

**THE IMPORTANCE OF LAND TENURE
TO POVERTY ERADICATION AND
SUSTAINABLE DEVELOPMENT IN AFRICA:
SUMMARY OF FINDINGS**

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Introduction

Globally, land reformsⁱ have been introduced for a mixture of political, economic and egalitarian motives, often resulting from political upheavals, and changing the distribution of land in favour of small farmers. More equitable access to land is important in combating rural poverty the poor but few land reform programmes in sub-Saharan Africa have been planned to assist the poor.

The linkages between tenure relations and poverty are complex and context-dependent, and it is difficult to assemble evidence that land reform *per se* has direct impacts on poverty in Africa, especially as compared to alternative approaches.

Land reforms may be categorised broadly as either *redistributive reforms*, which change the patterns of land distribution and occupation, or *land tenure reforms*, which change tenurial relations between land owners and users without necessarily altering land distribution.ⁱⁱ In sub-Saharan Africa the principal approaches have been tenure reform through the introduction of individual leasehold or freehold title, and, in countries with a historical heritage of highly skewed land ownershipⁱⁱⁱ, the redistribution of large land holdings.

Redistributive reforms

In Africa, where land has been distributed to landless farmers to correct such imbalances, as in Zimbabwe, poverty has been reduced amongst the direct beneficiaries, with some growth in output and incomes. However resettlement has been too limited to significantly reduce poverty in the crowded communal areas, and programmes have been flawed by over-centralised administration, offering insufficient security and flexibility for the new land holders.

The wider experience of redistributive land reform in Asia, Latin America and North Africa has attempted, with considerable success, to restructure agrarian relations in favour of small producers, primarily by the redistribution of large private holdings. This is of relevance in sub-Saharan Africa only where land distribution remains highly unequal^{iv} but there is good evidence from across the world that redistributive reform has positive impacts for poverty reduction and employment, providing the foundation for strategies of equitable agricultural growth, even supporting higher levels of growth than might be possible without land redistribution. However, to ensure positive impacts, wider investment in rural services is also required and some land redistribution programmes have largely failed, unable to overturn entrenched landlord power.

In southern Africa, there are problems of finance to acquire land for redistribution, and political opposition from land owners, especially if reforms are to be imposed. In many cases, ruling national groups have themselves acquired large private holdings, and are reluctant to implement reform. *Market assisted land reforms*, whereby landless farmers acquire land on the market, are promising, but since the

poor cannot compete equally with the rich in a free land market, grant aid to supplement loans for land purchase, and curbs on land speculation, are required to assist the transfer of land to the poor.^{iv} Redistributive reform is likely to remain limited in scale and potential to relieve land pressure and poverty, unless radical, sustained, well financed programmes can be devised.

Customary tenure in sub-Saharan Africa

Throughout most of sub-Saharan Africa, land distribution remains relatively equitable, and land is held under systems of *customary tenure*^v which generally provide secure, inheritable rights of occupation and use to individuals and households. African customary tenure has proved flexible, dynamic and capable of development to accommodate agrarian change, resulting from population growth, farm intensification and market development. Customary tenure has been criticised, wrongly, by advocates of tenure reform, for not providing the security of formal title, or the efficiency of a free land market. However evolutionary trends of increasing land transactions individuation of holdings have been identified, alongside a devolution of control from lineage groups to small farm households. Nevertheless, despite the advantages of customary systems, their successful evolution is not automatic, and state intervention may be needed where land competition and disputes are frequent, and customary authority has broken down.

Land tenure reform

The principal approach to land reform in Africa has been tenure reform through registration of freehold or leasehold title, as a means to promote smallholder security, investment and agricultural growth. Across the continent, the direct benefits of land registration have been generally confined to local and national elites, and the introduction of formal systems of tenure has had little impact on customary practices of land allocation. In Kenya, where widespread registration has been ongoing for some 40 years, and elsewhere, there is evidence that titling has in fact weakened the position of the poor, causing land insecurity for subsidiary claimants, especially women, and increasing confusion and the incidence of disputes. Land titling has also dispossessed pastoralists, and it has not led directly to improvements in supplies of rural credit, farm productivity or overall growth.

