

**African Land Questions, the State and Agrarian Transition:  
Contradictions of Neoliberal Land Reforms**

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## **1.0 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 conflicts 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 neoliberal 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 address 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 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 indicates 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 urbanization in sub-Saharan Africa (estimated at 38%) 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) reflect, 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 localized and occur on smaller scales than has been characteristic of land questions elsewhere, they amount to a socially

significant land question. 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 to land, 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 into external control. Civil wars, migration and 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 yielded 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 mobilize financial and human resources to effectively develop land use, are a fundamental constraint 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 unequal 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 is 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 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, focusing 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 next chapter contextualises the study by reviewing global perspectives on the land and agrarian question and by further conceptualising the African land question.

## **2.0 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 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 northern 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 itself 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 conceptual framework and some themes improve our understanding of Africa's land questions, as elaborated upon in chapters 3.0 to 6.0. We begin with the debates on the changing nature of the land and agrarian questions at a global level.

## **2.1 The land question in the era of neoliberal 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 on its empirical relevance in general.

Most radical strategies to counteract this agrarian capitalist transition focused on nationalization 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. Collectivization of agriculture aimed to resolve the 'technical' problem of agricultural production by establishing economies of scale as a basis of mechanization 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 collectivization marked a definitive resolution to the problem of agrarian class accumulation 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 a 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

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 'land to the tiller' - was embraced in various political conjunctures by bourgeois modernizers 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 albeit their numerous land reforms is ample evidence of this.

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 focused on new rural settlements. The resolution of the squatting conditions of settlers, through land tenure regularization, 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 the state which accompanied SAPs.

In general and across the 'south', the neoliberal response since the 1990s', has focused 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 organized social actions at the local level. Recent state initiatives to redistribute land in the context of externally imposed structural adjustment programmes (SAPs) lending 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 socialisms, and this coincided with the last wave of significant examples of redistributive land reform. Veltmeyer (2003) however sees the new model of neoliberal 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 neoliberal precepts of free markets has led to a complex conceptualization 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 (e.g. reducing the cost of labour power through cheaper staple foods), has been undermined by speculative capitalist development on a global scale. Overproduction 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/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/'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 has therefore been essentially complicit in the maintenance or defence of the dominant social relations of production, including their foundation on 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 in 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-opting peasant and civil society leaderships, and 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 neoliberal 'new world order' via structural adjustment programmes (Gwynne and Kay, 1999; Kay, 1999; Thiesenhusen, 1989, 1995). Those mainly disadvantaged by these neoliberal 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 pressure for free market and private enterprise and popular notions against this, focusing 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 '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 depoliticised 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 rich landed people to the 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 Brasil and in South Africa since 1994. The latter has failed to meet the promise to redistribute 30% of white held land (Moyo, 2000; Bernstein, 2002).The neoliberal 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 subdivision 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. Borras (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 failures of both state-led and market led redistributive land reforms to address the land question have 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 of 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 neoliberal 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 neoliberal 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 focused 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 market based commercialisation of agriculture. In Africa debates on land tenure for instance while pushing for the development of commercial production in customary tenures 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 realization of surplus in general and among the peasantries in particular

(Mafeje, 1997). In this vein it has been argued that African modes of social organization are not necessarily anti-capitalist but intrinsically anti-individualism (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 is a major way 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 peasantries tends to conflate their importance in defining, if not leading, land struggles. In Africa the existence and nature of its peasantries 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 is the view that takes the peasants as an entirely passive lot, the disempowered object of various kinds of state agency 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 depeasantisation 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 peasant sector of the economy. Peasants remain a force, whose weight and significance is out of proportion to their number. In the Latin American context, the peasantry constitutes the most dynamic force for antisystemic 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 organizational 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 neoliberal 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 led movements that push for demands that go beyond land reforms towards more revolutionary or radical changes in government policy as well as the neoliberal 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.

## **2.2 The unique and diverse land questions of Africa**

### **2.2.1 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 its land question(s), 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 exists 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% and a minimum of 80% in exceptional cases such as Kenya, Cote 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 Africa of 'settlerism', the 'economy de traite' and Africa of the 'concessions'. This categorisation emphasized 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, and 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 focusing 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 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 chapter 3 to 6 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 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, predisposes 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 'long duree', the African colonial and successor state, given its developmental agenda tended to dominate the land reform policy process, 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), emphasizes 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 'unfree' labour services, sharecropping and other tributary exactions on the peasantry under feudalism, was uncommon in Africa, and not as intense where it obtained. 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 recognized 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 Mandani (2001) and others argue.

This means that African 'households' held land and mobilized 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 distant 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 (e.g. 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 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 procedures 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 institutionalized 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 localized 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 it to specific production schemes or classes, and these allowed 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, as we will demonstrate later, of generalized 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 emphasizes the fact that the African neo-colonial state, as we argue in chapter 3.0, 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 marginalize 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 marginalization 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' landholdings, albeit at a diminishing scale and on increasingly marginalized lands. 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 livelihoods of the majority.

A fourth factor which distinguishes the African land questions, but which is particularly of relevance to settler Africa, 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 misconceptualised. This national question is mirrored in the indigenous land struggles everywhere today. Land reform programmes in this situation where 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 conditioned 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 neoliberal '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 privatization, 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 (e.g. 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 salient but 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. Migrant

farmers' demands 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 because they marginalize 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 focused on the control of land, agrarian markets and related public resources (Moyo, 1995, 2000). No doubt the greatest hurdle to agrarian reform, while particularly focused on extensive land redistribution in the former settler colonies, is the growing lack of access to productive lands among the expanding peasantries in the face of increasing monopolies over underutilised 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.

### **2.2.2 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 constructive to consider that in much of Africa, where there is a 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 focused on 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 peasantries. This system became socially, politically and economically unsustainable because of the perceived and really differentiated effort, which addressed the productivity problem which underlie 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 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 credit is only collateralable 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 organization 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 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 markets 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 rationalize 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 *a priori* 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 livelihoods. 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.

But, 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 into Africa as a result of excessive agricultural export orientation. This arises from the perennial declining 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 as negative external integration are as critical factors in explaining Africa's looming 'agrarian crisis'. Thus both 'internalistic' 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 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 rural income distribution inequalities and 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.

### **2.2.3 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 capitalists 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 over land reform in some parts of Africa suggests the resurgence of long standing liberation style politics, based on anti-colonial, anti-imperialist and the resistance of minority dominance, 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 6.0.

These processes emphasize the importance of struggles within and resistance to the general policies and practices of the African states especially over land management (see chapter 5.0). 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.

Resolving 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 and, 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).

### **3.0 African land Questions: Trends and Tendencies**

#### **3.1 The land distribution question: trends and sources**

The nature of access to, control and ownership of land in Africa is differentiated and 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, as well as in terms of 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 all 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 in section 4.0.

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, 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 new land reform policy initiatives, as we discuss in chapter 5.0 and 6.0 respectively.

Unequal land distribution takes the extreme form of full-scale bi-modal land ownership regimes where minorities controlled between 30 and 80 % of national lands, as found in Southern Africa. A lower degree of inequity in landholdings occurs based upon socially differentiated rural societies in which the indigenous elite own relatively large pieces of land alongside a land short 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 bimodal agrarian context skewed in favour of peasantries. 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% of 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 peasantries and migrants provide labour to landowners, who exclude them from accessing the 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 landholdings 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, experienced labour migration from the Sahelian areas since colonial and pre-colonial times, (Manchuelle, 1997), leading the Sahelian regions to be were created into 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 southern areas (Amanor, 2003).

While some former slave labour migrated to the West African towns, the remaining descendants of slaves were restricted from access to farmland, although many of them attempted to purchase the plots they cultivated, with some failing to do so (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 short 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 raise 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 for instance in Nigeria, 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, especially 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 diminished land rights.

### **3.1.1 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. On the one hand, 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 population mainly composed of the Afrikaners and Germans, which by 1960 amounted to 19%. The largest scale of white settler land expropriation occurred in South Africa, whose 87% of the land was allocated to the Afrikaners and English settlers beginning in the 18<sup>th</sup> century. Although at 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 landholdings 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 where 55,000 white farmers, who make up only 5% of the white population, still own almost 85% (85,5 million) of the land. Yet only 20,000 white commercial farmers produce 80% of the gross agricultural product, and the remaining 35,000 and about 2,000 small-scale black farmers, produce 15%, of output. 500,000 families living in the former homelands produce an estimated 5%. At least 12 million blacks inhabit 17.1 million hectares of land and no more than 15 % (or 2.6 million hectares) of this land is potentially arable (Wildschut and Hulbert, 1998). Thus whites own 6 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 by 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% of South Africa's GDP, 7% of exports and 10% of national employment (ESS, 2002). Whereas most of the agricultural employees are foreign migrant workers from Zimbabwe, Mozambique, Botswana, Swaziland and Lesotho, 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% had access to 5 hectares or less, and 50% had access to 1 hectare or less (SSA, 1999) which is estimated to be unsustainable for livelihoods. 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 mechanism of control over 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% of them have more than double the incomes of the rest, and some hire partial/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 about 200,000 labour tenants and 1 million farm workers, and approximately 7-8 million Africans in the reserves, and that not all Africans in the latter beneficiaries group would be interested in land reform (Deininger, 1998). This differentiation of the peasantry in itself indicates unrealised potentials for augmenting the livelihoods of currently existing formal peasantries, especially the scope of need for land, if not real demand for land reform.

