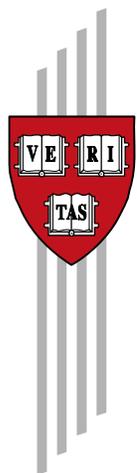


Challenges in Land Tenure and Land Reform in Africa: An Anthropological Perspective

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**Challenges in Land Tenure and Land Reform in Africa: An Anthropological
Perspective**

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Abstract

The paper discusses the interface of anthropological research on land with policy positions across formative periods - from the colonial period through to the present as land tenure reform has repeatedly become a development priority; and recent research on intensifying competition over land, its intersection with competition over legitimate authority, new types of land transfers, the role of claims of indigeneity or autochthony in land conflicts, and the challenges of increasing social inequality and of commodification of land for analysis and for land reform.

Keywords: Africa, land debate, anthropology, land conflicts, property, social inequality, commodification

JEL codes: Z1

1. INTRODUCTION

Land policy reforms are once again on the agenda of many African governments and their supporting donors. Land reform has moved up and down the ladder of development priorities over the past fifty plus years. Older concerns with ensuring security of tenure, so encouraging investment and improving productivity of land are now joined – though often in uneasy tension – by newer imperatives for poverty reduction. Despite such shifts, the debates continue to turn on distinctions between statutory and customary law, formal and informal tenure systems, and, as the introductory essay (Sikor and Mueller) of this issue describes, state-led and community-led reform.

Anthropologists, among others, have contributed both to the formation of these dichotomies and to criticism of them. Following an historical thread, I highlight key

contributions to the debates about land tenure and land reform. As a discipline, anthropology is best known for its reliance on intensive fieldwork -- deep immersion in social situations and long-term involvement with social groups – which produces the rich ethnographies that have informed debates about land. Equally important has been the conceptual contribution by anthropologists -- critiques and rethinking of concepts, theories, and models used to discuss land.

The discussion moves through several formative and still significant phases of the “land debate” in Africa: the colonial period when land tenure became a major focus for officials and anthropologists; a resurgence of research on land in the 1970s, ‘80s, and ‘90s when land reform became a development priority; research from the past decade revealing intensifying competition over land, new types of land transfers, the role of claims of indigeneity or autochthony in land conflicts, the intersection of competition over land with that over legitimate authority; and the challenges of growing social inequality and commodification of land to both analysis and land reform.

2. THE FORMATION AND DECONSTRUCTION OF “CUSTOMARY TENURE”

Decades of revisionist analysis of African history have shown that customary or communal law and tenure were "the joint creation of colonial officials and African leaders ... a reflection of the [then] contemporary situation" (Colson 1971:196-7; cf. Fallers 1969, Chanock 1985, Moore 1986). In the creation of customary law, colonial rulers confused territoriality with sovereignty, and confused African ritual authorities over rain-making or fertility with political leaders exercising authority at different scales (lineage, clan, chiefdom) over their people. Similarly, the multiple types of authority and

sets of claims over land and its products were glossed as communal tenure, which became incorporated into the developing body of customary law. In the 1930s, several well-known anthropologists helped colonial administrations to establish authoritative “restatements” of customary law, such as Isaac Schapera in then Bechuanaland. Usually, the anthropologist’s purpose was to rebut mistaken official views about communal tenure. But subsequent reanalysis has shown that, far from being merely the writing down of a pre-existing oral system, “customary law”, along with “communal” tenure was shaped by the colonial situation and often served state, private European, and elite African interests.

The early colonial and mission attitude towards what they saw as “communal” forms of landholding was deeply entrenched in longstanding cultural preconceptions that set individual, private ownership as the superior to communal or collective forms of tenure. The historiography of the enclosures in England clearly reveals this. Commentators from the 18th century into the first part of the 20th century claimed that enclosure was an inevitable response to the need for greater efficiency in agricultural production. According to this view, farmers had seen that "one sheep in an enclosure is worth two on a common", and overstocking of the commons was due to the lamentable fact that "that which is everyman's is no man's" (Prothero 1917 cited in Liversage 1945). Trevelyan, an influential British historian of the first half of the twentieth century, popularized the view that expanded agricultural production, which fuelled the industrial revolution, resulted from enclosure, a process that had "blazed a trail for the whole world" (1944:381). This "triumphal" view (Thompson 1993) dominated colonial perspectives, as seen in the 1945 book on Land Tenure in the Colonies by Liversage.

