

BRIEFING NOTES

to improve our understanding and ability to ask the right questions and take effective action on land matters in West Africa

“Land Tenure & Development” Technical Committee

Young people’s access to land seen through the lens of kinship relations. Focus on sub-Saharan Africa

by Charline Rangé¹, June 2020

The employment and empowerment of rural youth are key issues for projects and policies in sub-Saharan Africa, often framed solely in terms of access to land. Several countries regard customary systems as a major impediment to young people’s progress, and have introduced clauses in their land laws reserving a percentage of agricultural land for young people. The issue becomes more complex when youth is considered not just as an age group, but as an intergenerational position that raises questions about young people’s roles and status in the groups to which they belong, especially the family. It then becomes less about access to land and more about rights and responsibilities within family groups.

Transferring land rights within the family: finding a compromise between access to land, employment, and social protection

The family is still the main arena for production, consumption and social protection in much of sub-Saharan Africa. Rights to land, labour, products and knowledge are transferred within the family and often compensate for each other. They are part of a set of rights and responsibilities based on multiple norms that have built up over time and are mobilized according to the context and interests of the actors involved. As a result, rights and responsibilities are distributed in many different ways within family groups.

Claims to land or trees that have been planted are often justified by the labour invested in them over the years. The person who manages the family’s land assets enjoys superior land rights (the right to inherit plantations, create new ones, make commercial land transfers, etc.), but also has various responsibilities towards other members of the group (marriage, schooling, etc.). Transfers of land rights to young people are seen in the context

of the head of the family fulfilling his duty to his dependents – which may entail helping them get started in an urban area – rather than young people having an intrinsic right to land. Their acceptance of the head of the family’s superior land prerogatives therefore depends on the proposed trade-offs and alternative livelihoods available outside the family holding. When family systems no longer provide intergenerational solidarity, fathers facing an insecure future may hang onto their land as a potential pension rather than hand it over to their sons.

Many different ways of transferring land to young people within the family

Focusing on access to land overlooks the very wide range of land rights captured in the concept of bundles of rights (see box p. 2).

● Gifts and transfers of use rights

Gaining independence is a gradual process for young people who grow up in domestic groups where

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siblings and several generations live and work cooperatively, as is often the case in West Africa. Young people are assigned use rights and given land, often when they get married, while continuing to work on family plots managed by their elders. They can become frustrated if they feel the elders are preventing them from making their own way; but may also be forced into precariously early independence if the elders are no longer able to maintain a large domestic group.

Marriage is a marker of autonomy in domestic groups that are structured around the conjugal family, which are more common in East Africa and Madagascar. Young men are given land when they get married, and are then expected to cover their own needs and fulfil their social responsibilities to the community. If they don't have enough land to be able to do this, they may decide to remain dependent on the family group.

Where there is competition over land, the rights and land transferred to young people need to be negotiated. This can cause tensions as relations of alliance and filiation are manipulated to justify or challenge rights.

● **Ownerships rights: non-linear processes of individualisation**

Ownership rights have been individualised over time, that is to say, family holdings and groups of rights holders to family land have become smaller, without the latter being reduced to the household unit. This is due to various factors, such as demography, urbanisation, migration, the development of land markets, land titling policies, etc. The non-linear processes whereby ownership rights are individualised largely depend on the oppor-

tunities offered by agricultural intensification, diversification, migration and land markets.

Plantations and lowlands are often inherited vertically, passing from the father to the oldest brother (or oldest uterine brother), who also inherits social duties. Fallow land often continues to be managed at a broader level, but where individualisation is more advanced it can lead to land being shared more or less 'equitably' between sons (plantations, lowlands, cleared land). This can make farms with little cultivable land more precarious, especially when the extended family group may no longer be able to provide social protection for its members.

BOX: BUNDLES OF RIGHTS AND THEIR DISTRIBUTION WITHIN FAMILY GROUPS

The concept of *bundles of rights* reflects the fact that there are *multiple* land rights that can be claimed by different individuals, rather than one single right to land. These rights include:

- the right to use land;
- the right to earn income from land use;
- the right to improve land (create plantations, improve lowlands, etc.);
- the right to temporarily delegate land use on a commercial or non-commercial basis;
- the right to transfer land permanently on a commercial or non-commercial basis;
- the right of administration, or right to define others' rights to use, improve and transfer land in different ways.

In French, ownership rights are usually understood to include all these rights. Describing bundles of rights also entails clarifying the duties (especially to third parties) that legitimise them, and assessing their scope in light of any accompanying restrictions (on their form, recipient, duration, use, need to inform or request authorisation). In order to understand the allocation of land rights within family groups, we need to identify their different component units, the role they play in production and social protection, and the individual's position within these different units.