The scale of demand for farming land in South Africa in terms of people seeking full or part time farming and peri-urban residential land is growing. Considering that 40.9% most of them require land for their full or part time (semi-proletarianised) agricultural livelihood activities. It can be estimated that at least 19 million rural people are potentially or actually short of or in need of agricultural land, while seven million poor and black urban people who are landless (Eveleth and Mngxitama, mimeo). Indeed in a dynamic framework such demand for land through peasant or semi-peasant livelihoods could more than double over the next 15 years, given the slow pace of formal employment growth.

Today, Namibia still has the highest number of white settlers at about 8% of the total population. Commercial land under freehold title comprises approximately 6,300 farms belonging to 4,128 mostly white farmers measuring about 36.2 million hectares. The freehold land covers 44% of available land and 70% 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% 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% 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% of the country's freehold land or about 42% of the agricultural land, while 1.2 million black families subsisted on 41% of the country's area of 39 million hectares. This has since been reversed by the Fast Track Land Reform Programme, where only 1,300 white farmers remain, and they control less than 10% (?) of the land. (Moyo and Sukume, 2004)

These land distributional complexities have far reaching effects on the existing structure and patterns of conflictual race relations. Land inequalities in southern Africa are the basis of the uniquely gerrymandered distribution of socio-demographic features, 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 polarized 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 landholdings. 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% 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 3.1.5, after we discussed the more generalised emergence of scattered land concentrations derived from class rather than white settler dynamics.

### **3.1.2 Class based land inequalities: land concentration from ‘above’ and ‘below’**

#### ***3.1.2.1 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 born out by empirical reality. For, 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 smallholders in Africa, the predominant activity is smallholder ‘semi-subsistence’ farming. Most households rely on cash and subsistence incomes from a number of sources that include irrigated and rainfed 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 and infrastructure services and unfavourable physical conditions (poor soils, land degradation because of cultivation on sloping land, deforestation). Thus access to a diminishing land resource base and insecure land tenure has 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.

Per capita to arable 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 1ha and especially under 0.5ha. 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 3 hectares of mainly savannah lands (Wildschut and Hulbert, 1998). In Malawi 40% of the smallholders cultivate less than 0.5ha, with an average farm size of 0.28ha (IFAD, 1999).

North Africa productive land is very scarce whilst water availability is critical, since Egypt, Libya, Algeria and Morocco lie in exclusively arid areas (see table 3-1). Smallholder farming dominates agricultural production, hence the focus of land policies in 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

Source: ILO, 1996; FAO, 1998

African poverty trends are strikingly tied to land access and tenure insecurity is strikingly clear in Africa, given that more than 45% 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 shows that, in countries where 70-80% 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 40 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 20 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 25% of small-scale farm households is approaching landlessness, controlling less than 0.03 hectares per capita. Thus there is positive association between household per capita land holdings and per capita income (Ibid).

**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

Adopted from Jayne et al. (2002)

In some parts of Central Africa the scarcity of productive lands is the key source of conflict. In countries like Rwanda and Burundi, scarcity of land is at the root of the civil unrest. 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%. Only about 52% of Rwanda (1,385,000 ha) is estimated to be arable and Kairaba (2002) points out that the average plot size in Rwanda declined from 2 hectares in 1960 to 1.2 hectares by 1984. About 60% 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 cultivation 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 41-1,000/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.

### ***3.1.2.2 Land control differentiation***

The emergence of distribution problems in non-settler countries through rural differentiation processes, which heightened from the 1970s to the 1990s, suggest that a new generation of land concentration is emerging. The accumulation logic of new social forces emanating from the maturation of an African petit bourgeoisie two generations after independence drives this new land concentration 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 however 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, Ivory Coast, Botswana, Somalia, Mozambique, Ghana, Nigeria and Zambia reveal 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 impacts 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, through which popular land rights can only be secured through extensive redistribution of land and natural resources.

This policy reform bias in line with aid-led structural adjustment programme (SAP) prescriptions in Africa continue 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. Neoliberal 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 however 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, the basis of their land tenure rights and farm sizes allocated has been a source of differential class based landholdings, mirroring the generalized forms of classed based inequities in land and related resources control found elsewhere in Africa. Expanded re-peasantisation has been a dominant phenomenon under the fast-track land reform. (Moyo and Yeros, 2004).

The new petty-commodity producers now amounting to about 1.3 million families account for 93.7 percent of total new farming establishments, with about 138,000 smallholders having been provided 56% of the newly land acquired. 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% of the acquired 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% of the land, while women received less than 15% of the land in their own right. Since by the end of 2003, about 20% of the 10 million hectares acquired had not yet been allocated, due to various land allocation bottlenecks and settler conflicts, the full class based impacts 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, and 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' which possess below 50

hectares, historically comprise below 10 percent of the peasantry and employ substantial non-family labour from other peasants and the remaining landless, reforming their political significance in the farmers' lobby. These differ from the old and new middle agrarian capitalists with up to 150 hectares, whom they compete with 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 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, infrastructures and water, and lead to the consolidation of new land concentration and labour exploitation tendencies.

For example, the experience of post independence Nigeria's agrarian development strategy and land policy has for instance had the effect of promoting pervasive co-modification 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 table. Indeed, it has led to peasants being manipulated by urban and local 'big wigs' pitted against one another in struggles for land (Egwu, 1998). Thus the rising spectre of violent conflicts in Nigeria's rural setting (see box 3-1) lends to credence to the argument that ethnic identity is always mobilized 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 lead to growing landlessness. Thus 20% of the Kenyan population own over 50% of the arable land, while the rest own an average of one acre, and 13% are landless, or do not have any protectable right over land, and are referred to as "squatters," "trespassers" or "adverse possessors" (Ibid). The colonial Swynnerton land tenure reform plan 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, especially where they had not

### 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 Bansa, as well as Fulani pastoralists and settled Hausa communities. Significantly is occupationally differentiated along ethnic lines. The Mambila's are predominantly peasant farmers, the Fulbe pastoralists, while the Bansa and Kamba control commerce. The most significant way in which the socio-economic system influences the emergence of interethnic 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 marginalized the Mambila peasant farmers, vis-à-vis the more prosperous Fulani grazers and the commercially inclined Bansa 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 smallholders who constitute 98% of the population (table 2), while the grazers and large estates that account for 1,1% 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.

participated in this colonial adjudication of land rights (Lumumba and Kanyinga, 2003). 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.

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

Periods	Cattle number	Human population	Land area (Ha)	No of Divided area	Towns and villages
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: Gembu Tax Office

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

Type of holding	No 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: Gembu Tax Office, Ministry of land Survey Office, Gembu

In North Africa, smallholder agriculture has increased in countries like Tunisia and Algeria, a situation that is general, responding to, inter alia: 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, smallholders constitute almost 96% of the total number of agricultural households. In Morocco, where small holdings (of less than 5 hectares) constitute 69% of total holdings (ibid), there is one of the most skewed land tenure situations in North Africa, with 60% of the small farmers holding less than 20% of the land area, while the top 20% hold 58% (Ghimire, 2001).

The above discussions on land scarcities and differentiation of landholdings reflects 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 individualization of much of the land. This process has affected the majority of the lands utilized by pastoralists who occupy and use over two thirds of Kenya landmass (Ibid).

From the early 1990s, pressures for political liberalization 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 in the coast, between the Mijikenda and upcountry Kikuyu and Luo immigrants. 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 practises and 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, 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-organized military tactics including: killing people, destroying property and burning houses. Animals are raided in large numbers, of even 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 by 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; partisan roles of security agents in mediating conflicts; the squatting in communal land; the commercialization of cattle rustling and competition over natural resources such as pastures, water and livestock; human and wildlife land use conflicts. In many areas political intimidation including the use of illegal firearms has become common.

Therefore, the existing 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 reallocations and from post-independence process of differential access to land has led to the dislocation of indigenous populations.

These processes of differential access to land and the growing tendency for unequal structures of landholdings 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 landholdings to the elite, while from 'below', processes of local agrarian and power differentiation have encouraged local elites to amass larger landholdings amidst growing land scarcities, land shortages and landlessness. While unequal land holding structures are not as

extreme as in the white settler territories, process of land concentration on a significant scale can be discerned in Africa.

### **3.1.3 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 within defined national borders and across them. Various sources of movement, ranging from institutionalised migrant labour processes in various parts of the continent, ‘tenant’ farmer migrations notable in west Africa (Nigeria, Ghana and Ivory Coast) as studied by earlier anthropologists (Hill, 1963; Berry, 1988) and geographers (Udo, 1969) as well as other voluntary and involuntary migrations (e.g. 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 Mandani, focusing on citizenship and land access and exclusion issues.

In Ivory Coast conflicts over land, especially in the South (between long term migrants from the North and from neighbouring countries in the north), are an underlying source of the current political conflict and armed rebellion. Land conflicts emerged when political (electoral) competition led to the questioning of the citizenship (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 1990’s gave an impetus to land conflicts. Land conflicts revolved around differences over policy changes which led to decentralized management of land and natural resources in order to restore decision-making powers to local communities and legislative reforms which promoted the privatization of land through land registration in open recognition of local rights (Delville, 1999).

