to rely on superficial analyses of domestic agrarian class formation processes and the forces of external capital which underlie land concentration. A worrying result of this is the understatement of the contradictory ways in which the state and various class alliances have increasingly undercut the land rights of African peasant and urban societies. There is a clear need sys-

tematically to document the processes which shape unequal control of land and the resistance to it.

Research on the African land question can be fruitfully advanced by examining three dimensions of the land question, in both their rural and urban context. These dimensions are land distribution conflicts, land tenure insecurity, and the forces that limit the beneficial use of land for local markets. Land struggles around these dimensions need to be explored in terms of the gender, class and ethnic relations which shape conflict, and the role of the state in mediating social demands for land. This requires a multinational research programme on the historical and contemporary land question, including the institutions and state-civil society relations which underlie them. Because urban land questions and gender relations in land are critical but under-studied aspects of the land question, these two themes require both special focus and cross-cutting treatment. Some of the interrelated research themes and questions that could be of interest in the CODESRIA study on Africa's land question are:

- Historical trajectories of the land question and the agrarian transition;
- The land distribution question and redistributive reform;
- Land tenure, property rights and land markets;
- Land use and extroverted accumulation processes;
- Gender relations, access to land and tenure;
- The urban land question; and
- The politics of land, and state-civil society relations, and land movements;

The specific research issues that could be addressed in these thematic areas are briefly outlined below. This broadly defined thematic scope suggests that CODESRIA could pursue an expanded medium-term research programme on the land question in Africa through both its multinational working group and by research collaboration with various African research institutions concerned with the land and agrarian question.

### **Historical trajectories of the land question and the agrarian transition**

The research issues pursued in this thematic area could be treated in historical terms in the context of colonial and post-independence attempts to resolve the land question, including the way in which independence movements and other social movements have confronted the land issue. Colonial and current neo-liberal and economic policies and structures, and the variety of efforts made to undertake land reforms in Africa since the 1930s could provide a backdrop to understanding contemporary land questions. Studies could document various phases of land contestations and conflicts, as well as the effects of agrarian

change on the evolution of the land question. The land conflicts studied could include long and short-term resistance to land loss and direct actions (such as land occupations) in response to various local, national and international pressures to restructure land control and related economic relations. Those land conflicts which emerged from large-scale expropriation of farming land from Africans during the colonial period should be one focus, while localised processes of land concentration should be another. The research could also explore the conflicts and struggles over land embedded with natural resources, minerals and oilfields. The historical evolution of the institutional and legal framework of land administration and conflict mediation could also be examined.

The histories of the politics of land reform will need systematic study. This should include attempts to understand the resurgence of liberation movement land politics, based on anti-colonial and anti-imperialist struggle, in societies polarised on racial and other ideological lines. The 'meanings' of land to African society and the politics of 'belonging', as well as political strategies used to gain control over land, including the influences of various 'discourses', such as nationalism and neo-liberalism, also need to be investigated. The history of the land question could be explored in terms of the evolution of indigenous agrarian and other capitalist forces in alliance with metropolitan capital, within the larger context of Africa's agrarian transition.

### **The land distribution question and redistributive land reforms**

Research could explore in detail the more specific proposition that unequal land distribution tendencies are emerging on a larger scale than so far documented, and relate this phenomenon to the structures of political and economic power relations in Africa. Trends of land alienation, marginalisation and concentration processes, and resistance to them in an attempt to restore land rights, at both the large and localised scale, need to be assessed. Research could uncover the contradictory property relations and struggles in various countries in terms of existing political and economic structures, patterns of class, gender and ethno-regional relations, demographic change (including migration patterns) and changing land use patterns in areas with varied resource endowments. The role of multinational conglomerates in land control and the new forms of land conflicts that these generate in former settler colonies, rural enclaves and in urban areas will need special attention. Moreover the ideological and material interests of various political parties and other civil society formations in the social relations shaped by land inequalities need examination. This framework could be used to examine the social basis of land struggles and

land policy reforms, and the ideologies, strategies and results of redistributive land reforms.