Invoking the conventional view on the English commons to explain the situation in African "communal" lands, it stated that, "no regulation whatever is practised. Consequently there is no incentive on the part of any individual to restrict the number of stock turned out by him" (1945:13, 49).ⁱ

Such ideas about "communal" tenure have long bedevilled understanding of non-European systems of rights and practices around land. The conventional logic was/is that communal tenure entails an absence of individual rights and a domination of group rights, so that the individual land user faces insecurity of tenure which, in turn, constitutes a disincentive to the investments needed for increasing productivity and efficiency on which agricultural development and general social progress must be based. In the 1940s, for example, Lugard believed that individualization of tenure through titling of land was needed to ensure the shift to commercial agriculture (cited in Chimhowu and Woodhouse 2006: 350). Such ideas have by no means disappeared.ⁱⁱ

Yet, since the first third of the twentieth century, anthropologists have repeatedly shown that individual rights are neither automatically excluded nor necessarily insecure in African systems of land-holding labeled communal and customary by outsiders. From research conducted in Northern Rhodesia [Zambia] during the 1950s, Max Gluckman stressed that, "in so-called communal ownership ... every member of a certain social group can claim the right to be given a garden ... and to make certain use of public lands or water... The working of the land and the appropriation of its products in this system of land tenure are highly individualistic" (1965: 101). For the same reason, he did not like the use of "usufruct" to describe the African systems because that term from Roman law referred to someone with a right to use the fruits of a property owned by someone else,

whereas, as he stressed, the African system was a layering of “owners”. Research over the intervening years has reinforced the conclusion that customary tenure does not exclude individual rights (see references below, including Bruce and Mighot-Adholla 1994).

The larger conclusion from the decades of research is that, in Gluckman’s words, "rights to land are an incident of political and social status" (1965: 78). This is a rebuttal of models that separate "property" from its social and political anchoring and, in later terminology, states that land tenure is a social relationship or that it is embedded in social relations.ⁱⁱⁱ It continues to be a conclusion that needs restating. The preconceptions about the inhibitory nature of “communal” or “customary” tenure have led continually to calls for land reform as the prime means to produce and support a class of “commercial” farmers variously labeled, over time, yeoman farmers, master farmers, or emerging farmers. As we shall see below, one of the current debates about Africa concerns the relationships among land reform, agrarian transformation, and social equity.

3. RATIONALES FOR RESURGENT LAND TENURE REFORMS AND CRITIQUES OF EXPERIENCE

The land policies promoted in Africa during “the land reform decades” from the late 1960s to the early 1980s (Bassett 1993: 11) were all based on the premise that customary systems did not provide the necessary security to ensure agricultural investment and productive use of land. Because the lack of security was thought to lie in the absence of clearly defined and enforceable property rights, the appropriate policy direction was taken to be the state creation of such rights. Most often, individual, private property rights

were assumed necessary. These positions on land tenure echoed those of the colonial positions described above in being premised on ideas about necessary trajectories of growth and modernization based ultimately on European, particularly British, history.

