

# **The Land Question in Africa: Research Perspectives and Questions**

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## **Table of Contents**

<b>1.0</b>	<b>Introduction .....</b>	<b>1</b>
<b>2.0</b>	<b>The Land and Agrarian Question under Neoliberalism .....</b>	<b>3</b>
2.1	The Land and Agrarian Question under Neoliberalism.....	4
<b>3.0</b>	<b>Is There a Land and Agrarian Question in Africa? .....</b>	<b>8</b>
<b>4.0</b>	<b>Land Distribution and Redistribution in Africa .....</b>	<b>13</b>
<b>5.0</b>	<b>Land Tenure, Property Rights and Land Markets.....</b>	<b>18</b>
<b>6.0</b>	<b>Gender Relations and Access to land .....</b>	<b>21</b>
<b>7.0</b>	<b>Land Use: External Markets, and International Finance .....</b>	<b>23</b>
<b>8.0</b>	<b>Land, its Governance Systems and Conflict Resolution.....</b>	<b>25</b>
	Social Movements in Land Struggles .....	27
<b>9.0</b>	<b>Conclusions .....</b>	<b>28</b>
<b>10.0</b>	<b>References.....</b>	<b>30</b>

## 1.0 Introduction

There is growing research and policy interest in Africa's land question for varied reasons. Most notable is the recent escalation of the land conflict in Zimbabwe and growing calls for radical land reforms and reparations on the continent. The land question has become internationalised, not least because it suggests the incomplete decolonisation processes in ex-settler colonies, but also because the international management of the Zimbabwe land problem has highlighted various longstanding north-south grievances. The land question and persistent rural poverty in Africa highlight the neglect of social justice and equity issues which underlie the unequal control and use of land and natural resources proscribe neoliberal development policy agendas and which represent external dominance of African governance reforms.

The growth of resource conflicts in Africa increasingly reflect contradictions steeped in both colonial and post colonial land policies and the significance that land concentration takes in contemporary struggles over 'development' and accumulation under global capitalism, as well as struggles for democratization. These contradictions question the capacity of neo-liberal market and political regimes to deliver land and economic reforms which can address both inequity and poverty. The widespread demand for radical reforms in other continents- notably Latin America and Asia- underlines the significance of the wider global level persistence of unequal class and race relations over land and resource control.

Africa's land and agrarian question have specific historical tendencies in comparison to its global incidence and a contemporary expression which has not been adequately elucidated by the plethora of 'new wave' land studies in Africa (Toulmin and Quan 2000); Palmer, 2002; World Bank, 2002). Some scholars query the assumption that Africa has a classical land question or even a classic agrarian question, except for the former settler colonies given the absence of an history of extensive land expropriation (Mafeje, 1999; Amin, 1972), and the attendant restricted proletarianisation processes which occurred at the start of the last century (Arrighi, 1978).

Increasing urbanization, (38% in Africa) reinforces this doubt about whether sub-Saharan Africa has a land question. However inadequate access to land by multitudes directly dependent on land and natural resources for their reproduction, persists alongside the gradual semi-proletarianisation of peasant labour, has expanded Africa's marginalised peasantries.

To assume that a land question in Africa can only arise out of a particular generic social formation, such as feudal and semi feudal tributary systems of land inequities or widespread settler colonial land expropriation, is to miss the salience of growing land concentration and inequality, and struggles to regain control over land. Indeed, internal migrations and involuntary settlements, changes in land use and land tenure systems in Africa over the last century, have produced dramatic inequalities in land control and conflicts, albeit in more localized scales than elsewhere. Africa's land question is defined by growing struggles for access to land and its secure use, as well as struggles to reclaim alienated land rights.

The land problem in Africa has escalated in the wider context of struggles over the land rights "embedded" in extensive mineral and other natural resources of exchange value to global tourism, forestry and bio-technology markets which are rapidly being concessioned into external control. Civil wars, inter-country conflicts in the region, migration and involuntary displacements are all symptomatic of increasing land conflicts involving direct confrontation over access to key natural resources by both domestic and external forces.

The dominance of external financial and development aid institutions in Africa's policy making processes and local markets fuels such land conflicts. Pressures for the growing marketisation of land reflect both

external interests in land and resource control and the increasing internal demands for primitive accumulation through land by a broadening African indigenous capitalist class. New land policies increasingly justify these tendencies of unequal land control. Yet, these processes generate growing conflicts over land allocation and use, across many social and material cleavages, of class, gender, nationality, and ethnicity, including xenophobia over minority groups' rights. Variegated struggles at varying scales and localities over escalating unequal access to and control of land represent Africa's real land question.