Even where universal land registration has not been a goal, the nationalisation of land and the introduction of formal categories of tenure and systems of land administration (such as land boards), in parallel to ongoing systems of customary land management, has frequently resulted in uncertainty and confusion regarding rural land rights. Formal tenure systems have tended to be characterised by centralised power and administration which are not transparent, separating resource users from decision makers, and favouring those with privileged access to titling procedures, including external, sometimes foreign, investors. Much of the demand for land registration amongst farming communities themselves in fact arises from their desire to prevent authorities (generally the state, but sometimes traditional chiefs) from allocating land to someone else.

Customary systems may be open to abuse, and chiefs may sell or authorise the disposal of land that should be held in trust for the wider social group; frequently this occurs in response to the development of land and agricultural markets, and where attempts at tenure reform introduce opportunities for the wealthy and influential to benefit at the expense of customary land users.

A way forward for smallholder tenure

In these circumstances *clarification of tenure rules* and the *provision of greater land security* are essential in order to protect the asset base of the poor, and to promote productive and sustainable farming. Intervention may be required to correct problems arising from earlier tenure reforms, and from the interaction of a centralised formal system with evolving customary practice. Land registration can

assist in protecting land rights, but this need not involve awarding individual title. The maintenance of customary tenure systems, can, in many circumstances, provide all the benefits of private titling (individual tenure security, adaptability to changing economic circumstances and accessibility of small scale credit) without the high financial and social costs which titling programmes tend to involve.

Evidence from West and Southern Africa indicates that systems of land administration need to become more decentralised, transparent, and responsive to local social and environmental conditions, while providing for the local resolution of land disputes by some form of legitimate, democratic authority. Where poor farming communities are facing breakdowns or neglect in systems of land management, high levels of fragmentation and disputes, or the encroachment of private or state interests on customary land, the appropriate response is to facilitate the development of decentralised systems for land management, incorporating customary practice. In cases where customary institutions are absent, or no longer legitimate, new forms of decentralised land administration may be required to protect the interests of the poor and small farmers as a whole. Protection of women's and future generations' land rights frequently requires reform of existing inheritance laws, and may in some cases be incompatible with traditional leaders' absolute authority over land.

It is a political reality that governments are reluctant to cede control over land matters to local level, in part because of vested interests in land ownership by members of ruling and economically dominant groups, but there are clear advantages for the state in providing secure, heritable rights to national land through customary, or where appropriate, statutory local systems, within an overall regulatory framework. Lessons for future approaches to land reform may be provided by policies attempting to integrate indigenous tenure and government controlled administration, as adopted in Botswana and parts of West Africa.

Conclusion

In those countries where land distribution remains highly inequitable, effectively designed and targeted land redistribution may be a key component of anti-poverty strategies, but significant complementary measures, notably agrarian support services, are also required to achieve real impacts, together with investments in employment and economic diversification. Generally, in sub-Saharan Africa, however, clarification of tenure rules, and the development of transparent, decentralised systems for land administration and dispute resolution, can also improve security, land access and provide a basis for sound resource management by and for the poor. Suitable approaches can often be based on existing customary institutions for land management, and evolving customary practice.

Criteria for land reform interventions

The possible relevance of programmes for land reform should be assessed on the basis of:

- Context-specific analysis of existing land relations, the institutions which enshrine them, their social, economic and environmental consequences, and their historical development.
- Diagnosis of land-related problems as they affect the poor, and of opportunities and constraints to enhance land security, achieve greater clarity in tenure rules, and to improve equity in land distribution

Proposed land reforms or other interventions should be carefully examined according to the following criteria:

- greater security of tenure and improved land access for the rural poor
- more decentralised land administration, to ensure responsiveness to local need and conditions
- clearly defined roles in land administration for customary authority vis-à-vis government, with adequate controls to curb abuses of power