In practice, many of the land policy reforms and titling programs of the 1970s and early 1980s failed to achieve the expected increase in agricultural investment and productivity, did not facilitate the use of land as collateral for small farmers, and often encouraged speculation in land by outsiders, thus displacing the very people -- the local users of the land -- who were supposed to acquire increased security through titling. The programs frequently exacerbated conflicts by ignoring overlapping and multiple rights and uses of land, and led to or reinforced patterns of unequal access to land based on gender, age, ethnicity, and class (Okoth-Ogendo 1976, Coldham 1978, Pala 1980, Davison 1988, Shipton 1988, Haugerud 1989, Attwood 1990, Shipton and Goheen 1992, Mackenzie 1993, Shipton 1994, Lastarria-Cornhiel 1997, Besteman 1999, Lund 2000). A similar literature has revealed the negative to disastrous effects of land titling and privatization in livestock and range management schemes in Africa (Galaty et al. 1981, Horowitz 1986, Baxter and Hogg 1990, Behnke et al. 1993, Peters 1994). In addition, the widespread cash cropping by small farmers, such as cocoa production on customary land in West Africa, were used to reject premises that customary tenure inhibited investment and agricultural commercialization, and to demonstrate the flexibility allowed by customary tenure to farmers adapting to changing conditions. Other research, including longitudinal studies, have shown that agricultural intensification and commercial production are not inhibited by customary landholding as much as by broader social and political-economic conditions at local, regional and international levels (Linares 1992,

Netting 1993, Place and Hazell 1993, Guyer 1997). Moreover, customary systems did not exclude individual rights, a restatement of the earlier research (see above) and entailed various types of transfer of rights to land, such as tenancy in the cocoa areas of West Africa (Hill 1963, Berry 1975, Okali 1983, Gyasi 1994) and elsewhere (see Lawry 1993 for Lesotho), and other types of transfers including rentals and sales (White 1963, Allott 1969, Cohen 1980, Bruce 1988, Ng'ong'ola 1996, Besteman 1999).

By the late 1990s and into the new millennium, such bodies of evidence finally seemed to have an effect. While the conventional views are not completely dead, as can be seen by periodic resuscitation of the Tragedy of the Commons idea,^{iv} there appears to have been a shift in thinking among influential development agencies, including the British DFID, towards land policies that are more "human-centred ... less driven by economic prescriptions ... and pro-poor" (Toulmin and Quan 2000:3). Similarly, right up to the end of the 1980s, the World Bank's prescription was to replace customary systems with titling and private property rights, which were posited as necessary preconditions for modernization and development.^v While this view is still found in many policy papers, by the 1990s land experts on the World Bank research staff had accepted the advantages of communal and customary tenure over formal individual titles regarding cost effectiveness and equity (depending on sufficient accountability), emphasized that titling needs a range of other conditions (such as access to capital and credit) to be effective, and urged caution about state-led intervention in land tenure systems, suggesting the possibility of building on existing systems (Bruce and Mighot-Adholla 1994, Deininger and Binswanger 1999). This rethinking led to "new wave" land reform that was supposed to be "decentralized,

market-friendly and involve[d] civil society action and consensus” (IFAD 2001, cited in Bernstein 2004: 192).

Nevertheless, as Quan points out (2000: 38), the Bank has continued to posit “a framework of secure, transparent and enforceable property rights as the critical precondition for investment and economic growth, even though this is not necessarily equated with “individualized rights”. Similarly, Whitehead and Tsikata point to “the almost routine way in which reform to individual land titling appears in many country-level documents”, and to the World Bank’s giving “substantial support to governments” promoting tenure reform based on individual titles (2003: 83).^{vi} Ambiguity and contradiction are often a result as is pointed out by James (2001) for the World Bank’s land policies in South Africa, and for the Bank’s policies more generally by Bryceson and Bank (2001). In addition, reservations have been expressed about the so-called “evolutionary” theory of land tenure that underlies the Bank’s and similar positions. The theory runs the danger of evoking “the best of all possible worlds” in supposing that non-interference in local land tenure systems will allow adaptable and equitable outcomes. On the contrary, writes Jean-Philippe Platteau (1996, 2000) among others, many existing customary or local sets of land tenure embody considerable inequality, intra and inter-group conflict, illegal sales by traditional leaders, and appropriation for private use by representatives of the state.