Africa's land question cannot be understated, from the perspective of its ailing agriculture because of the lack of an agrarian transition based upon technological modernisation and the 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. Pressures on land arising from demographic growth alone, have led to dramatic land scarcities, despite the incidence of land use intensification in a number of countries and specific regions. The extensive degradation of fragile land resources and increasing elite control of extensive prime lands under conditions of land scarcity all combine to broaden the uneven distribution of land and the resultant contradictions arising from constrained social and technical relations of production.

Given the importance of the rural land sector in attaining food security and reducing poverty, there is recognition that a vibrant agriculture and rural resources sector underpinned by balanced access to land resources is critical to an agrarian transition and to improving living standards. Pro-poor rural developmental programmes have been notably negligent of the fact that the lack of access to land and, inadequate strategies to mobilize financial and human resources to effectively develop the land economy are a fundamental constraint. 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 relatively wealthier and better endowed regions, especially among social groups with access to land and incomes in and outside agriculture limits the growth of the African domestic market and finances required to invest in the optimal utilisation of land based resources, given the unequal trade relation. Agro-industrial growth in Africa is thus limited, given the absence of a viable industrialisation project focused on national and continent-wide balanced development.

However unequal control over land is also visible in over natural resources that are embedded in land, emphasizing the importance of interrogating the land question not only as an agrarian based question but also as a multi-faceted problem reflected in the unequal control of industries such as tourism, mining, and forestry by internal and external capitalist interests. Africa's rich and diverse mineral and biological resources, are of global significance but of more importance for its internal consumption and economic development.

There is also growing pressure on land resources for urbanization in Africa as shown by the proliferation of slums and their incumbent infrastructural inadequacies (Simone, 1998). Coastal settlements experiencing rapid population growth and infrastructural development also exhibit intensified struggles for land. Because rapid rural to urban migration continues to occur and non-agricultural employment prospects are slow to develop in Africa, growing number of households will however continue to depend for their social reproduction on adequate access to land.

These changing social and political forces of demand for land in Africa require renewed research efforts to uncover the changing land questions and conflicts, including and violent struggles for land, emerging class and gender relations, as well as the political contestations over land .

This paper argues that land and agrarian question in Africa exhibits three primary dimensions: land distribution, land tenure and land utilisation issues. First the distribution problem is the tendency towards growing inequalities in access to and control of land in relation to the increasing concentration of land among elites in varying degrees across the continent and, in relation to demographic pressures, the scarcity of fertile land and the continued stagnation of agricultural technological advances which would allow for the intensive capitalisation of less land. Second, land tenure problem reflects the growing insecurities over land control by the poor in relation to competing claims over land as well as a ‘clash’ of land tenure regimes arising from colonial and post-colonial interventionism in the shaping of land property rights. This is driven by growing demands for land marketisation by agrarian elites, external capital and various local interests – including migrants, those seeking credit through land, and a variety of local patronage structures. Third, is the persistent evidence of land use inefficiencies and conflicts which arise from the competing land utilisation objectives dictated by state policies which direct land use patterns through incentives, competition among different agronomic production and socio-political systems (e.g. pastoralists – crop farming; wildlife – beef – cropping; export – domestic markets etc) and the imposition of a myriad of land use regulations for the purported goal of promoting rather dubious environmental, agronomic and physical planning objectives.

The nature and effects of these three dimensions of the land question are varied in Africa although they are under-girded by political and economic experiences arising from common historically specific patterns of the power structures and governance systems, class and gender relations, and production relations, linked to domestic and international market relations that emerged over the last century. One outcome of this growing land question is the persistence of poverty and an agricultural crisis, and various resource conflicts which have destabilised the rural economy and politics in general. An important result, if not the cause of these emerging land questions and their emergent contradictory land policies is the inadequacy, corruption and hostility of the institutions that govern land management and those that are intended to resolve land conflicts or adjudicate over land problems. The contradictions of land administration and adjudication systems are themselves a reflection of the emerging conflicted class and social relations which are determined by increasingly unequal power, structures and relations of production.

However the three dimensions of the land question can only be effectively understood in relation to the processes and systems of land governance namely: land administrative and land conflict resolution structures, as well as the social and political organisations or social movements that defend or challenge the unequal relations of three dimensions.

We argue that various social and political processes shape these land and agrarian questions. These include: the nature of state-civil society relations surrounding land, the nature of social movements addressing the land question in particular and civil society in general, the nature of existing rural social formations (semi-feudalism settlerism etc) which underlie the African neo-colony, and the degree of rural marketisation and economic incorporation into the global market system. These land questions, reflect more global dimensions of the land and agrarian question and neoliberalism in general, as we discuss next.

