

## Access to Resources: Land Tenure and Governance in Africa

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This workshop was the third in a series of ESRC-funded meetings on '[Transformations in African Agriculture](#)' and was convened by Phil Woodhouse of [IDPM](#), University of Manchester, UK. The event was linked to the publication of a new edited volume resulting from joint work funded by ESRC (Woodhouse P, Bernstein H and Hulme, D (eds) 2000. *African Enclosures? The social dynamics of wetlands in dry lands*, Oxford: [James Currey](#)).

The first paper by Phil Woodhouse, 'African Enclosures - the default mode of development' issued a challenge in suggesting that African agrarian systems tend - in the absence of other constraints or processes - towards a 'default' of increasing *individualization* of production, and increasing *commoditisation*, over time. These processes are particularly marked in wetland areas that have been used for intensive agricultural production or grazing. Four wetland environments that have seen rapid change of land use in recent decades were studied in detail.

Phil argues that three perspectives dominate writing on African land tenure systems

1. Customary land rights, based on membership of a social unit (family, lineage, or village) do not provide 'security of tenure' and thus act as a barrier to investment and hence to increasing productivity, and need to be reformed.
2. The negotiability and ambiguity of rights is a positive feature of customary systems, because it means there is always some opportunity for the poor to gain resource and land access often through informal mechanisms and derived rights such as sharecropping and loans.
3. The negotiability and ambiguity of rights is indeed a feature of African systems, but the default mode of privatization of land actually increases inequality across societies, because powerful social actors gain access or resources at the expense of poorer actors. 'Land to the buyer' becomes the default mode.

Which of these perspectives was best supported by the case studies? Woodhouse and his team studied an irrigated swamp in Kimana, Kajiado, Kenya; a newly flooded area of the Sourou valley, Mali; the Mutale river valley in Venda, northern Province, South Africa, and dams in Mmutlane village, Shoshong Hills, in the central district of Botswana. In each case, changes in the governance of natural resources has been rapid - generally towards the 'default mode' of individualization and commercialization of production and tenure. In Kimana, group ranch, land is being privatised. In Mmutlane, water resources used by livestock are being fenced, and fees are being charged. In Mali, a new downstream dam has permitted rice cultivation, and local chiefs have privileged the allocation of sharecropping contracts on wetland over the continuation of customary use rights for local farmers, some of whom have consequently been squeezed out of rice cultivation. In Venda, a land market has emerged for irrigable land under the control of 'tribal' chiefs, and entry costs are high. In each case there have been ambiguous, but generally negative effects on environmental quality in these wetland systems - for example in Kimana indiscriminate pesticide use in irrigated vegetables poses a serious threat to water quality; in Mali, rice growing has involved the clearance of thousands of hectares of forest and perennial weeds have increased to a point that threatens the productivity of rice fields.

The politics of these changing access arrangements differ. Elite capture of the benefits of progressive privatization of resources appears in each case. However the cases exhibit a strong degree of local initiative, and therefore local political bargaining, without too much involvement from the state or donors.

The four studies showed a diversity of land access mechanisms and variations in the degree of privatization of the resource, but they lead Woodhouse to support perspective 3 above, and to focus on the tendency of individualized or privatised systems to actually increase - rather than diminish - socio-economic differentiation. Clearly customary tenure has not been a barrier to

investment in the four cases - however neither has it protected the poor - it has not permitted enhanced livelihoods to develop in an equitable fashion. Most interestingly, in Botswana a system of Land Boards with elected local representatives and political nominees adjudicates land allocation decisions, aided by customary leaders - but even here, equality is not assured.