Migrants in the Ivory Coast, who because of the lack of proof of their citizenship and land tenure status can be refused formal land certificates, represent 11 to 45% of the population, while the non-Ivorian growers who can expect, at best, the right to rent land, represent between 22% and 43% of the population. This has diminished the sense of land security among “successful farmers” in the more productive areas of Ivory Coast, particularly in the Southwest, where young orchards are still maturing and, migrant and “foreign” operators are aggrieved by the new land law (Zalo, 2001). The new 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 Ivory Coast, and will probably be affected by the new laws (at the cost of intra-family tensions), if land is monopolized, 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 Ivory Coast 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, in large scale white commercial farming areas in countries such as South Africa and Zimbabwe, moving especially from Malawi, Zimbabwe, and Mozambique to South Africa and Zimbabwe, have been seriously abrogated for long. 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 empirical 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 fast-track land reform, the large-scale commercial farming sector (LSCF) employed 350,000 workers, of which 70 percent were of communal-area origin, 50% of the total being part-time or seasonal workers. After the fast-track land reform, officially declared ‘farm workers’ as well as farm workers who gained access to land as ‘landless peasants’ 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% 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 remain employed in the combined commercial farm sector.

Some of the official discourses focused on repatriating such farm workers, in spite of them having been in Zimbabwe for over 60 years or on maintaining them only as workers for new farmers, rather than address their land rights 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 provision 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 demand for pieces of agricultural lands and farm worker residential compounds with the social services they contain. A key unaddressed problem remains, needs to reduce conflicts 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 2 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. 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 killings of white farmers raise 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 (*e.g.* rivers), bar tenants from rearing livestock emphasizes their insecure or inadequate land rights. This power over labour rests on the constitutional protection of landlordism and the failure of the market assisted land reform approach to redistribute land and recognise migrant labourers' land rights.

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

Colonial and post-independence land policies tended not only to alienate land, albeit on small scale, but to partition national economies into regional enclaves of growth and, land and resources concentration alongside marginalized regions. The Ugandan colonial state partitioned the country into economic zones, whereby 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 currently 'mailo lands' for tenure reform was one instrument in

this, which led to land conflicts. 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).

Land conflicts within Ethiopia for example 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 clan's, although earlier competition to control the Haud pastures rarely entailed large loss of life (Ibid). Following the colonial scramble for the control of the horn of Africa, conflicts took a more political nature. The Ogaden, where the Haud pastures are situated, came under Ethiopian territory 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 land question of territorial dispute (Ibid). These 'ethnic' land conflicts stem from the marginalization of some regions by a state that monopolizes the control of the production and distribution of resources, through favouring some group, (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 condemned especially the Kikuyu settlement of their land, while the latter assert their national citizenship rights to such land (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 leading, the Kalenjin to organize resistance to further settlement, and thereafter resulting, culminating in the Nandi-Luhya clashes of the 1980's (Oyugi, 1998), in which the mobilisation of ethnic sentiment over ancestral land ownership generated violent conflict (Ibid).

Historical 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 restructurings aimed at external extraction, including in large and small scale processes of land alienation which fractured pre-colonial economies and source relations of production and redirected labour recruitment and utilisation processes. The roots of current land inequities and conflicts, for instance, in Kenya, where the Luhya, Kisii and the Nilotics, had mixed economies, whose trading strategies linked them to the Maasai in a political-economics 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% 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 suited their interests. In Malawi for example, during the 1910 period,

“... 'Villages' for Yao headmen had to be created from the ethnic soup ... [this 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 foundations, such as the fact that by April 1916, 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 control inequalities.

Access to land even in settler colonial Africa had also been mobilized 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 traditional authority over land administration continue today (Neocosmos, 2003)

### ***Disruption of ‘indigenous and minorities’ land rights***

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 time. 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 tampered 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 marginalized 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 resources based livelihoods, in order to expand the national tourist industry. Also large tracts of land have over the last 30 years been parcelled out of "customary lands" and given to over 1,000 indigenous elites, 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. Whereas this land expropriation has been done in accordance with the "rule of law," and in an 'orderly' and 'gradual' manner, 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, 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 for water and livestock resources.

### **3.1.5 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. These are tied to investment agreements and varied enterprises, ranging from agriculture, tourism, forestry, winning arid residential investments, in which nationals may or not have shares.

A diverse and differentiated structure of land tenure and land use also exists among African foreign and specifically white population. Racial ownership of land ranges from family landowners to a few white-

dominated large companies – most of which are multinational companies 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> While the definition of who is indigenous remains contested, including for non-white members of minority groups who are citizens by birth or through naturalization, 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 to now 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 globalization of the region's land question (Moyo, 2000). The rural poor are thus marginalized 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 prime target of such investment through lucrative incentives provided for foreign investment especially in export processing zones.

In most settler and non-settler 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 terroirs, thus ensconcing an important international dimension upon 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 multi-national conglomerates in for instance, Nigeria, Tanzania, Mozambique, the DRC, Cameroon etc, that has created new forms of land and resources conflicts (Mkandawire, 2002).

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<sup>1</sup> 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

This trend of growing land concentration is quite common throughout Africa. For example, 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 (ibid) 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 against southerners (Goldsmith et al. 2002), while the southerners consider the oil theirs. 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 minerals resources of the DRC tend to be located in peripherimeter of the country, hence the distribution of population and conflict in these border zones. For instance the Kivu provinces, "... 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

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and Malawian farm worker migrants who have not yet denounced their original citizenship.

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 allocations resources

The continued importance of external neo-colonial forces in fostering unequal land and resource control, including exclusion and conflict tends however to be underplay 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 critical to the genesis and reproduction of this trend.

For example, whereas resources conflicts were not new to the Kivus region of the DRC, sub-regional or neighbouring state interventions have attempted to shape ethnic dominance patterns there through regional armed conflict for long (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 localized conflicts between various communities (such as Hema/Lendu/Ngiti in the Orientale province) also emerged, and the announced restrictions on the people of Tutsi descent-who had lived in the DRC for generations –acted as a major triggering event and provided the opportunity to recruit an armed rebel movement that galvanized 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 regionalization of conflict and polarization in the central Africa region became a source of ethnic and inter-state mobilisation of control over access and use of mineral and other resources. Countries which supported the DRC (Angola and Zimbabwe in particular) became part of this national partition and resource conflict, towards 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.

Growing concentrations of land control in Africa, combines indigenous white and black elites and foreign owners, including multinational firms, towards capital accumulation in agriculture, forestry, tourism and the expanding urban real estate. The recent land concentration among national elites, to the exclusion of the poor and 'remote' communities, has intended to generate increased inter-elite conflict and domestic elite-external owner conflicts has raised contradictions for official policies aimed at developing agrarian capitalism and tourism, towards export oriented land uses. Perhaps because foreign land ownership concentration and struggles in countries such as Zambia, Botswana and Malawi, have been less dramatically executed, than has been the case in the Zimbabwe land transfer process in recent times, the processes are largely uncommented upon in African regional and international debates on the land question.

The expansion of unequal land distribution structures in Africa, which are tied into evolving global markets, begs many questions about the consistency of international neoliberal development strategy, and their governance concerns over land reform, including the emergent black agrarian 'crony' elite, in Zimbabwe. To boot, 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 it apparently facilitated by international finance, and domestic forces which provide them with cheap land leaseholds, subsidized 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 has thus been the incipience of restructured regional agricultural production and trade patterns (Ibid), where Zimbabwe farm products such as milk, poultry, tobacco, sugar and seeds have found themselves in regional markets in search of higher prices in forex, while production of tobacco, horticulture and even maize by former Zimbabwe farmers has been on the increase in Malawi, Mozambique and Zambia.

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 is constitutionally state land, "privatisation" of land started in 1984 as part of the implementation of the structural adjustment programmes. This has created grounds for racial animosity as foreigners and white South Africans tend to dominate this investment. Confrontation over land in Zimbabwe has seen the emigration of white Zimbabweans to Mozambique.<sup>2</sup> Mozambican officials have called for greater social integration of in-coming white farmers to avoid

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<sup>2</sup> Mozambique expects 100 white Zimbabweans commercial farmers, while 10 have been allocated 4 000 hectares in Manica province. A group of 63 white Zimbabweans had requested for 400,000 hectares, but the government of Mozambique has put a ceiling of 1,000 hectares per individual application (Daily News, 20/07/2001).

creation of “white islands” where commercial development outpaces that of the indigenous populations who surround these new settlers.

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

### **3.2.1 Introductory remarks**

Contemporary land tenure systems, whether founded on customary systems of regulation (in law or administration) or in statutory formal systems of tenure, are embedded in unequal and discriminatory power structures and procedures, which 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 landholdings have generated discriminatory and insecure tenure in the various land tenure regimes and to provoke land conflicts and struggles, has in the last 4 decades 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 hierarchy, tended to speed up land alienation and marginalisation of the rural and urban poor, in terms of their residential and production livelihood needs. More critically land tenure reforms have weakened the capacities of the poor and local administrative systems to protect local land rights or to resist neo-liberal policies which regulate land uses against the interests of local food security and 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 framework of governance reforms, including the current focus on decentralising the African state, have shifted the balance of powers and social control of land and resource allocations between the central elites, and local power structures. Indeed the promotion of specific forms of land administration systems, including of civil society organisations participation in local land and development administration has tended to accompany advocacy for formal statutory land titling and ‘modernised’ land administrative structures of land tenure systems. In contrast to this, 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 it has demonstrated a capacity to comprehensively reform land administration in this light, let alone to 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 have been expropriated or undermined. Yet unresolved conflicts over land and other natural resources tend to undermine the capacity of the poor to produce their own food, arise to adequately manage contested 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, while this section examines the changing land tenure regimes and their impacts on provoking various land questions, whose historical and social character are specifically, if not uniquely, African.