## **2.0 The Land and Agrarian Question under Neoliberalism**

Recent debates over the nature and relevance of the land question in the current context of globalisation and unipolar superpower relations including distorted market liberalisation and growing bio-technological substitutionism in agriculture predict the end of the “ classic” land and agrarian reform process based on the perceived socio-economic destruction of African peasantries and their limited social capacity to wage struggles for radical land redistribution (see Bernstein 2002). This has led to greater uneven development of agrarian structures of production and markets, distorted by “northern” manipulation of northern

agricultural markets and by structural adjustments programmes (SAPs), based on depressed agricultural production and deflated prices in the South. Evidence from Latin America and to a lesser degree Africa however suggests the re-emergence of land struggles which challenge agrarian markets because of the widespread marginalisation and poverty of the peasantry and semi-proletarian classes and the growth of new political alliances and social movements (Petras and Veltmeyer 2001b, Ghimire..., Moyo 2001, Yeros, 2000). What therefore is the land question and its larger context, the agrarian question, under neoliberalism?

## **2.1 The Land and Agrarian Question under Neoliberalism**

Fernandes (2001) refers to land reform as one of the elements of the agrarian question. When agrarian reform is not implemented, the landless intensify the struggle for land through occupations thus forcing governments to implement a policy of rural settlements. The resolution of the squatting conditions of settlers is land tenure regularization, and settlements implanted as a result of an occupation is the struggle for land. These policies and the purchase of land are not agrarian reform, and should not be designated as such. Fernandes (2001) says that to speak of agrarian reform there needs to exist a policy and a plan with objectives and goals for land tenure de-concentration. He therefore concludes that when the debate such as it is today, moves from whether or not to settle, to how resettlement will be carried out; the question of agrarian reform is losing force. He argues that the concept has been banalised and everything has become agrarian reform, (Fernandes, 2001).

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, 1954). 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.

Most radical strategies to counteract this capitalist transition focused on nationalization of land for the benefit of the majority (Veltmeyer). Landlords, who under feudal conditions had contributed to deepening 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). 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 decades of land struggles globally 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 injustice and contradictory economic development tendencies. While redistributive land reform was commonly a defining goal, (and achievement) of the land struggles waged by peasants, their consequences have not led 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 do not lead to class differentiation based on labour and capital accumulation.

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.

Struggles for land reforms in Africa have resurged 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. Imposed neo-liberal economic policy reforms deployed in the 1980s and 1990s to liberalise markets, were embraced by national bourgeoisies, which co-opted organised working class politics, but failed to tackle the incessant land question.

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

Rather than radical land reform greater emphasis since the 1990s has been placed on market approaches to land reform. 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 proposes that the state-led development era marked the end of “state activism in capitalism” influenced by Soviet socialism and its various mutations of state socialisms, which 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 the land struggle in different parts of the world. Moyo (2000) argues that the contradictory tendencies of both pauperisation and accumulation which SAPs inadvertently effected increased the pressure for redistributive land reform in various African countries, among both elites and the poor, setting the stage for land struggles throughout the continent.

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, 2002), and 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 importance of resurgent land struggles through broad based social movements must be understood both in terms of their differences in form and in values compared to the proliferation of civil society organisations in search of clinical land reforms under neoliberal structures and policies. While values of 'independent' civic organisation, 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 (neoliberal) politics; and respect for the 'rule of law', defined by private property, 'independent' judiciary (meaning bourgeois), and 'free' press (meaning private) (Moyo 2001), those values of social movements are organised on a wider basis of class struggles.

Emerging social movements focused on land reform challenging existing land, property laws and values and confronting 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 development of commercial production in customary tenures have promoted individualised systems of tenure (private property); although these are not 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, 1995). Along the same vein of logic is the argument that African modes of social organization are not necessarily anti-capitalist but intrinsically anti-individualism (Mafeje, 1999), hence the persistence of land struggles which oppose land reforms that forebode the future alienation of land and the marginalisation of peasantries.

It is not a surprise 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 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 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 2003). 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 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, 1979; 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 (1997) 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 Latin American context 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 others 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 context 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, 2000).

Implementation of the neoliberal capitalist development 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). To what extent are these forms of land struggle definitive of a peculiar or relatively similar land question in Africa?

### **3.0 Is There a Land and Agrarian Question in Africa?**

Land scarcity, denial of access to natural resources by landlords and the state, through laws that exclude many, as well as land privatization, have all contributed 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.

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 demonstrates the intensity of local demand for land reform.

New rather than traditional land allocation structures are emerging within some peasant associations (Abutudu, 2003; Moyo, 2003; Khalid, 2003) to defend members against land problems arising from the practices of the state, traditional authorities and emerging local 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 involved local and "foreign" migrants (Moyo and Romdhane, 2002).

Nonetheless, there remains a conceptual contest as to the nature if not the existence of a land and agrarian question in much of Africa given its diverse and complex history and agrarian development (Amin, 1974; Mafeje, 2000; Bernstein 2002; Moyo and Matondi, 2003). The preoccupation of these debates is really over whether there exists or not extensive land alienation, leading to the classic problems of landless and captive agrarian labour in Africa. The context of the agrarian question is crucial to understanding the nature of the land question. Amin (1974), provided a useful 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 suggests that the former settler colonies had the highest degree of land alienation followed by the concession zones and the zones which had no land alienation.