Source: Colin J.-Ph., 2008, "Disentangling intra-kinship property rights in land: a contribution of economic ethnography to land economics in Africa", Journal of Institutional Economics 4 (2): 231-254.

Land markets, a vector of exclusion or new form of integration?

As with the development of labour markets, the emergence of land markets in many parts of sub-Saharan Africa is profoundly changing kinship relationships around land.

● **Access to land or land rents?**

In some contexts, the issue is less about young people's access to land and more about access to land rents that will enable them to fund urban life projects or invest in non-agricultural rural activities. In West Africa, the elders often monopolise access

to land rent, especially in former agricultural frontiers, and young people sometimes challenge their monopoly by making 'hidden' sales.

● Exclusion or opportunity?

While the exclusionary effects of the commodification of land have often been noted, it is important to analyse the context in which land transactions take place and consider the different trajectories young people may take, the diversity of land markets, and the balance of power between those involved. Are the actors villagers of more or less equal standing, or do they include urban actors, national elites or international migrants who may carry more weight in the transaction?

In rural areas that are subject to land pressure and increasingly well connected to cities, young people are starting to use their income from diversification, local employment or migration to access land through land markets. However, plot sizes remain reduced at present.

● The commodification of land transfers within families

In some contexts, the commodification of land relations within the family is a precursor to parents excluding young people from land access by forcing them to compete with better endowed actors on the land markets. Elsewhere, it reflects changes in kinship relations due to increasing rural-urban mobility and more diverse opportunities for economic integration.

Insecure tenure and new land rights for young women

According to local custom, women often only access land as sisters, wives or mothers who are assigned

delegated use rights. The degree of economic autonomy this offers them depends on the amount of time they can devote to their own crops and how much control they have over their produce. Young women are particularly hard hit by this due to their heavy domestic workload.

The rights that women may be assigned in their own families provide a safety net for them and their children, but this safety net is increasingly stretched by competition for land and smaller groups of rights holders. Young women also have to cope with declining marriage rates and growing marital instability, which adds to their childcare responsibilities while weakening their land rights – and those of their children – in their own and their husband's families. In these conditions, fathers are increasingly urged to allow their daughters to inherit

plantations and land, while the older generation's growing concern about their future care and security encourages the development of clientelistic relations within domestic groups. It is not unusual now for fathers to allocate land to their daughters during their lifetime, which can cause conflict within the family group.

Conclusion

Assigning land rights is just one type of internal transfer that families use to build resilience in contexts where there is little or no State social protection for the young or old. Looking at young people's access to land from a kinship perspective shows the need for great caution when formulating legal provisions and development interventions. But public action on young people's access to land is needed. Regu-



Young couple with a lowland plot used for rice and fish farming in Guinea Forest Region, 2016 © C. Rangé

lating land markets is one avenue that would be worth exploring, through mechanisms to ensure that sales of family land are controlled by the kinship group rather than just the head of the family, provisions to reduce competition between young people and wealthy urban entrepreneurs, and by encouraging a market for indirect farming that benefits young people. Given the changes that are already under way, introducing quotas in land laws could help strengthen young people's hand in local land negotiations. But when all is said and done, their ability to use small amounts of land productively will largely be determined by the dynamism of family farming systems and the development of territorialised supply chains that create added value at the local, village level. ●

FOR FURTHER INFORMATION ON THIS TOPIC, SEE:

- >> Chauveau, J.P. 2005. "Introduction thématique : les jeunes ruraux à la croisée des chemins". In J.P. Chauveau (ed.), Dossier "jeunes ruraux", *Afrique contemporaine* (214): 15-35.
- >> Colin, J.P. 2008. "Disentangling intra-kinship property rights in land: a contribution of economic ethnography to land economics in Africa". *Journal of Institutional Economics* 4 (2): 231-254.
- >> Colin, J.P. and C. Rangé [forthcoming]. "Les dimensions intrafamiliales du rapport à la terre". In J.P. Colin, P. Lavigne Delville, E. Léonard (eds), *Foncier et développement*, Quae.
- >> Merlet, M., R. Levesque, C. Rangé and A. Benkahla (dir.). *Structures agraires et accès des jeunes à la terre : gestion intrafamiliale du foncier et stratégies d'autonomisation des jeunes*. Regards sur le foncier n° 7. Paris: "Land Tenure and Development" Technical Committee, AFD and MEAE. May 2019.
- >> Soro M. and J.P. Colin, 2008, "Marchandisation, individualisation et gestion intra-familiale des droits sur la terre en basse Côte d'Ivoire", *Economie rurale* 303-304-305: 154-168.

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