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

The central land tenure problem therefore revolves in Africa around resistances and collaboration struggles over the imposition of land management institutions and rules, during colonial and in post-independence times, which have served to diminish access to land and security of tenure among a growing majority of citizens. Land tenure consists of the social relations established around the control and use of land, while land tenure systems and their sets of tenure relations are interwoven and related to other societal structures and institutions, including economic structures as well as family structures with its marriage and inheritance practices (Lastarria,-Cornhiel, 2002). Land tenures, driven by various approaches to maintaining and reproducing state power, class interests and social control through the redirection of land control, land use regulations and social relations of production and reproduction, 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 growing arable land scarcity, the denial in varying forms of access to land and natural resources for the majority by landlords and the colonial and post-independence state, through tenure systems and laws which exclude or through privatisation of land, shape the common legacy of insecure and discriminatory land tenure systems. Understanding of the land tenure systems that obtained in the pre-colonial states and the transformation process they went through as a result of colonialism is critical to our appreciation of the land tenure conflicts that obtain today. Colonialism introduced new dimensions to the form of land ownership and title, and land management, as well as to the rights and responsibilities related to land and natural resources. Africa was colonised through a combination of military conquest and unjust treaties and agreements (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 the land tenure system

According to Cheater (1988) the colonial powers initiated and nurtured the notion of customary tenure with three key distortions. First was that the notion of community rights became so one-sided that it was not in agreement with the concept of individual rights. Secondly, the definition of customary authorities who would exercise the right to allocate community land for household use, mixed up ritual powers with proprietary rights. Thirdly, 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 and had no traditional right to access land (ibid). These distortions were however contrary to practices that prevailed in the 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 would then lead to social relationships developing (e.g. marriage, settlers etc) contributing to the prestige and often the labour force of heads of household, kin group multi-ethnic communities whereby customary land tenure systems housed a livelihoods framework supporting rural populations (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), and 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 but 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 forms of land rights over 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’ or forms of land tenure have tended to occupy lands 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 while they had no legally entrenched rights, in contrast to the state as an owner and 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 based on harmonious and fairly homogenous communities.

In reality, the ‘community’ is differentiated along class, other social and gender lines and reproduces 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 were inherited from colonial governments reinforced the perception that all lands 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 occupy 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, e.g. married and unmarried women) and also overlap, a situation that often leads to the development of conflicts over the land and other natural resources attracted to the lands. 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 and justification of private or state land ownership. However the boundaries designed for the native reserves made it impossible for people to acquire land rights elsewhere and 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 private owned lands are just as degraded of their natural resources.

The current vogue of establishing similar land committees and assemblies in African land tenure reform policy exercises faces the danger of creating essentially statutory bodies, perceived as extension of the state, which retain the main source of land tenure insecurity: state land expropriation (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 existing deemed rights of the villagers to village lands before village titling was implemented. Establishing this system was at any rate too costly as it involved the processes of land conflicts adjudication, establishing cadastral surveys, and formal land demarcations, providing numerous technical contracts, and the titling and registration of titles (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 (e.g. 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 such as land, 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 groups, 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 and customary norms are selectively practiced 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 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 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 individualization 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. Therefore, the trend of family control enforces 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 pressures 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 land market regimes.

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 and/or social rights, such as rights to food and to existence (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 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 among various social groups. 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 relations with other persons in the household and community, as these in turn are determined and shaped by societal institutions (Ibid). From an institutionalist 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 have 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 forest, 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 to pass it on to their 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 has on the effective exploitation of land (Toulmin and Longbottom, 1997). Under customary law, traditional leaders (chiefs) remain the dominant 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. When 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 laws have generally led to more confusion and conflicts between land users (Toulmin and Longbottom, 1997). Migration from northern West Africa to coastal areas has led to a 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) and colleagues, citing empirical evidence from rainfed 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 to exist, is based on the need for land serve different purposes under different circumstances, 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.

### **3.2.3 Statutory and private land tenure systems: the evolution of land markets**

In countries with predominant customary land tenure systems there is a tendency of high population densities on land regarded as poor around largely mountainous areas and 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).

Private property of land in a market economy means private and individualized *ownership*: the owner is the only person with rights to that land and has the right to exclude everyone from his/her property; even members of his/her own 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 individualized 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 individualization 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 of rights: use rights, exclusion rights, and transfer rights (Ibid). As individualization advances, the use rights may expand to include other commercial uses such as planting productive perennials or extracting soils, and gravel for sale or other uses. Transfer rights regulate how and to whom the landholder can transfer the land, including giving, inheritance (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, land administrative courts and other entities, which proscribe such land transactions. In land redistribution programmes, different versions of the 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 for both acquisition and settler placement. However, land markets also vary depending on the form of laws underlying the freehold concept (e.g. 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 exercise of land tenure reforms of ‘individualising and titling land’, has led to a markedly skewed distribution of land. The chiefs, 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 have generated more conflicts than they solve and, may have decreased people's tenure security (Ibid).

In the 1980s the government in Tanzania practiced the concept of 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' subtitles ranging from 33 years to 99 years (Shivji, 1998). This tenurial 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 these.

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 1 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 was 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 cases meant to reclaim lost customary rights (Bruce, 1996, Shivji, 1998).

As Shipton (1989) points out, individualization of land rights in African societies gives individual persons more freedom (or greater exclusivity) to use and administer one's 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 individualized rights in response to increased population pressure and commercial agriculture. Market forces also increase the perception of land as a marketable good and the 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, in debates about land tenure reforms. The combined pressures of population growth and increasing commercialisation of agriculture tend to be seen as the drivers of tenurial 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 these arguments 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 of generating land conflicts through new forms of exclusion, as we saw in Ivory Coast and Kenya. In Ivory Coast's Rural Land Plan (RLP) pilot project (from 1999-2000) it 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 uniformed renegotiation of previously conceded land rights (Zalo, 2001). Since land is scarce and, is a limiting factor for socio-economic development because the size of family agricultural plots are small, the roots of land conflict in Ivory Coast 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 good prices, poverty persists among most of the rural populations, 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, in racially discriminating land markets until independence, formal and informal land markets have been growing in Africa. The increased incidence of land transfers through private purchases tend to be associated with growing or high population pressures and expanded agricultural commercialisation, as observed in a study of 16 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).

#### **Box 3-2: Examples of Land Markets in Eastern and West Africa**

Place (1995) reported that 80% 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% and 60% 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% of land parcels acquired were bought in three prefectures of Burundi. Also, purchases comprised 18-19% 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% of their parcels and had rented another 7% 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 de I'voire, 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% of parcels were purchased in a cocoa growing area, while 41% 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 4 and 5% in Ghana, a proportion that is growing with time, while the area acquired through rental markets is as much as 18.8% 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)

<sup>3</sup> 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%. 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 1% to nearly 30%. 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 4% p.a, Andre (1989) estimated that 23% of the operated parcels have been acquired through purchase.

But individualisation of property rights and the evolution of land markets in customary lands, tends to be considered a 'natural' phenomenon in Africa, by some scholars. In one example, Migot-Adholla et al., (1991) notes 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 is 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.

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 processes such as gifts, borrowing and the inter-generational mechanism of inheritance. Generally non-market transactions relate to 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, 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 un-related 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 tends in Africa to have been accompanied by land registration initiatives, especially during the colonial period.

Land markets 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% of landholdings (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) reporting that 58% of landholders in the Buganda region of central Uganda had purchased land. (see also box 3-3).

**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

However 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, to the benefit of wealthier members of community (Watts, 1983; Mamdani, 1986). Basu (1996) notes that, even in contexts where land can be sold, land markets are often inactive except for distress sales, meaning that land losses may be 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.

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

The above discussed land tenure systems and the contradictory efforts to reform them suggests 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 generalized 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 land policy reformist strategies, including both redistributive and tenure reform strategies, as well as the social pressures for popular land reform, are discussed further in chapters 5.0 and 6.0.

Land tenure reforms have tended to reinforce the land concentration and exclusion processes discussed in section 3.1, using policy mechanisms which justify, open and protect 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 markets creation and the adoption of customary tenures drove this concentration process. This is what we have called land concentration from 'above'. This process of land concentration escalated since the 1980s alongside the neo-liberalisation of African economies under structural adjustment.

Land tenure reforms have also served to formalize, increase and protect land concentration from 'below', in a more longer term process of the growth of petty commodity production. This entails widespread but not comprehensive situations in which local rural agrarian capitalists have emerged local and 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 recognize discriminatory customary tenure rules or to condone their persistent abuse by local elites and local state functionaries, as well introduce statutory tenures 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 marginalize the land rights of the rural poor and their capacities to reproduce themselves are increasingly undermined. Yet the evidence on the

extent to which land privatization and land concentration have promoted improved land productivity and agricultural investment, suggests that land individualization 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 of African agriculture.

The roots of this stalled agrarian transition need to be further examined, beyond the constraints that are imposed by the property rights, 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.