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."

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, the debates deny the prospect of a variety of dimensions of the land question, and neglect the empirical trend of a gradually evolving land problem based upon incipient land concentration and struggles. Such perspectives relegate land defined as one of the factors of agricultural production at the same level of other inputs such as labour, finance, equipment and so forth, to a non-problem given that numerous peasantries still subsist on land that they control.

This paper argues that a land question exists 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. Moyo (1995, 2000) has argued elsewhere that once the land inequities emerge, they confound the actual existing but varied agrarian question politically leading to complex class struggles, focused on the control of land, markets and public resources. No doubt the greatest hurdle to agrarian reform, while particularly obvious in the former settler colonies, is the growing lack of access to productive lands among the expanding peasantries in the face of increasing land monopolies, underutilised land and, hoarding it for speculative purposes, in a context where the majority are near landless, poor and homeless.

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. While land expropriation occurred at a large scale mainly during the colonial era in countries such as Kenya, South Africa, Namibia Zimbabwe and others, localised small scale land expropriations in numerous regions of 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 white minority resistance, 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 elites and the marginalised. Yet, the international discourse sees land occupations as a threat to property rights hence their emphasis on the land 'grab' elements which underplay the wider political action of popular land reclamations.

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 resulting 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).

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, that there is both a land and an agrarian question. In sub-Saharan Africa where natives are in effective occupation of the land and, 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, 1987; Mafeje, 1985, 1991a, 1991b, 1999). 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 racism/domination in Southern Africa's settler societies has produced an un-African situation. He describes the 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 resources for technological progress and market protection has been on this category of export farmers. This is at the expense of a broad based indigenisation and the restructuring the production relations and public institutions. The inequitable distribution of land between white settlers and the natives in Southern Africa was/is itself a structuration 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 of addressing the productivity problems underlying the agrarian question.

Even where most peasants are in effective occupation of the land and land rights are generally generated through customary tenure, in which land is held under the custodianship of the President, it cannot be suggested that there is no land question as do Mamdani, (1987) and Mafeje (1999). 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 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 2000; 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 within rural black communities. Mafeje argues that white racism/domination in Southern African settler societies has produced a very un-African situation in the sub-region (Mafeje, 2000). But this is not sufficient to argue that there is no incipient emergence of a land question in the rest of Africa, and that institutionalised rural inequity based upon unequal control of land and its use, has emerged as a major problem of Africa's agrarian question.

Moyo (2000) argues that the agrarian question has to be understood in the context of unequal agrarian relations based on land ownership as the key means of production. The fact that unequal agrarian investments are biased towards large farms against small farms also reveals the institutionalisation of the pretence that land ownership in the form of private property is the only basis upon which commercial

farming is feasible and on which credit is collateralable. This merely justifies the concentration of resources in a few large farmers in most of sub-Saharan Africa.

Furthermore empirical evidence suggests that growing struggles over unequal access to land are the source of pressure for land reforms and that these struggles are an expression of wider problematic agrarian relations. Thus the conditions of generally low agricultural productivity and selective accumulation in the agrarian sector are an indication of a wider agrarian question which translates into an emergent land question. Mafeje (1999) argues that the land question is a national question, and while it can be dealt with from a national perspective it is not so easy to rationalize the labour and capital aspects, which are relatively fluid and integrated across borders. He introduces the proposition 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, 2002). 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, 2002). By restricting a land market and individual property rights and transactions in land, the access of migrants and runaway slaves was also limited.

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 2001).

But then 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. Moyo (1995), points out that land provides multiple uses, consumption inputs and utilities to most peasant households. In this respect, access to land emerges as the main source of human livelihoods..

Land is also a source of political power and a terrain for political contest between different groups of people: landlords and peasants; state and landlords; peasants and state; men and women; ethnic groups; racial groups and so many other permutations. This importance of land for the social reproduction of 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 and emerging agrarian capitalists.

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.

But the lack of productivity growth in Africa, which continues to lag behind Asia and Latin America, while generically related to the agrarian technological backwardness, is also tied into the diminishing surpluses for investment from Africa's excessive agricultural export orientation as a result of the declining terms of agricultural commodity trade linked to the role of monopoly capital. This suggests that inappropriate economic and land use policies are as critical to factors explaining Africa's looming 'agrarian crisis' as are both 'internalistic' perspectives of peasant technological constraints and their diminished access to land *per se*. Africa's agrarian "crisis" should be considered to be based both on 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 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.