The authors of *African Enclosures* argue that processes of socioeconomic differentiation are downplayed in populist writing on African land use systems, and in 'sustainable livelihoods' thinking which focuses on the strength of local initiative and local knowledge. In the book, it is suggested that arguments about the power of global discourses to dominate African policymaking (identified in *African Enclosures* with the IDS Environment group and their revisionist 'Lie of the Land' approaches) rightfully identify power inequalities in determining the fate of African landscapes, but fail to adequately explore the political economy of socio-economic differentiation, particularly between members of local communities. We need to better understand the implications of the 'default mode' through the tools of political economy and local level investigations - particularly the effects of market based access to land and water. Comments from Christopher Clapham and the other workshop members reinforces this point, and moved the discussion onwards to consider political and fiscal decentralization programmes in Africa, which are trying to push decisionmaking 'downwards' to local bodies and to communities themselves. Would the communities' studied in *African Enclosures* be suitable targets for decentralized government structures? The participants had their doubts.

Decentralization programmes, may - in theory - permit greater local governance of wetlands in dry lands. Yet the case studies showed that de facto local governance was already in place, and this was often *exclusionary* and *conflictual*. We cannot assume that poverty reduction or equity will emerge from vesting power with local communities and their leaders - this is a very naive assumption. Clapham stressed that there is a strong reason lying behind decentralisation efforts - the manifest failure of many African central states to govern effectively and to respect human rights. But notions of good governance still take their cue from an erroneous, and western-inspired view of accountability and politics - basically that civil society is worthy of support. What constitutes civil society, however, is rarely fully understood - in fact the range of actors is diverse, and not always separate from the state or from business. So there are ranges of "unintended consequences of well intentioned actions" under the guise of decentralization. Three issues will not go away, and will stymie efforts to vest control in local communities:

1. Conflicts internal to communities over resources will be exacerbated or repressed by decentralization. Local power structures are unequal, and contain significant age and gender biases that will endure.
2. Conflict between 'indigenous' and 'immigrant' or 'outsider' communities are widespread. Dissent over land access can be particularly hard to handle in these conditions. Decentralization can vest more power in 'indigenous' leaders to exclude others. As David Hulme argues, political leaders 'play' with ethnicity and social differentiation.
3. There is also a clash between holders of rights to land - often local people - and a range of 'providers' of rights external to communities - particularly governments and NGOs. He argued that the state is always needed to counterbalance local political conflict over land and to manage the activities of NGOs etc. External providers like NGOs act as a magnet for local people, and can create competition.

Clapham proposed that *customary authorities are a 'screen' behind which other things happen* - processes of exploitation, as well as the mediation and resolution of conflicts. We need to penetrate this screen. However we must also be wary - if, under devolved governance, 'rights' to land or resources were rendered more transparent and clear cut, would the poor be able to negotiate and retain informal or derived rights? Unlikely. Clapham feels the only option facing us is to abandon western models of equity and good governance, and to 'go with the flow' (view

3 of land reform above), even if this means tacit acceptance of the 'default mode' as an actually existing model for social and economic change.

In the discussion there was agreement, following Henry Bernstein, that 'access to land is not enough' - the studies revealed that access to labour, to materials, to health, and other social and material goods is also paramount in addressing rural poverty. It was also very clear, as he argued, that a national level politics often lies behind land tenure reform and decentralisation of governance - witness the racial and economic disputes that have affected land reform in South Africa in the last three years. Land politics are often the result of other forms of politics.

Camilla Toulmin of IIED presented a paper on 'Identifying a research agenda for the reform of land tenure' that bravely proposed some avenues for future research and policy reform, in the light of the realities of politicized land access and tenure struggles. She also suggested that land access conditions have tightened over time for rural people - for example in West Africa, elders will no longer allocate land to young men in the community without question (creating exclusion), and these youth sometimes rebel against working without pay on the family farm for several years (leading to individualisation). In areas of strong immigration, local villagers are trying to reclaim land already given to immigrant farmers. In these conditions, domestic groups are fragmenting (one part of Woodhouse's 'default mode') with short-term calculation of economic advantage often replacing reciprocity as a driving principle of household decision-making. But people need to negotiate a complex path to ensure land access, sometimes resorting to fictive documents issued by local leaders or personages, that lack legal authority, to 'claim' land as theirs. There is therefore a 'plurality of norms' for assuring land access.

