

LAND TENURE: WHAT IS THE FUTURE ON THE LAND?

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Optimistic modernisers, normally only found within governments, argue that Africa's future lies in a Western-style path to industrialisation which will mean many people leaving the land and being absorbed elsewhere. This school of thought believes, behind closed doors of course, that the solution to hunger in Africa is to chase the peasants off the land; not by force, but through subtle market mechanisms and buy-outs.

MORE OR LESS ACCESS TO LAND?

Others believe that Africa is anyway undergoing a process of de-agrarianisation, with its population becoming less agrarian in nature year by year as more and more people engage in other activities, such as petty trade. They believe the future on the land lies with large-scale farmers, who are able to mechanise, buy and sell in bulk and respond to changing international markets more effectively than peasant farmers.

NGO land alliances struggling to defend peasant and pastoralist land rights see modernisation as highly unlikely under globalisation. They argue that anti-poverty strategies can only succeed on the basis of economic growth and equitable distributions of incomes which entail people needing more, not less, secure access to land. This may prove difficult if current trends persist.

BURNING POLITICAL ISSUE

Land is becoming a highly-charged political issue again throughout east and southern Africa, nowhere more so than in Uganda where parliament this week devoted the entire session to ensure that a draft bill reforming tenure systems becomes law by 2 July. Buganda MPs and landlords are up in arms because it does not recognise 9,000 square miles awarded to the British in 1900 to hold in trust for the Baganda people and threatens to undermine their control over tenants.

President Yoweri Museveni has criticised opponents for being 'politically myopic' and 'oligarchist', saying the bill aims to protect tenants against unfair eviction. He even phoned up a radio chat show to deliver a 20-minute defence after obviously becoming fed up with over two hours of criticism. The bill, he argues, seeks to resolve distortions in the land tenure system by upholding ownership, controlling rent and creating a land fund from which the poor could borrow to buy land.

Four forms of legal ownership are proposed, based on private tenure, freehold and leasehold, and mailo, a form of individual freehold unique to Uganda. The government will be able to appropriate land without compensation if it is deemed to be in the 'public interest' and foreigners can own land under leasehold.

The World Bank is sceptical about putting investor interests above those of smallholder farmers, on which the economy still hinges. It does not see that investment will be high enough to support jobs for a landless population nor to balance the massive social dislocation which will come with the reforms. There are also concerns over whether the bill is clear enough on mailo land rights, especially with the treatment of tenants by landlords as there is no clear definition of who is a bona fide and lawful occupant, something that is likely to create a parallel market and deter long-term investment.

In Tanzania, after a fitful consultation process, the government has split its original draft Land Bill into two; one a basic land law, the other dealing with village lands. Both are expected to be tabled shortly and are likely to provoke controversy. Last year in Mozambique a Land Law was passed which potentially granted more rights to peasant communities than had earlier seemed likely; the challenge is now for NGOs to spread awareness of this law and to help communities enforce their new rights. In Zimbabwe, President Robert Mugabe is once again talking of confiscating land if a donor meeting this month fails to come up with money to buy out the white farmers. In South Africa, the land reform programme which promised much has slowed down and in Malawi, a presidential land commission is about to issue its report.

A CASE OF DEJA-VU?

Why is all this happening? Primarily because of the impact of the advent of privatisation and market forces on access to land, especially by the poor, following half a century of state-controlled economies. Land that is held under some form of customary tenure is now particularly vulnerable as most governments are competing strongly with each other to attract foreign investment.

Though the international challenges facing Africa are common, there are differences between countries such as Kenya, Zimbabwe and South Africa, where attempts to redress a particular colonial legacy have mainly involved resettlement of black farmers onto formerly white-owned land, and Tanzania, Uganda and Zambia - with little history of colonial white settlement - which now seem anxious to throw land open to what could be described as a second 'scramble' for Africa.

Offering land is seen as a key means of attracting new investors, especially for tourist ventures. New game parks and private lodges for the very rich have sprung up, with adverse effects on pastoralist communities in particular, as large areas of what was once common grazing land have been fenced off. Increasing mining activities are directly threatening people's access to land in places such as Karamoja in Uganda.

White South African farmers have settled in northern Mozambique and more may soon go to Zambia (where already there are stories of conflict with local peasants). Those who wield political power often seek to turn this situation to their personal advantage.

BOTSWANA MAY BE SUITABLE MODEL

In response, concerned NGOs have formed land alliances in Uganda, Zambia and Tanzania to press for meaningful consultation and debate before land laws are passed, recognising government tendencies to work in secret and to exploit poor people's lack of information and power. They lobby donors such as the World Bank and the British government's department for international development, actively engaged in land issues and stressing the need for accountability, transparency and a poverty focus - though how this should be done is always politically contentious.

A key issue in land reform debates is whether power over allocation, management and sale of land (and other natural resources) should remain centralised or be devolved to local structures in line with current economic trends and rhetoric on decentralisation.

The decentralised Botswana land board system has provided an adaptable legal framework for otherwise often intractable problems of customary land tenure reform. Although persistent problems remain after 25 years, the vesting of title in land boards has proved to be effective in controlling the excesses of corruptible officials, and is better than leaving title in the hands of the presidency. And the legally constituted Tanzanian villages have de facto run common property resources effectively in recent years. Each, in its way, could serve as a model for countries that are struggling to reconcile conflicting claims to land.