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

#### **3.3.1 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 process particularly the slow growth of agrarian capitalism, as opposed to the widespread growth of technological backward agricultural petty commodity production and the sustained extroversion of agricultural land uses, in a context of semi-proletarianisation derived from stalled industrial and employment growth. The failed agrarian transition of Africa, whereby agricultural transformation and capital accumulation, have remained restricted, reflects both the narrow spread of agrarian capitalism as well as relegation of the majority of the African populations to dependence on petty agricultural production for their survival. Conflicts over land rights thus reflect a structural problem of maldevelopment as well as the contradictions of the evolving land tenure systems, including the emergence of unequal access to land and tenure insecurities, and ineffective land use policies.

Mkandawire (2002) points out that, during the last two decades, there has been acceleration in the process of commodification of land by African states and of a 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

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<sup>4</sup> 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.

of these, usually male, large farmers was not seen as alienation of land by 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 beneficial land uses is as questionable.

This process of land concentration and agrarian accumulation, both from 'above' and 'below', has not needed to entail the transfer of land into formalised individualised property rights, but the manipulation of indigenous land usufruct rights by emergent capitalists using non-traditional processes of land acquisition and protection of 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/or 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, to selectively support emergent agrarian capitalists and natural resource extraction and tourist capitalist enterprises.

The process of land commodification and concentration therefore 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, and used the newly found government the right to lease or even sell land to both domestic and new foreign agrarian capitalists<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 or interest', as opposed to the interests of narrow ethnic or social groups. In addition, the neoliberal ideological stance, underlying Africa structural adjustment policies, which promote capitalist agriculture, 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

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<sup>5</sup>. See Shepperd, 1981. This is because in irrigation schemes governments have a moral claim to the reclaimed land.

<sup>6</sup>. 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).

incipient land market exists in Africa, rather than them 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, moreover, 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). Secondly, 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 that of 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 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 was proposed by structural adjustment programmes

(SAPs) 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 secularly declining terms of trade (see also Patniak, 1999; Sen, 2004).

Recent tendencies to subsidise agriculture in the USA and EU through agricultural and trade subsidies emphasises 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', through land use patterns that policies promote. 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 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 in negative authority, the search for land and agrarian reform based on small peasants and semi-proletarians, as 'peasantist', 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 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 SAP lending have undermined the agrarian transition in Africa, while retaining perverse commodity exports based on unequal land and wider resources distributions, as we argue below.

### **3.3.2 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, has 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 poor 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 the 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, and 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 practises. 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 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 under-value land, largely by allocating land and related resources to commodities with poor returns and domestic linkages. This reflects the external co-optation 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 and, food import and aid dependence, and the inability of agriculture to accumulate investible 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 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 have led, not only to the loss of local livelihoods (pastoralism and peasant cropping systems) but also to increased conflicts over the control of land and gradual processes of land alienation. Thus, the aforementioned processes of 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 “elites”. Various examples of these new export land use trends and their effects can be observed in various African countries.

One controversial trend emanating from SAP liberalisation land use policies is the conversion of farming land to exclusively 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 peasantries 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 which allocating prime land to wildlife and tourism uses is considered 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 biodiversity and methods of their economic and social exploitation (Moyo, 2000).

Policies and regulations which directly and indirectly orient land use towards minority elite 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 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) refute these relationships suggesting that the integration of smallholder agriculture into the exchange economy is necessary for successful development, since the developing 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 for food security remain a strong rationale for some amount of subsistence production and hence may be responsible for 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, had 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 into agrarian labour. This has contributed to the crisis of livelihoods generated by increasing 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: such as 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 from other remunerative activities, such as the commodification of natural resources, petty trading, small-scale mining of rare minerals, etc. Some respond through greater exploitation of remaining common property resources through cultivation in vleis and grazing areas, and the invasion of forest and park lands to turn these into arable land.

Land use policies focused 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, so as to consolidate land holdings, 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 earning women to protect food security for their households in circumstances where decades of hyperinflation 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 that 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 a small, food-secure elite, but would have a negative effect on the food security of the low income group who had gained some informal access to land (Ibid).

Land use policies and regulations tend to be subtly based on the view that large sized 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 northeast Africa in most of Africa, relatively larger landholdings under freehold or leasehold tenure, are supported by the state, because of their perceived superiority, towards the production of agricultural produce for exports. But, almost all the coffee exports in Kenya, Uganda, Tanzania, Rwanda, and Ethiopia are grown by smallholders 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 a critical for the food security and sustainable livelihoods of the majority of Africa people.

### **3.3.3: The peasant and 'merchant' capital paths of land use: large versus small farmers**

Africa policy-making perspectives, increasingly portray 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 is 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 neo-classical agricultural economics discourses, which argue that smaller sized farms 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 upon 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, landless and unemployed, focusing 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 1980's. 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 (Deininger, 1998; Van Den Brink, 2002), and argues that the notion of “viable” farm size is not related to production economies of scale. Instead it is the scale of farm size is always determined socially, through agricultural policies, which define the income targets of various farmers. In the southern Africa context, farm sizes 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 is “*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). As a result of this, 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 their 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 (SAPs) adopted by numerous African governments in the 1980's and 1990s have nonetheless tended to retain the concentrated allocation of resources such as land, irrigation facilities and production infrastructures on large farmers, not small 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 market-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 their 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 agribusiness worry that the existing indigenous capitalist farmers are expropriating land and have become a barriers for their operations which relied on peasant sub-contractees and community land management schemes (Ibid).

Debates about the relative efficiency of small vis-à-vis 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 long debunked in Zimbabwe (Weiner et. al., 1985; Moyo, 1987), Malawi, Kenya and elsewhere in general. 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.

#### **3.3.4 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 infrastructures 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 incentive.

Land use patterns in Africa are very much restricted by the agro-ecological potentials 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% of the world's land mass (2 963 313 000 hectares), about 66% of Africa is classified as arid or semi-arid, and the region experiences extreme variability in rainfall. Approximately 22% of Africa's land area is under forests (650 million hectares), 43% is classified as extreme deserts (1 274 million hectares), and only 21% (630 million hectares) is suitable for cultivation (FAO, 2001a; UNEP, 1999). In 1999, it was estimated that about 200 million hectares (32% of the suitable area) were under cultivation while some 30% 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 of 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. Since 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 are important electoral constituencies and they 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 and prohibition 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 extension of these short term and external oriented land use regulations and policies degradation, towards the more intensive extraction of forest, biodiversity and wildlife resources largely for export markets, has led to greater land use extensification in Africa, and led 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 has also reinforced unequal patterns of access to land through the enclosure of vast tracts of lands by the state and elites. The effect here again has been the marginalizing large rural populations from access to natural resources for their basic consumption and livelihoods.

It is this inequality in access to land and natural resources, as well as misguided land use regulation, 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 resources degradation. 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 of distorted land use regulation and misguided production incentives.

Repressive land use regulations are commonplace in Africa because these are driven by state and NGO led environmental ideologies, which drive current eco-imperialist approaches to issues of environmental degradation, conservation and sustainability as eco-imperialism (Kirkby and Moyo, 2001). In these frameworks global interests create the environmental regimes, under a project of ecological modernization 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, but the benefits primarily accrue to first world interests, specifically elites and multinational corporations. 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 biodiversity loss are within this mode, characterized by top-down hierarchical, neo-colonial systems and in some cases these totalitarian systems are best described as eco-fascist (Kirkby and Moyo, 2001).

### **3.3.5 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 inequitable security of tenure. The regulation of land-use, usually rationalised on the basis of the need to protect 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 towards 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 of their legitimate rights to state support.

The question is whether these new generations of land use policies and regulation promote efficiency in the utilisation of land and labour resources, and thus improve national welfare in general. The persistence of under-utilisation, low land productivity and external land use orientation suggest that land use and related policies have been an obstacle to agricultural transformation. So far little research has captured these land use complexities and their implications for land reform adequately. 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 these. Understanding land use contradictions in relation to land control and distribution can contribute towards new conceptions of Africa's land question.

### **3.4 The African urban land questions**

#### **3.4.1 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 land ownership and use, to the exclusion of urban land issues, given that the agrarian question constitutes the primary concern of the discourse. However, urban areas are increasingly a critical site of struggles in terms of growing demand for land for residential purposes, as well as for its use as 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 1960's African cities have been growing at tremendous speed with the rates of urbanisation reaching average levels of 30% in some countries, today, compared to the average of less than 15% then. Urban fertility rates and rural to urban migration both continue to drive urbanisation, leading to expanding demands for access to urban and peri-urban land. Urban demands for land include its requirement for residential purposes, for "urban farming" in the context supplementing the basic food and income needs of the urban poor, and for working spaces entailing petty trade, 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 question which affects a growing number of Africans today.

But the demands placed on urban land are increasingly mediated but 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 and 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 land standing “indigenous” rights in both old and new cities, various social categories of urban and peri urban residents, including so-called “illegal” land occupiers (“squatter” 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) tenures 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 which are beyond the reach of the poor majority. These land questions, extend to large peri-urban zones, rural landscape which also has a larger proportion of the African population today, surrounding most African cities. While the total urban land area is smaller than the intensity of the 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 the costs of access to residential land, housing and utilities as well as commuting to work, an excessive proportion of the earnings of the majority. Hence, the overcrowded living conditions, homelessness and ‘illegal’ land occupations.

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

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

First, are the older urban spaces whereby the cities emerged over a few centuries out of existing rural settlements and small centres at 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 remained “owned” by local indigenous communities, through long standing customary land tenure regimes, but have evolved into freehold and statutory tenure regimes as urban spaces which at times combine numerous villages (e.g. Accra, Lagos, etc.). Over time and through long drawn land transfer processes most of these urban lands were transformed into public or state urban properties, while large tracts of the lands were sold or allocated to numerous 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, with immigrant populations and the state.