- simplification and clarification of complex or overlapping sets of rules governing access and use to land
- equity in land rights between men and women, with protection for the subsidiary rights of dependants and for future generations
- transparency in land administration at local level, especially in the resolution of disputes and conflicting claims
- provision for community access to, and the maintenance and management within local land systems, of grazing, woodland and wetland commons
- mechanisms for popular participation in land management, especially in the design of land administration, adjudication, and settlement schemes, and to ensure that local knowledge and practice are taken into account
- acceptance of some diversity of forms of tenure appropriate to different geographical regions or to the needs of legitimate, established stakeholders in the land resource

According to the circumstances donors various specific *measures* may be needed:

- to promote access to land by the rural poor and landless, as individual households or groups, including through market-based approaches
- to reduce land concentration in the hands of powerful minorities, and promote more equitable agrarian growth
- to assist defensive registration of individual or collective land rights against external claims
- to clarify and strengthen the land rights of tenants and landless labourers, and the responsibilities of landlords
- to protect the land rights of women and dependants, reforming inheritance law accordingly
- to clarify the application of tenure rules, eliminating parallel administrations and sets of rights
- to promote transparent national debates in land policy development, with provision for the representation of women farmers, pastoralists, landless rural workers and tenants, and small farmers generally.

DEFINITIONS AND EXPLANATORY NOTES

ⁱ **Land tenure** may be defined as the terms under which land is held, i.e. the rights and obligations of the land holder. A land tenure system is the way in which a society obtains, uses and distributes rights to land. **Land reform** involves changes in tenure relations between land users and the landowner, or in tenure systems, instigated by the state and generally considered to involve some redistribution of land ownership or rights in land, for the benefit of those with inadequate land access or security. **Agrarian reform** can be considered as a wider process of restructuring agrarian relations in society and the economy, generally involving the empowerment or development of peasant farmers or rural labourers, through the provision of agrarian support and social services alongside land reform.

ⁱⁱ **Redistributive reforms** may be *imposed* through enforced limitations on land concentration, expropriation of land owners and state led resettlement of landless farmers, or alternatively *induced* through the introduction of land taxes or mechanisms designed to assist farmers or farm households to acquire land through the market. **Land tenure reforms** have generally been designed to increase security of tenure, through the introduction of formal land title, generally (in Africa) on customarily occupied land, or by strengthening the rights of tenants and labourers on public or private land within a formal or statutory tenure system.

ⁱⁱⁱ A number of countries in southern Africa are still grappling with a colonial heritage of highly unequal access to land, notably *South Africa, Namibia, and Zimbabwe*; in *Malawi, Kenya* and elsewhere historical inequalities have been exacerbated by leasehold titling for commercial farming by the national elite, and foreign investors; in some

countries such as *Uganda*, land concentration, absentee landlordism and fragmented tenancies are the legacy of colonial land allocation to secure political allegiance of local chieftains.

^{iv} ***Market assisted land reform*** is being introduced in South Africa and Latin America, and promoted by the World Bank. In South Africa, it involves a combination of grant and loan finance for individuals and groups to acquire plots for residential, arable or grazing purposes, at market prices. The approach requires the existence of credit markets and credit providers oriented towards the needs of small farmers, and while it may well assist people to enter farming as a business, providing some farm employment, it is unlikely to be able to target the poor and guarantee their land security. The price of land invariably exceeds the capitalised value of agricultural profits, since it includes premia which reflect the speculative value of the land, and the privileged access it affords to credit markets. Poor farmers cannot be expected to pay back loans for land acquisition from farm profits alone, in addition to meeting their basic needs.

^v ***Customary tenure systems*** generally based on similar principles of heritable rights of usufruct, held within family lineages, regulated and sanctioned by customary authorities, such as chiefs, or councils of elders, who hold land in trust for the community as a whole. Accepted kinship and inheritance rules vary from group to group but generally prescribe secure access rights for different family members, and most land is effectively owned by particular kin-groups, under rights traceable back to original occupancy and clearance of natural vegetation by an ancestor. Land is rarely reassigned, although customary authorities have roles in resolving disputes, and sanctioning the occupation of vacant land by new claimants. Customary tenure rules are informal, dynamic indigenous institutions. Customary tenure systems are generally contrasted with ***statutory*** or ***formal tenure systems*** where rights to the ownership or occupancy of land are defined according to formalised, national legal or constitutional frameworks.