### **The politics of land, state-civil society relations, and land movements**

Researchers could also focus on the role of the state and civil society in land reforms in the context of social justice, poverty eradication, economic development and national autonomy. The effects of neo-liberal economic policies on the erosion of basic land rights could be queried. A deeper understanding of land control and of social movements which struggle for land in relation to social dislocation, increased poverty and insecurity over land and natural resource property rights in relation to elites and state power is required. Research could explore whether and how varied social movements have re-emerged as a potential force for endogenous or alternate land reform strategies. This research theme could trace how various land conflicts are induced by the state, 'civil society organisations' and 'customary' institutions through public policy, including issues of weak coordination, the conflicting interests of different arms of the state and various classes, and the lack of capacity to effect land reforms. Furthermore land problems which arise out of opportunistic decentralisation processes and contradictory local land management structures, and their contestation by non-state actors will need to be elucidated. The role of political parties in land struggles, including the wider power struggles to control state machineries and various political constituencies requires special research attention.

### **Gender relations, access to land and tenure**

The entire research should entail a focussed and cross-cutting assessment of gender-based inequities in access to and control of land, the gender biases of land tenure institutions and land markets, and the power structures which underlie them. Gender-based discrimination patterns in local land administration processes managed by the state, traditional authorities, and other local land committee structures, need to be explored. Specific concerns here include unfair land allocation processes, unclear rules and regulations governing land tenure and use rights, and inequitable systems of access to related resources. Particular questions on the security of land tenure for women and struggles for access to land in relation to equitable access to water resources, various infrastructures and agrarian market institutions in terms of emerging rural differentiation will need detailed empirical assessment. All these aspects need to be assessed in relation to wider gender and class struggles, and the broader power structures which reproduce gender inequality. The emergence of var-

ied and class-differentiated movements to redress women's land rights, including the nature of recent attempts to include gender issues in national land policies and other direct actions should be examined.

### **Land tenure, property rights and land markets**

The research should investigate the complex forms of tenure relations imposed on rural Africa in relation to the land tenures demanded by various classes and groups, including the landless, the land-short, large-scale farmers, women, farm workers and other claimants. Specific research questions on land rights and tenure which need to be explored include current efforts to shift property rights towards statutory leaseholds and freehold rights, new forms of accessing land, including through patronage secured through ruling lineages, local leaders, state structures, informal 'land markets' and 'illegal' land occupations. Special attention will need to be paid to the salient emergence of different forms of land markets, their operations and effects in both formal private land property tenure regimes and in customary land tenure regimes. The sources of influence to create land markets and their interests, as well as the impacts of land markets on investment, productivity, 'livelihoods' and access to finance also need to be examined in the wider context of the marginalisation of the rural and urban poor.

### **Land use and extroverted accumulation processes**

This research should explore the extent to which export-oriented land uses marginalise local development and generate land conflicts, as well as how food imports distort land use towards similar effects. The impacts of agrarian trade relations on land use need to be revisited more thoroughly. In this context, the research should examine whether large commercial farming is growing and how it receives priority in national resource allocations, vis-à-vis the related changes in land use, agrarian systems and development strategy. The impact of this development on the peasantries in terms of land rights, labour processes and broader social welfare should be explored. Research could also examine whether smaller sized farms tend to use their land more productively, in terms of yields per land unit and the use of labour, as well as how 'self-exploitation' of domestic labour (especially of females) in peasant households contributes towards comparatively 'better' small farmer performances. The extent to which the focus on large farms for agricultural 'modernisation' has become a constraint to progressive land reform needs exploration. The manner in which indigenous capitalist farmers emerge, including their socio-economic and political networks, and their influence on macro-economic and ag-

ricultural policy and the allocation of resources such as credit, foreign currency and infrastructure needs empirical elucidation. Research could explore how these policies have stimulated new land uses based upon expanding traditional and non-traditional agricultural exports, and whether large-scale farmers have consolidated their position in an increasingly market-oriented conception of Africa's land question. The land use research theme could also examine how 'discourses' and policies on environmental sustainability support the growth of both the concentration of land and natural resource allocation for eco-tourism and other resource exploitation monopolies, and how the benefits of such land uses accrue to external capital. The persistence of top down land use regulations based upon received theories of environmental public goods and ecological processes, and how these direct and constrain mainly small and poor farmers' land use objectives, should be interrogated. The role of environmental movements and scientific initiatives in re-enforcing the regulation of land use against local objectives, as well as resistance to it, also needs to be examined.