One set of agrarian issues related to the question of land use efficiency which is contested throughout the epoch of capitalism, centres on the question of scale in farming, in relation to the social organization of production and its labour processes, technical change and productivity (Bernstein, 2002). The issue are beset by their own theoretical and historical complexities and sometimes regrettably simple confusions (Ibid). 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 because both the economic rationality and social morality of this orientation 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 elite groups at the expense of small scale peasant operations. Empirical evidence shows that small scale farming provides for optimal land utilisation, increased productivity, as well as employment growth based upon broadened income distribution, and environmentally sustainable use of resources.

#### **4.0 Land Distribution and Redistribution in Africa**

The key aspects which structure political and economic power relations in Africa are the nature of land distribution and, struggles over land and natural resources. 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 lands range between 5% to 40% of total national land area.

The common feature of this distributional inequity is the exploitative relation between labour and the large land owners, whereby the peasantries provide labour to the latter, 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 from the Sahelian areas since colonial and pre-colonial times, (Manchuelle, 1997), leading the Sahelian regions to be were created into labour reserves (Amanor, 2002).

In West Africa both land and labour policies led to higher population densities in the coastal areas than in the interior (Amanor, 2002). 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, 2002).

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, 2002). 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 land expropriation was high in the latter countries including through nationalisation in Tanzania. Semi feudal land concentration occurred in Morocco and in a variant form in Uganda etc. 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 and is emerging almost everywhere in Africa.

Land conflicts affecting some ethnic groups, especially minority groups are a common practice in the many land expropriations. In Botswana, the San (bushmen) land has been expropriated by large diamond mining concerns with piece-meal compensation to them. The Herero, in Namibia, and the Maasai in Tanzania and Kenya, have suffered the same fate as land expropriated from the white landowners has been transferred to the majority tribes resulting in the original claimants suffering from lack of land rights.

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.

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).

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. Unequal income distribution patterns in Africa reflect these demographic patterns of unequal access to land and housing. The lack of access to sustainable incomes outside of agriculture and unemployment exacerbate the urban land situation.

This is most acute in the former settler colonies where racist land ownership patterns were applied in urban areas through the physical residential segregation of black 'townships' from white 'suburbs' which remain largely so after independence. Thus the land distribution problem has a crucial social dimension in which whites 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 black-on-white violent conflicts and *vice versa* and racially articulated criminal activities on the farms in countries such as South Africa and Zimbabwe.

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 reality however is the increased rural differentiation of land ownership accompanied by very little rural development. A rural differentiation process based on land monopoly which is a universal phenomenon (van der Ploeg, 1990), leads to uneven incomes and consumption patterns in rural areas. This trend contradicts the myth that Africa has abundant land and that customary land tenure systems are preventing inequitable land structures or landlessness.

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.

### **State-Led Land Reform**

The African state given its nationalist and development agenda has tended to dominate the redistributive land reform policy process albeit with limited redistribution. In Southern Africa for instance the political rhetoric promises the re-dressing of historical injustices of land concentration among settlers and its underutilisations, while millions of poor rural and urban families remain landless and land-short. In practice the state-led land reform policies in Africa, have focused on reforming the regulation of land use among smallholders, and on attempts to redirect the present customary tenure systems towards freehold land tenure and developing land markets. The distributional problem has been sacrificed for peasant behavioural engineering.

Yet the land key policy issue facing African states is how to balance the control and access to land, dominated by large scale landholders who underutilise it, by redistributing it to new small and medium scale users (Moyo, 1987). The power of large landholders, has yet to be challenged by the state, except recently in Zimbabwe. The question is: how feasible is it to “peacefully” transfer land from large land owners within the ‘rule of law’, using liberal market principles and administrative systems at a pace commensurate with demands for land.

There is also the problem that redistributive land reforms are tied into expectations that former colonial masters have an obligation to pay ‘beneficiaries’ of land expropriation, and not the victims of colonial expropriation, (see Mamdani 2002). This has been the case in Kenya, Zimbabwe, Namibia and, in the past in Botswana, Swaziland and other nations with a history of smaller scale settler colonial land expropriations. While most countries with historic land conflicts (e.g Latin America) received financial support for land reform from former colonial or imperial powers, it seems that reparations over land and other colonial losses in Africa have not been addressed for unclear reasons. This has led to the perception that racism and protection by international donors of their ‘kith and kin’ and their broader capital in the context of globalisation has led to the neglect of Africa’s land and resources distribution problems, by the African state and international donors in so-called poverty reduction strategies. How unique therefore is this self evident limitation of African state led land reforms?

It is commonplace that the state in Africa, has focused essentially on the maintenance or defence of the dominant social relations of production, including 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 system involved, benefiting some classes—most often the large landowners—and disadvantaging mainly workers and peasants ( Veltmeyer, 2002 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 however, these state led land reforms, which were really attempts at accommodation and cooptation, including unionisation from above of peasants and the setting up of parallel or government-controlled peasant organisations, either failed or were only partially successful (Ibid). These processes tended to unleash class conflicts that continued into another and more radical phase of land reform. For this and other reasons, governments instituted land reform programmes and then prevented their radicalisation, using strategies of corporativism (unionisation from above), controlling peasant organisations, co-opting their leadership, and outright repression (Thorpe, *et. al.* [1995: 131-43).