The second types of cities are the truly ‘new’ cities created from “scratch” either the colonial state or the post-independent states. These were created by alienating large tracts of land from indigenous populations to create the city, or through the enclosure of vast extensively settled lands 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 and/or through newly created urban land markets. Typical of these cities all the southern African, some Kenyan cities, as well as the new capital cities in west and east Africa. These cities tend to clinically segregate 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 services provision was also discriminatory. Given the immigrant origins of these urban populations and the unaffordable 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 increasingly into rural settlements and farmlands, which are converted into urban space by the state, “squatters” and 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 these demographic patterns of unequal access to land and housing. The lack of access to sustainable incomes outside of agriculture and unemployment thus underlie 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.

### **3.4.3 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 into urban infrastructures 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 which are incapable of providing gainful employment.

The South African city provides a good example of these processes which are now common in most African primate cities. In South Africa, for example, the majority of South Africa's poor are blacks, whose unemployment rate was 44% in 2000, reflecting the disarticulation of black urbanisation, compared to the unemployment rate of 6.8% for whites (Pieterse, 2003). The South African urban land problem has been acute since the 1970's, and between 1980 and 1989, such that more than 150 percent of the land which had been declared for African residential development had to be for the homeless. Thus the land set aside 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 the 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 has become the major site of struggle because the costs and formalities of entry are less encumbered by urban regulations and market related financial responsibilities in these areas (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 previously had not 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 demands 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 tenures and rights in the 'old' cities, has emerged as the major competing tenure systems and administrative procedures. Securing land recorded, legally protected title in such cities tends to be extremely bureaucratic, long drawn and fraught with contestations over the rights. Such process thus excludes mostly the poor immigrants, who dominate informal settlements.

#### **3.4.4 Concluding comments**

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

### **4.0 Gender land inequalities and tenure insecurity**

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

Cutting across unequal and discriminatory patterns and structures of land distribution, land tenure and land use are the land questions of gender inequalities. The key land question here remains that women's access to and control of land is inadequate and constrained by various customary and generally patriarchal social relations, and in general their land tenure where women hold land is extremely insecure, while women provide labour for farming under severely exploitative relations in production and reproduction. 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 of pre-colonial African society, were contrived during colonial and contemporary times by the male dominated central and local state and political power structures found in Africa.

Unequal gender relations in 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 growing land needs of women. Women's land rights are insecure and inadequate for their ascribed roles as key agricultural producers and the compelled custodians of reproducing children, as well as of the family livelihoods 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 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 recognizing 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 sub-ordination of women in the patriarchal structures which dominate broader social and production relations. Race, class, ethnicity, ageism, economic and political circumstances are thus systematically structured to influence gender relations with respect to land and the benefits derived from the productive use of land.

Gender based struggles for land where men and their male heirs' have inequitable control of land are common in Africa. Firstly, disenchantment with male dominated local land administration processes managed by state, traditional authorities, and local committee structures, with particular reference to unfair land allocation processes, unclear rules and regulations governing land use in projects and inequitable systems of resource use charges are key concerns for women. Both the extended family structure and nuclear families are key production and investment strategies for both subsistence and the market systems of production, which are utilised by families and communities, through both customary and formal law systems to structure unequal gender relations (Lastarria-Cornhiel, 2002). Often there are blurry 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 of social equity, citizenship and land rights (Ibid).

There is general agreement that customary land tenure rules discriminate against women in Africa. However why this is so, the ways in which such discrimination occurs, and therefore the most effective solutions for this are in dispute (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 engaging in practices which reduce women's land tenure insecurities by 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 taxes, and re-enforced land rights on them in this way. 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 given to 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; they have 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 impacts social equity as evidenced by constraints placed on women's behaviour and rights such as women's inability to enter into contracts (a husband or male relative must sign her contracts), to participate in the public arena, in women's vulnerability in dealing with public officials, and in women's susceptibility to abuse (Ibid).

The mechanisms or structures 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 full members are (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 hold a lower status. In addition, women who marry into the lineage and community are usually considered transient members. Patriliney means that, for purposes 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 with 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 relics of customary tenure regime 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 have distinctly gendered patterns, which are not well documented, largely because the discourses 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 differentiation processes. 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" (Jewssiewicki, 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 recognized 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 recognized by either colonial legislation or historians (Ibid). African women were assumed to only 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 require further investigation.

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

The widest source of gender discrimination in land controls is in 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, K. A., World Bank Discussion Paper, 1994). Despite this women generally hold a peripheral position with regard to control 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 modernize customary tenure systems in order to stimulate market economic activities through private land property, in countries such as Kenya and Uganda attempted in the 1950s and 60s,

and then in other countries in 1980s, have had far reaching negative effects on gender relations and land. Formalization 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 (e.g. in East Africa -Kenya 50.5%, Tanzania 51% and Uganda 52%) and women are critical to the agricultural economy, they enjoy limited land rights (Lumumba, 2003). For instance in Kenya less than 4% of the women have title deeds to land registered in their names compared to 7% in Uganda and 10% 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 unauthorized 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).

The deprivation of women's rights (control and use), through customary and currently practiced procedures on land inheritance and property distribution after divorce is however the most widely contested issue between women and the state/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.

### 4.3 Concluding remarks: advocacy for women's land rights

As a result of growing struggles for the redress of gender unequal land 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 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.

#### 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:

- 1.0 The Ugandan Constitution includes a commitment to gender equality and affirmative action (Ovenji-Odida, 1999); South Africa's Constitution provides for equal treatment of men and women;
- 2.0 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;
- 3.0 In Malawi, legislation allows women to register land independently of men (Ouedraogo and Toulmin, 1999);
- 4.0 The Mozambican Land Act enshrines the right of both men and women to use and benefit from land (Quadros, 1999);
- 5.0 Women's rights to land are provided for in the National Land Policy of Tanzania;
- 6.0 In Zimbabwe, policy provides for the joint registration of land in resettlement schemes between husband and wife; and
- 7.0 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

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 under-estimated. 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. Namely, that growing processes 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, 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.

## **5.0 The African state, land reform and politics**

This chapter examines Africa's land reforms experience, with particular emphasis on the role of the state, in 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 tenurial reforms, and the reshaping of local land administration structures. First, what problems should concern African land reforms?

Land reform in Africa would 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 shortages. In these territories however, limited redistributive land reforms had been attempted since the late 1950s, while since the 1980's gradualistic market based land reforms were initiated in southern Africa. Land reform was only 'radicalized' recently under conflicted conditions in Zimbabwe. The need for redistributive land reforms would also be expected in other countries, where localized 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 at 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' to independently hold the land they formerly rented, and/or by upgrading the conditions under which they rent lands from feudal or semi-feudal landlords.

While, to some degree, the upgrading and re-assigning of tenure rights to land users is relevant in relevant parts of Africa where land rentals and sharecropping have emerged (especially in west Africa), this form of redistributive tenure reforms, 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 50 years. Current resistance to land marketisation and ‘individualisation’ schemes, as well as to the manipulative reform of land administration structures, through the adaptation of customary tenure procedures and institutions, via new efforts to decentralise and reform land governance systems, 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 (e.g. 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 land 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 the above land questions, more focused on selective and piecemeal modification of land management institutions in a manner which has tended to reinforce rather than redress the land problems. This result, as we discuss below (see sections 5.2.1, 5.2.2 and 5.3), reflects mainly the peculiar power relations which define the African state and its agrarian class interests, mediated ideologically and programmatically through neo-liberal conceptualizations of the land question, land reform and development strategy.

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

The economic and material foundation of the African state rests largely on primary resources extraction and export activities in agriculture, oil and mining, and natural resources (forest, wildlife, biodiversity 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 which control lands 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 is 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 utilization. Thus, African states broker and build power structures and accumulation largely through land and natural resources 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/or semi-feudal regimes, such as those found 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 distributions in Africa grew initially through colonial state instigation and were 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 focused on a limited set of natural resources, using 'backward' technology. This has restricted the scope for equitable resource allocation and 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 to preferentially allocate land and related resources to various groups of 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 "modernizing") 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 bypass the African peasantry (Egwu, 1998 citing Beckman, 1984). This strategy informed class formation processes focused 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, focused 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 infrastructures and social services fomented an unequal class and ethnic distribution of socio-economic opportunity and exclusion. This provided ideological grounds for the evoking of ethnic motivations and deterministic thought in explaining these patterns of inclusion and exclusion, and the ethnicisation of inequalities which to a larger 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 mobilize themselves as privileged intermediaries between the Europeans and the African clientele of the hinterland (Agyman, 1998), leading 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 migrancy systems. In Kenya where colonial land alienation deprived mainly the Kikuyu, some of them instead of opting for squatter settlement, became petty traders, and seeking new and better markets, 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 1960's gradualist reforms of customary tenures were initiated through the consolidation of elite alliances, involving accumulating bureaucrats, emergent capitalists, foreign capital and "traditional" leaderships. Land marketisation was accelerated under the neo-liberal economic (SAP) reforms of the 1990's, 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 also on struggles over autochthony, "indigeniety" and citizenship rights. This reflected the emergence land claims by national and trans-national migrant workers and settlers, and the new demands for land as a survival instrument among unemployed educated young peoples and retrenchees of 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 undergirds them. They also question the capacity of older notions of nationality and customary authority to manage social exclusion and marginalization from the fundamental social need for access (and right to) 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, for the internal social needs or markets of society within an integrated economy, based on improving resource and technical productivity and returns to labour at levels adequate for basic social reproduction. State interventions for development, tied under increasingly market relations of resource (including land) control have tended to exclude the weakly organised, socially and politically, and 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 distributions, as the Zimbabwe experience shows. The 1992 Kenya elections outcome for example was grounded in violent strategies of maintaining power by politicians who manipulated long-standing, but latent, inter-ethnic disputes over land, towards physical fights. Thus, the nature and form of control of state power and the ideological groundings 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.