### **The urban land question**

The various land questions and themes outlined above need to be explored not only in their rural context but also in relation to their incidence in urban areas, including their rural-urban interface. This should include structured empirical exposition of emerging urban land occupations and informal settlements, and the new forms of urban land bidding and related land administration problems. The underlying logic of semi-proletarianisation and urban migration, and the role of the state and elites in urban and peri-urban land accumulation processes, as well as the new generation of urban land questions and conflicts that these processes evoke, should receive special attention.

All these research themes could explore how the land question has been treated by 'donors' in the context of the failure of African agriculture and rural development, and the widespread persistence of rural poverty. This enquiry could examine whether rural poverty reduction strategies, as prescribed by the neo-liberal market-based developmental agenda, address the land question in relation to basic social reproduction. The role of donor agencies in determining land policies through their support (or lack of it) to particular government policies, particular tendencies in civil society and the private sector, can be treated as a cross-cutting research issue which elucidates the international context of Africa's land question.

### **Concluding remark**

The land question and land reforms in Africa have evolved over a long period. However most research on land has been scattered by disciplinary and topical fads, and has tended to neglect the emergence of critical land conflicts. The structures and processes that drive the land question and the demand for land reform appear increasingly to shape political agendas in Africa. Yet most land policies do not adequately address the marginalisation of the poor. While the role of social movements in driving land reforms cannot be idealised, the empirical record of both progressive and retrogressive struggles for land reform suggests that their importance cannot be underestimated. Attempts to assess the evolution of the African land questions, including their class dynamics and the social movements that condition them, must necessarily be grounded in a thorough empirical understanding of the political and economic context in which the peasantry, agrarian capitalists and markets have emerged in the various regions of Africa. This study, the research agenda proposed here and the appended bibliography may provide one step in contributing to an improved understanding of Africa's land question.



# Notes

1. Dual citizenship is not legal in Zimbabwe and new amendments to tighten the law have recently been introduced, also generating problems around the citizenship of long standing Mozambicans and Malawian farm worker migrants who have not yet denounced their original citizenship.
2. Mozambique expects one hundred white Zimbabweans commercial farmers, while ten have been allocated 4,000 hectares in Manica province. A group of sixty-three white Zimbabweans had requested 400,000 hectares, but the government of Mozambique has put a ceiling of 1,000 hectares per individual application (*Daily News*, 20/07/2001).
3. In this study, it was observed that, in the 16 areas under study in the six different countries, the percent of parcels acquired through the market ranged from 0-45 percent. Platteau (1996) also mentions that a study conducted by the World Bank in a sample of ten regions in Ghana, Kenya and Rwanda, the proportion of operated parcels acquired through purchases ranged from less than one percent to nearly 30 percent. In the highly populated area of Gisenyi in Rwanda, Kanama commune, with a population density of 566 inhabitants per km<sup>2</sup> and a population growth rate of four percent per annum, Andre (1989) estimated that 23 percent of the operated parcels have been acquired through purchase.
4. Some of the emergent capitalist farmers were responsible for renting land in the communal areas because such land was 'relatively free' for their own projects. Therefore, there is a wide variation of land sizes and ownership regimes in the customary systems.
5. See Shepperd (1981). This is because in irrigation schemes governments have a moral claim to the reclaimed land.
6. The 'open market' for land is not always open. Thus Sheppard observes that, in Ghana, a monopolistic and largely covert market in rice land emerged, whereby chiefs would sell land use rights either for undefined periods or, in cases where opposition to strangers appropriating land has been articulated, for a defined period of three to five years after which land rights revert back to the community (Shepperd 1981).

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