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, 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).

## **Market Assisted Land Reform**

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. New debate on alternative forms of agrarian and land reform focus 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, which provide rural poor landholders with credit and a capacity to purchase land and other 'productive resources' (inputs etc), is central to this approach (Ibid). South Africa which has followed this approach in 1994, targeting the redistribution of 30% of white held land has however failed to deliver (Moyo, 2000; Bernstein, 2001), as had attempts to introduce this approach in Zimbabwe by 1999 (Moyo, 2000).

This neoliberal SAP type approach 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 (Ibid). 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 the sale of their land leading to increased 'efficiency' of production.

These market assisted approaches to land reform, pushed land market prices beyond the reach of the poor beneficiaries of the land reform (Borras 2001). The exercises of removing the subsidy (distortion) 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 this land (Veltmeyer 1997). Land titling and private sector bank credit makes the whole process of land reform extremely slow as to be ineffective and may not be an option in situations of extreme land scarcity (Ibid). Secondly the maintenance of legal and policy restrictions which militate against sub-division of farms into smaller units (Moyo, 1995; Van Den Brink, 2002), are the contradictory evidence of large landholders' influence on both the state and donor policy initiatives in the land market. Borras (2001) argues that the market led agrarian reform model is neither a redistributive reform, nor social justice program. It is not a pro-poor policy given the time it takes to redistribute extremely low levels of land. These failures have spurred a new wave of peasant-based and-led anti-systemic socio-political movements oriented towards direct action against; and land reform policies proscribed by a market-assisted approach (Ghimire, undated).

As a result in many countries peasants and landless workers were the major actors in stimulating the development of a comprehensive—albeit limited—agrarian reform programme even in cases of state-led reform (Veltmeyer, 2003). The existence of a revolutionary option towards reform has generally been resisted by the state, acting on behalf of the landed (Veltmeyer, 2003). Tactics of social movements

oriented towards land reform have been undermined by the state (Ibid). But some of the peasant-based social movements in Latin America took a more radical stance oriented towards direct action in land invasions and the use of armed force in relation to the state (Ibid).

Intellectual discourses on the demand and struggles for land in Africa have been limited to extremely narrow perspectives on the nature of need and popular pressures for land reform leading to a tendency to minimise in their political analysis of the land question, the scale and scope of the constituency that demands land reform. The growing urban poor's demand for housing land, the natural resources demands of the rural poor in competition with capitalists, and land grabbing thus tend to be obscured in the literature.

## 5.0 Land Tenure, Property Rights and Land Markets

The land tenure problem centres around the imposition of land management institutions and rules, which have served to diminish access to land and security of tenure among the poor.

Land tenure consists of the social relations established around the control and use of land. A land tenure system and its set 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). 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).

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).

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, 1998). 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 (Mamdani, 1998).

The current land tenure complexities are based upon administrative and resource rights systems imposed during the colonial period, and confounded by the mergence 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.

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.

Kanyinga and Lumumba (2002) 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 999 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.

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).

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 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.

## **6.0 Gender Relations and Access to land**

The social and economic costs of not recognizing the rights of women to land and property are many (Tsikata, 2002; 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).

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 land (Moyo, 1995).

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.

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 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 NGOs towards land titling.

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, 2002). 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.

## **7.0 Land Use: External Markets, and International Finance**

It has become an almost indelible Africa policy making perspective that commercial farming is best promoted through large scale landowners, most of whom are white settlers and private corporations, while 'subsistence farming' is considered a residual social function of containing the peasantry. This has become the case even in countries which formerly relied on peasant agriculture for 'traditional' exports. Even the piecemeal efforts to integrate black elites into large scale farming in southern Africa through affirmative action programmes, remain overshadowed by large scale transnational and state farming corporations.

Land use policy reforms in Africa, oblivious to mainstream 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 production activities, mainly due to their equally mistaken view of tractor mechanisation as being 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, 1986; Moyo, 1987). This belief in the greater efficiency of large farms has led to economic and related land use policies which concentrate on a few indigenous capitalist farmers, the allocation of most of the means with which to productively use land. Thus historic resource concentrated on large scale capitalist farmers and its effect of concentrating production among elites has served to legitimise the further expansion of large-scale landholdings and undermined redistributive land reform or land use policies in favour of the peasantry.

Land use regulations which are based upon privileging 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) argues that the notion of "viable" size is not related to production economies of scale, instead it is linked to a minimum income target. 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 is then made as to how big the farm should be, and thus the "*viable*" farm size. Efficiency had nothing to do with the calculation of viable farm size. He further points out that if large farms were more efficient than small farms, there would be no need for the legal restriction on sub-division (Van Den Brink 2002).