## **5.2 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 3.0) is therefore a common but differentiated phenomenon, notwithstanding variations in the social and political formations found on the continent. This 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 inequalities, 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 questions of land concentration, diminishing access to land by the poor, insecure tenures, the marginalisation of the land rights of women and the growing land conflicts, 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 1980’s 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, equitability and inclusivity in class, regional and ethnic terms, nor political harmony. Instead, class, ethnic and other lines of social conflict have continued to rise 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 interest 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 democratisation process on the continent.

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

Redistributive land reform processes in Africa span the 40 year history of national liberation, but the experiences vary according to the land questions faced Africa in each country. Whereas different socio-economic and political specificities determine the nature of land reforms carried out the gradual shifts in the nature of national liberation struggles among the countries since the 1960's, 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 on that region here. For example, land reforms in the SADC region from the 1960s through to the 2000's experienced a clear, changing and regressing divide between the radical nationalist-cum-socialist orientation to redistributive land reform and the liberal approaches.

Where national liberation was decisively concluded, such as in Mozambique and Angola, in spite of internal armed conflicts over the national question, fuelled by external destabilization, the land distribution question appears to have been broadly resolved, although new sites of localised land concentration have emerged. Where liberation was relatively partially concluded, as in the main settler territories of Zimbabwe, Namibia and South Africa, negotiated settlements left both the national question and 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 nationalization of colonial and settler lands and foreign commercial/industrial structures of capital (as pursued in Tanzania and Zambia during the 1960's and

early 1970s) and in Mozambique and Angola (from the mid-1970's). The nature and outcomes of land reform radicalization 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 reorganization (villagisation and rural development in Tanzania and resettlement and integrated rural development in Zambia), Mozambique pursued land nationalization with more intensive attempts at socialistic 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 destabilization and their relative international isolation, however contained radical agrarian reforms there, with the result that 'post-conflict' land tenure reforms have re-introduced some land concentration.

In contradistinction to this, more liberal strategies of land reform were adopted in the colonial 'protectorates', which predominantly faced indirect colonial rule accompanied by minor degrees of white settlerism alongside colonial cheap labour migrant systems (e.g. Botswana, 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 'indigenized' as large farms, with a 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 re-distribution efforts and attempts to modernize peasant agriculture within a contradictory context of imbalanced public resources allocations, focusing primarily on developing the large scale indigenized and state capitalist farming sub-sector and their increasing incorporation into global agricultural export markets.

The north Africa experience of redistributive land reform, while focused on the 1950's to 1970s period, 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 and 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.

Yet, 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 based 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 16% 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 stabilize 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 decongest overpopulated areas; to expand the base of productive agriculture; to rehabilitate people displaced by war; to resettle squatters, the destitute, the landless; to promote 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 expropriation mechanism, while the negotiated voluntary transfers 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 recently dominant approach used mainly in Zimbabwe and Namibia, before the implementation of compulsory land acquisition, is 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 identify the demand and match 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 land 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 from 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 another 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 8 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 usual macro-economic policy conditions. This land reform approach is meant to be led by the private sector, communities and NGO’s, 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 formalized, 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 “squatting” 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, with the latter having experienced large urban land occupations around the 1980s, and these were later formalized 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 6,515 only 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 3% 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 10 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 minimalist, 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 marginalization, and a bi-modal agrarian structure which has become entrenched at different scales throughout the continent. Overtime 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 placed on land tenurial and land use regulatory reforms.

### **5.2.2 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 international 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, Titihola (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 8 miles<sup>2</sup> 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 landholdings in indigenous African society.

In Senegal, the Commission on Tenurial Reform was installed at independence in 1960, to reform to the customary tenurial 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 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 tenures 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 claim 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 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 implemented 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 consolidation of holdings, individualisation of title and land registration. In Uganda, the 1995 Land Constitution and the 1999 Land Act emphasised security of tenure by Uganda's smallholders, protection of women and other vulnerable groups from 'irresponsible' land sales, and the promotion of investment and 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 10% 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 took ascendance from the 1970's. 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 tenureship 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 1980's 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 tenures to one of its adaptation (Bruce, 1994), based on the recognition of existing land rights and the notion of tenure security. Guere (2002) summaries 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 ensures 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 implemented, 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 of, investment and productivity of 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 the finances invested into 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.

### **5.3 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 neoliberal conception of good governance, focusing on the decentralisation and democratisation of land institutions, to enhance land administrative efficiencies, 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 conflictual 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 (e.g. in Ivory Coast 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 (Ibid) over land management systems. 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 (up to 50 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 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 contradiction 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 practice 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) their 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 raises 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 tends to perpetuate 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 horizon beyond the community (Ibid). Within this 'community development' framework it is difficult to present demands other than the local parochial interests of the settlement.

Thus, since the territorial distribution of local “traditional” authorities are generally based upon lineage/clan social structures with particular ethnic identities, land conflicts tended therefore to assume 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 1930’s 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 for example is also confronted by wider ‘ethnicised’ land tenure conflicts arising from civil wars, voluntary resonal 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 various 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)

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, allocates 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 (Amano, 2003). Their powers are omnibus and not separated as would be required in theory by liberal political systems.

Land policies have also tended to focus on the development of land administration structures that are expected to take the lead in implementing tenure reforms. Dispute resolution processes are increasingly being provided for 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 mobilise organisations dominated by chiefs and other village elites, who impose decisions without heed of the plurality of interests and social differentiation in rural communities (Ibid). The structures coerce compliance with global and national policy directives of 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 tended to mean 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 in marginalised peasant lands.

#### **5.4 Concluding comments: land reform outcomes and impacts.**

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 tend to 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 of undemocratic and inequitable land governance systems and land redistribution are increasingly evident because of their negative social impacts.

The impacts of unequal land distribution and tenure insecurity on poverty has tended to receive 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 focused on elite farmers. Thus, vulnerable household members tend to seek jobs for quick money. For those who do have access to land, limited and declining skills and labour, along with depletion of financial and reproductive assets, which accompany social vulnerability, tend to undermine their ability to make use of land and natural resources.

Where a family has land, family 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, and/or for them to lose their land due to illness. Across Africa, between 15 and 35% of adults between 15 and 49 years are HIV positive, and many are likely to become chronically ill and die within ten years, while at least half of today's 15 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 of 'poverty reduction' in land reforms, as well as the wider class based land interests of land-short peasants and semi-proletarians, tend to conflict with the short term agricultural productionist emphasis of developing larger scale capitalist farming, in most land reforms. 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 tend not to be adequately addressed in official land reform processes. This suggests that without social pressures from 'below', through land reform movements, the land reform agenda's of the marginalised might for long be neglected. We discuss trends in the social mobilisation for land reform next.

## **6.0 Social movements, civil society and land reform**

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

Because of the centrality of access to land in the livelihoods of the majority of Africans social demand for land reforms, have grown and these express themselves in different forms depending on the nature of social forces which articulate the demands. But the literature on peasant organisations and social movements targeting land reform in Africa is not currently robust. Indeed debates about the nature of African peasantries (Mafeje, 1997), and their resilience (Bernstein, 2004), suggest a lag in our understandings of the future of peasantries (Amin, 1972). Intellectual discourses on the demand and struggles for land in Africa have tended to be limited to extremely narrow perspectives on the nature of demands and popular pressures for land reform, leading to a tendency to under-estimate in their political analysis of the land question, 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 recreation of its peasantries which underlie these movements in relation to the evolution of struggles for land there, 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, 2004). The existence of a revolutionary option towards land reform has generally been resisted by the state, acting on behalf of the landed (Veltmeyer, 2002), such that these social movements have been undermined by the state (Ibid). 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 multiparty politics, democracy and governance (Veltmeyer 2002).

The creation and recreation of the peasantry occurs alongside exclusion from land and, in the process of their social differentiation and displacement by merchant and elite classes (see Moyo and Paris, 2004). 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 recreation 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, 2004).

In Africa however, civil society groupings associated with the current renaissance of peasant organisations in Africa 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 majoritarian peasant demand for redistributive land reforms, have been co-opted into neo-liberal land tenure reformism. The majoritarian 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, mark the climax of a longer, less public, and 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 whereby their actions might contradict some progressive struggles on issues such as democratisation or land reform. In Africa tactics of the land

occupation for example has not been nationally comprehensive and 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 neoliberal 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 theoretic frameworks, informs us more on the way in which farmers associations and federations can be utilised in the policy lobby or advocacy agenda's grounded in state neoliberal 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 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 genre 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).