There is also confusion in several countries about the mechanisms proposed under decentralisation programmes. IIED efforts - which have been sponsored by DFID and other donors, and are some of the most important research and publications programmes currently ongoing in Britain - include a major DANIDA-funded project called *Making Decentralisation Work* - see <http://www.iied.org/drylands/research.html>. Not only is IIED stressing the varieties of ways in which people actually gain access to resources through derived rights and various forms of loan and ownership, but it is supporting an eclectic 'Anglo-Saxon empiricist' view of ways to secure poor peoples access to resources. This includes detailed studies of land policy (Henry Bernstein also called for more ethnographies of land access to register the political terrain in which reform must work), support to land networks linking African researchers with policymakers right across regions of Africa, and engagement with decision makers in land ministries, traditional authorities, and donor agencies. The idea here that inclusive decisionmaking is better than exclusionary policies dominated by established interests.

Andrew Shepherd picked up on the decentralisation theme in Camilla's paper. He shared many of the participants' skepticism around 'devolution of powers over land and other activities'; suggesting devolved powers are often captured by powerful elites. Yet devolution of other powers than over land - for example over health or education - may yield greater success.

A surprising turn to the discussion, and one very important to land tenure policy, is over the *new geography of African citizenship*. As Camilla noted in Ivory Coast, Ivoriens are ranking their Ivorien identity - often invented - well above that of the long term and short term Burkinabé migrants that provide the majority of labour on the country's plantations, and who fill many urban jobs. In a situation of political turmoil, Burkinabés are being ejected or are leaving the country voluntarily, amidst harassment and loss of livelihood (of course such harassment has been seen before in Africa - in Nigeria, Uganda, Kenya and elsewhere since the 1950s).

Citizenship is being used to adjudicate claims to land - with Ivoriens winning out, and the two million Burkinabés losing what they once had. These sorts of citizenship debates are clearly influencing land questions more and more - in the Zimbabwe land redistribution crisis, in South Africa, and in the Ivory Coast itself.

In conclusion, the meeting broadly supported Phil Woodhouse's/Henry Bernstein's thesis that the *default mode of changing land use in much of Africa is individualization and commercialization*

*of production*, and agreed that this posed big problems for social differentiation and therefore for policy that purports to be driven by equity considerations. While it could be argued that some people gain from commercialization and make more money or increase their stability from it, similarly, other people nearly always lose. Recent studies such as Sara Berry's '*Chiefs know their boundaries*' (James Currey/Heinemann 2000) illustrate this point very well. *African Enclosures* – a term not all the workshop participants were happy with - describes sometimes a territorial, and sometimes a social or ethnic exclusion from wetlands in dry lands.

In thinking through future avenues for research and policy formulation, we need to (following David Hulme and Camilla Toulmin):

1. Develop long-term research and monitoring programmes
2. WHEN thinking through decentralisation: begin with decentralisation of services, before moving to more tricky issues like land allocation later, if appropriate
3. Conduct political ethnographies of power and institutions
4. Do not overestimate bureaucratic and administrative capacities at the local level, or their ability to set aside ethnic or historical claims.

There were 20 people at this stimulating and timely event. A partial list:

1. Phil Woodhouse IDPM, Manchester
2. David Hulme IDPM, Manchester
3. Simon Batterbury DESTIN, LSE
4. Camilla Toulmin, IIED
5. Judy Longbottom, IIED and DFID land tenure
6. Henry Bernstein, SOAS
7. Andrew Clayton, Christian Aid
8. Ros Duffy, Lancaster Univ
9. Christopher Clapham, Lancaster Univ
10. Andrew Shepherd, Univ of Birmingham
11. Sam Hickey, Univ of Birmingham
12. Chasca Twyman, Univ of Sheffield
13. Susie Jacobs, Manchester Metropolitan University
14. IDPM students and researchers
15. Henry's PhD student

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