The current effort by the World Bank officials 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 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.

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<sup>a</sup> 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 common property management regimes.

In Southern and Eastern Africa these land use shifts are 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, 2000a).

Tourism, environmentalism and related markets have thus created a new land frontier in African states in which various "stakeholders" local, district, provincial, national and international, private, state, NGO and community 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 finances to land uses aimed at the reproduction of nature in state lands, and in parks and forests, emphasises their immediate commercial and macro-economic value more than it does rural poverty reduction.

Repressive land use regulations are commonplace in Africa because these are driven by state led environmental ideology. Studies of political ecology identify current approaches to issues of environmental degradation, conservation and sustainability as eco-imperialism (Kirkby and Moyo, 2001), in which global interests create the environmental regimes, under the framework of ecological modernization and the label of sustainable development. Nature is preserved as national parks, biosphere reserves or debt for nature carbon sinks, seemingly 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, neocolonial systems and in some cases these totalitarian systems are best described as eco-fascist (Kirkby and Moyo, 2001).

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 (Amanor 2002).

The question is whether these new generation land use policies and regulation promote efficiency in the utilisation of land and labour resources, and thus improve national welfare in general. 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 and the production content and benefits derived from them. They also contribute towards new conceptions of Africa's land question

## **8.0 Land, its Governance Systems and Conflict Resolution**

Recent literature attempts to explain Africa's the land question in a framework which considers poor land administration systems in Africa as the main source of the problem (Quan, , Adams, ). Thus they propose land institutional reforms shaped by neoliberal conceptions of good governance, focusing on decentralisation. This approach to land reform focuses on promoting land administrative efficiencies and local structures of authority and civil society participation in land administration in the direction of creating new formal statutory land management systems. The apparent purpose of these land governance system reforms seems to be to evolve 'secure land tenure' regimes over much of the rural areas under institutions which are benign to the market economy. However most African governments have yet to allocate the resources and capacities required to create these newly proposed comprehensive systems of land administration for various reasons (Palmer, 2002). 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 at best 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 way these different agencies are involved in different aspects of land administration in different land tenure areas tends to overlap and create confusion and conflict amongst the various players, thus creating difficulties in obtaining an integrated and comprehensive approach to land administration (Shivji, 1998).

A 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 (Ibid). The concentration in national authorities of administrative powers to regulate and allocate land and natural resources tends to be the focus of contest in these discourses. For instance most national parks and forest areas are controlled by statutory institutions such as parastatals in the form of boards, commissions and committees which allocate temporary occupancy rights to a range of different interests through licenses and permits, for hunting, fishing tourism or logging licenses. Another key issue in the way in which state land allocations are administered, apart from their excessive centralisation and lack of transparency, is the complexity and time consuming nature of the procedures used (Shivji et al, 1998). While charges that the process lacks

transparency is in protest to land and resource allocations being granted to state officials and political leaders through the corruption of state land administration institutions, much of the critique is basically about the inaccessibility and unrepresentativity of such institutions.

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 applies in land matters mainly to indigenous Africans, while the formal legal system is reserved for colonial and non-white settler groups (see also Mamdani, 1998). 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 customary laws and received legislation on land in other regions based on other legal traditions (Lastarria-Cornhiel, 2002). The problem of evolving land administration systems which recognise the existing legal pluralism rather than a simple legal dualism in land management is the subject of critical theoretical debate in Africa (Alinon, 2003; Tsikata 1991). The implication of promoting legal systems for customary land tenure based on homogenising codification is a problem in relation to equity considerations. Often the greatest resistance to the recognition of social equity in land rights is masked under customary land tenure administration and adjudication by conflicting statutory law mandates. (Lastarria-Cornhiel, 2002).

Furthermore as Amanor (2002), 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 have been created and reinforced by the state and these community organisations prevent rural demands being placed in a framework with broader horizons beyond the community (Ibid). Within this 'community development' framework it is difficult to present demands other than the parochial interests of the settlement.

The expropriation of land for commercial development is usually carried out by the state, which in the name of development and national interests allocates land to state projects and private commercial interests (Moyo, 1995; Amanor, 2002). 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, 1991). 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 is usually overshadowed by transmitting government orders to the rural people and ensuring compliance with policies (Amanor 2002). Their powers are omnibus and not separated as required by liberal political system theories.

But as Amanor argues, land administration and adjudication reforms have had limited results. For instance during the 1980s most West African states developed comprehensive schemes for democratic decentralisation involving community participation in development planning (Ribot, 2001; Amanor 2002). 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 rural communities (Ibid). They coerced 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 policy perspectives (Amanor, 2002).