## **6.2 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 and conflicts over land, 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 traversing regions such as 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 trans-national 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. Secondly, electoral competition tends to mobilise illegal settlements among aggrieved villagers. Thirdly, communities also dishonour boundaries which restrict their livelihoods. Fourthly, the marginalisation of certain social groups forces them to defy certain rules and regulations and lastly, armed conflicts ensue, they 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 distributions. 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 organizations which mediate such demand include: civil society organizations, farmers' unions, political parties, workers' unions, War Veterans Associations (e.g. in Kenya, Zimbabwe, Namibia), business associations, representing elites in need of land, community-based organizations 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 for land reforms take a variety of shapes in terms of types of institutions or organisations that tend to be 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 are used, 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-optation into state-led land reforms .

For example land reform policies in southern Africa, as they have in countries such as Brasil, 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 organise focus on land reform policy advocacy.

In addition to the above forms of organisation and struggles of land movements, 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 over 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, in these conflicts can not be over-estimated.

For instance, the mobilisation of an apparently mainly rural grievance over land in the Ivory Coast, due to the competing claims over land rights by autochthones vis-à-vis long term “foreign” migrants, still considered non-citizens, was heightened by the growth of unemployment among unemployed urban based youths (see chapter 3.0). Rural grievance was 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).

**Box 6-1:**

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 Kenya’s districts, 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 were displaced thus not able to cast their ballot. Violence continued after 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 (that 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.

Yet these ‘rebellions’ and land movements exhibit critical contradictions in so far as they can entail both progressive tendencies, such as anti-imperialist, liberalist redistributive and democratising impulses, and retrogressive practises, 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, 2004), once beholden by development multi-lateral conflict management and humanitarian aid interventions. Indeed the trans-nationalisation of some of these “rebellions”, financed by transnational mining capital, using private armies (e.g. mercenaries and security firms, such as the now formally closed up “executive outcomes” company) or local warlords, points largely to the tendency for contradictory values and politics of the movements.

Thus there is a tendency for leaderships of some ‘land movements’ to be dominated by elites, who seek both private opportunity (greed), 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.

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

Despite broad consensus in Africa among governments, the landless, civil society, landowners and the international community on the need for land reform, actual redistribution, tends to be limited. The onset of structural adjustment programmes, as well as multiparty “democratization” since the 1980s, which

tended to reinforce and expand the liberal political and market dimensions of civil society organisation and advocacy, has not led to extensive redistributive land reforms. Instead, salient land demands of the middle classes and elites have tended to be precedence within civil society organizations and 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 the 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 protections 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 (e.g. 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.

In South Africa, the national land committee has argued that land reform advocacy civil society is weak, such that demands from ‘below’ are muted, and the incentives for the state to release more resources, are diminished given calls for fiscal discipline. Civil society lacks resources and can be a stumbling bloc to

radical land reform: '[t]he rural society had been "demobilized" by the 1990s as NGOs leaders had moved into government positions and the trade union movement placed decreasing effort into organization of rural farm workers' (Pearce 1997). As a result, communities that enter the market driven land reform process and are willing to pool their acquisition grants become vulnerable to inflated land prices (Kock *et al.* 2002) because market mechanisms coupled with a weak state has meant that power relations remain unchanged. Landowners are able to dominate land transfer negotiations to their benefit, and the commercial land offered for redistribution has been of low agro-ecological value, having already experienced poor environmental management by inefficient white farmers. This has left rural people with little money to build shelters and plough into productive farming (*ibid*). Moreover, women's power in the land redistribution process has remained limited, since men typically dominate the collective access to and use of household land and income grants.

In general a wide spectrum of non-state organisations, including private business lobbies NGO's and community based organisations are engaged in engaged in struggles for land reform, using the tactic of providing a variety of policy services including policy analysis alongside lobbying, research extension and information services, and community land development services which attend to the specific needs of NGO members and the public. Such organisations tend to be 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 1990's 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 has been led by NGOs, particularly in Uganda, Mozambique, Tanzania and South Africa, as well as by farmers unions and traditional authorities. Most of the actions 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 NGO lobby, tend to mostly reflect 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 which often provided 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 generally one issue oriented they tend to divide between those with structuralist (redistributionist) and proceduralist (governance) perspectives of social and economic change, even though in reality these issues confront society in 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 focused 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 democratization, by the proceduralist thrust of civil society activism, much of which is ensconced within a neoliberal 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 aid.

Civil society discourses on land reform, therefore to the extent that these go beyond human rights and rule of law issues, have been focused more on procedural aspects of land tenure reforms. Where they address redistributive reforms, their focus has been on a procedural critique of methods of land acquisition and allocation, without improved tactics or workable offering alternatives to land market acquisition and expropriation instruments. Nor have they mobilised marginalized peasants in support of extensive land reform in the face of resistance by landlords and other stakeholders, as we have seen in Brasil.

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 1990's 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, 30% 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, 2004). 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 tend to marginalize the vulnerable and less organized social groups. For example groups such as the war veterans in Zimbabwe, while having led the land occupations movement received less than the 20% quota of resettlement land, which they had fought for. Whereas significant progress has begun to be seen in recognizing women's land rights in policy, in practice women's land rights have remained marginalized at law in most of the countries. Farm workers' land rights, especially to residential and farming land have tended to be marginalized in all the former settler territories. In Zimbabwe the fast track land reform programme had accommodated less than 5% 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 (e.g. the enjoyment of basic freedoms, civil liberties and regular free and fair elections), and are increasingly calling for economic empowerment and social justice over land and

natural resources allocations, to avoid future conflict (Molomo, 2003). Thus, in spite of the predominantly middle class social base of NGO's which dominate the "visible" debate within the current power structure and 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 marginalized minority groups, particularly the Basarwa.

#### **6.4 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-focused the land reform agenda, more towards the de-racialization of the ownership base of commercial farmland. Thus, a dual 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 tend to 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..."

For example in Zimbabwe, 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 mobilized latent and usually repressed, scattered land occupation movements of peasants, traditional leaders and semi-proletarian groups, towards land repression. Once the scale and force of such movements had reached a peak in 2000, the state was forced to use mass scale land expropriation measures, which targeted 90% 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 70 % 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, at the back 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 that 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, working closely with communities. 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 on 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 law (Group Areas Act) and other related racist laws. The National Land Committee (formerly National Committee Against Removals) emerged this way, and since 1999 has 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 to squatter settlements (including the upgrading of informal settlements and support for green field 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 housing shortage brought on land reclamation among South Africans. Approximately 13.5 percent of all urban households (1 million households) lived in 'freestanding' squatter settlements on the urban peripheries and in backyards of formal housing units (RSA, 1994), reflecting an increasing housing backlog due to low rates of formal housing provision, and an increasing number of land 'invasions' towards in informal settlements and backyard shacks, in overcrowded conditions in existing formal housing areas (Royston, 1998), and the failure of the land delivery promises.

Transforming the wider social and class relations of agrarian production, particularly land property rights in which the rights of peasants and semi-proletarians have been marginalized, 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 (*e.g.*, rivers), 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 powers 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, 2004). 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 Rumphi who were forced onto valleys of uncultivable gradients (Kanyongolo, 2004).

In Kenya, 'illegal' urban and rural land occupations, whose intensity in Nairobi and Mombasa are notable (Lumumba and Kanyinga, 2003), have been a long standing 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 tend to be pushed into 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 tend to be drawn into the very bottom and often worst 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 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. Thus while land reform, has been rural oriented and focused 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 disadvantaged sections of society such as women, farm workers, and poor urban workers. Because research and media documentation of these trends are 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).

### **6.5 Ethno-regional movements; successionism and revolts**

Another organisational dimension used in Africa to mobilise pressure for land reform is the ethno-regional dimension of civic association. These claim to promote local development and/or to 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 mobilize 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" (Marks, 1989). ...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).

The motivation of land movements, which are intended to address wider ethnic grievances in various ethno-regional contexts is increasingly being 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 ... [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 which accompanies such ethno-regional dominates these movements is not well documented, although Abutudu (2002) has noted how such differentiation processes can be critical in the Nigerian situation.

Apparently ethno-regional land movements appear to emerge in various 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, which is constructed through the diffusion of the values of the majority culture of the dominant Tswana groups (Molomo, 2003), demanding the reversal of Basarwa land alienation and source disruptions. A Working Group on Indigenous Minorities in Southern Africa (WIMSA) (comprising 100,000 people) which is a trans-national 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.

## **6.6 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, 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, 2004) or whether they merely exhibit defensive and reactive tactics of the “politics of everyday life” (see Scott, 1985) are fortunately emerging as the survey above shows.

## **7.0 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 to systematically document the processes which shape unequal control of land and struggles against this.

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. That is: 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 questions, 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:

- 1.0** *Historical trajectories of the land question and the agrarian transition,*
- 2.0** *The land distribution question and redistributive reform,*
- 3.0** *Land tenure, property rights and land markets,*
- 4.0** *Land use and extroverted accumulation processes*
- 5.0** *Gender relations, access to land and tenure,*
- 6.0** *The urban land question*

## **7.0** *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 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 neoliberal and economic policies and structures, and the variety of efforts made to undertake land reforms in Africa since the 1930's, 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 over land 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 neoliberalism, 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 to the structures of political and economic power relations in Africa. Trends of land alienation, marginalisation and concentration processes, and struggles to resist this and to restore land rights, at both the large and localized 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 multi-national 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 interest 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 state-civil society relations over 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 elite 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 focused 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 these. 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 varied 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/or 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 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 agricultural policy regimes, in terms of 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 ecotourism 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 this, 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 proscribed 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.

### **7.1 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 to increasingly 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 suggest 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 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 could provide a useful step in contributing to an improved understanding of Africa’s land question.

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