Existing African legal frameworks and institutions for managing land access and land use or dispute resolution tend to protect those with disproportionate property derived from past expropriation rather than the victims of same. 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, the tenure system and the administration and adjudication of such rights. The same dilemma of inequity faces those countries which have large segments of their lands alienated under private property tenure regimes. However as argued earlier various traces of rural agency to resist undemocratic and inequitable land governance systems and to re-place land redistribution on the agenda are evident.

### **Social Movements in Land Struggles**

The growing diversity of interest in land policy and related social change has so far been the preserve of scholars preoccupied with constitutionalism, electoral and multiparty politics, democracy and governance (Veltmeyer 2002). Because of the centrality of land and agrarian policy to the lives of the majority of Africans and because of the socio-political diversity of the growing demands for associated land reforms, research has to contend not only with the technicalities of land distribution, tenure and its uses, but also with the existence of a variety of its social forces which demand land reform. 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, is instructive (Ibid).

But the literature on Africa’s peasantries is not currently articulated adequately and indeed doubts have been expressed about the peasantries’ resilience (Mafeje, 1995; Bernstein, 2003). The Latin American literature helps us conceptualise both the logic of the evolution of peasantries and their tactics of resistance over land. Fernandes (2001) identifies land occupations as the main action of resistance inherent to the formation of the peasantry within the contradictory process of capitalist development. Within this reality, in which the creation and recreation of the peasantry is developed, exclusion from land occurs in the process of the differentiation of the peasantry. 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, Ibid). Thus the movement of the formation of the peasantry occurs simultaneously through the exclusion and generation of the peasantry (Ibid). Hence the centrality of land occupations.

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 neglect radical land reform strategies and reproduce formal grassroots peasant organisations as appendages to 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 freehold land (Moyo 1996) These organisations like the community based organisations under lineage control are far from representing the majoritarian

peasant farmer's demand for land. The latter interests seem to be more often reflected in 'informal' movements, including those pursuing land occupations, resource poaching and sabotage.

Land occupations 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 mark the climax of a longer, less public, and dispersed struggle over land in that country, 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 farmers and other rural groups for land and land reform, and in terms of the reaction of the dominant landholding class to this struggle, as well as the workings of the state. Land occupations take form as a tactic of class struggle and direct collective action, and are a fundamental strategy for gaining access to land (Veltmeyer 2003).

Social movements are differentiated and adopt different strategies whereby their actions might contradict some progressive movement on issues such as democratisation and land reform. In Africa tactics of the land occupation for example have not been widespread in rural social movements, and the absence of the social and institutional infrastructure necessary for widespread mobilisation of the African peasantry could be a major bottleneck, which compounds the weak strategy of rural civil society organisations.

Research on African social movements has increasingly been overshadowed because it is inspired by rational choice interest group theoretic frameworks which focus on the way in which farmers associations and federations can be utilised in the policy lobby or advocacy agenda's grounded in state practises. Their interest is on increasing their role in the modernisation project of increased exports and land use practices which are financially viable in the short term, and which are environmentally useful for global markets and ecological stabilisation. Their related 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 ; Abutudu ), 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 (Odenda Lumumba).

The broader issue is whether the strategies of emerging African social movements which demand land 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 structured 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). Further research is required on whether African struggles for land reflect a systematic mobilisation of incipient social movements or whether they merely exhibit defensive and reactive tactics of the "politics of everyday life" (Scott, 1985).

## **9.0 Conclusions**

The land question and land reforms in Africa have a long history during the colonial and post-colonial period. It has been seen that most research on land has been scattered and has tended to neglect the

emergence of various land questions, the structures and processes that drive them, land conflicts and the growing deep rooted demand for land reform. The demand for land reform is now on the political agenda in Africa, although most government policies do not adequately address the issue (Moyo, 2002).

While the role of social movements in driving land reforms cannot be idealised, their empirical record of progressive and retrogressive struggles for land reform and their importance cannot be underestimated. Therefore any attempt to develop an analytic-descriptive framework for the assessment of the evolution of the land questions and the class dynamics and social movements that condition must necessarily be grounded upon an understanding of the political and economic context in which the peasantry, agrarian capitalists and external market influences function in shaping the land question in the different regions of Africa. This research review, the research agenda proposed and extensive bibliography appended could provide a useful step in contributing to an improved understanding of Africa's land question.

In countries where the land question remains unresolved and where a large proportion of the mainly rural population depends on the land and natural resources for their livelihood, employment and accumulation, it is crucial to recognise that addressing the land question in terms of contemporary equity and historical social justice are essential parameters within which broader political reform and democratisation questions must be addressed. It would appear to be almost impossible to focus on liberal political rights in contemporary democratic movements without understanding the deep seated social and political enmity and contradictions with regard to the land question which undermine rural mobilisation for democratisation.

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## Annexes