4. CURRENT DEBATES: LAND REFORM AND CRITIQUES REDUX

Despite some success for the challenges of research and rethinking to conventional policy positions on land tenure reform, not only are there the ambiguities, contradictions and

reservations mentioned above but current debates about and positions on land tenure reform in Africa appear even more contentious than in previous decades. First, the shift to prioritizing poverty alleviation in development policies has had the paradoxical result for land reform of replaying past debates over the need or advisability of formalization of tenure, over the respective roles of the state, market and community in land reform, and over the place of the land tenure reform in broader processes of development. Second, detailed field research in many parts of Africa over the past decade has documented widespread and mounting competition and conflict over land, and a proliferation of transfers of land that reveal individualization of claims, “informal formalization”, and increasing commodification. In turn, this research leads to different assessments of the potential of land reform for reducing poverty and for promoting economic development. These positions are laid out briefly in the remainder of this section.

The longstanding notion that customary tenure rights are insufficiently secure to promote optimal levels of investment in land use has gained new life from the growing influence of de Soto’s book, “The Mystery of Capital”. The argument is that capitalism can work to the advantage of the poor by formalizing their rights to land and other property such as houses, so converting what is “dead capital” to generative capital. This old idea clad in new language has galvanized renewed efforts at land reform. One example among many of the way the de Soto view has colonized current development rhetoric is from a recent discussion document of the ANC in South Africa: this bemoans the failure to title land and houses of the poor because it “sterilizes the enormous value of these existing assets, which could so easily be turned into collateral to secure access to capital” (quoted in Kingwill et al 2005:3).

Critics of these views point to the large amount of research dating from the 1970s (see above) that showed the failure of the registration and titling programs across Africa to increase productivity and access to credit for the poor mass of people. More recent cases support the skepticism about an “easy” jump from titling land to using titles to gain access to credit.^{vii} Other criticisms turn on the failure – once again – to situate titling within the specific political economic contexts. Thus, past titling programs have frequently exacerbated pre-existing inequality, producing more rather than less insecurity for many land-dwellers (see references in section 3 above). Critics fear that the de Soto-inspired approaches will replay these processes by “accelerat[ing] market-based land transfers, with potentially negative consequences for poorer holders of land rights more prone to distress sales” (Chimhowu and Woodhouse 2006: 363; cf. Benjaminsen 2002, von Benda-Beckmann 2003, Kingwill et al 2005, and references therein).

These renewed debates about the role and likely effects of formalization of land rights take place within a broader debate about the trajectory of economic and political change in Africa in light of its global placement, and the implications for pro-poor policies, including land reform. The shortcomings of “state-led” efforts of land reform have been well-rehearsed in the literature but some are being replayed in light of even the “new wave” land reforms. The “market-friendly” approach specifying a willing buyer and willing seller has not been successful in Zimbabwe or South Africa. For the latter country, recent assessments point to a vastly slower process than projected, with only 3% of land redistributed by 2004 rather than the 1994 projection of 30% (Lahiff and Cousins, 2005). State-led reform, in premising a single unified system, also runs afoul of the multiplicity of tenure situations (such as patrilineal versus matrilineal as well as variants

within these). The literature also documents huge backlogs in administration of titling and registration (see earlier references to the Kenyan experience), and large shortages in qualified staff to even begin registration (as is currently the case in Malawi [Holden et al 2006]).

Yet a simple shift from state to community or local levels for land reform proves untenable in light of the recent research. The tendency for past land reforms, including titling programs, to intensify and even create inequities in access to and use of land is not limited to “state-led” programs. While customary tenure is characterized by flexibility and negotiability, as past research has shown, these characteristics do not prevent and sometimes facilitate exclusion of some categories of users. Already in 1988, the editors of a volume of essays on land in Africa stated that the "least equivocal finding" was that "access ... to land ... has become increasingly restricted and insecure" (Downs and Reyna 1988: 18). Since then, a growing body of research reveals an increase in competition and conflict over land, deepening rifts between and within kin-based, ethnic, and regional groups, and expropriation of land by local and non-local agents. The intensification of production, increased reliance on the market for inputs and many basic necessities, growing populations and movements of people, and state demarcation of forest and other reserves or conservation areas, all have intensified competition over land.^{viii}

The mounting evidence on pervasive competition and conflict over land calls into serious question the image of relatively open, negotiable, and adaptive customary systems of land-holding and land use and, instead, reveal processes of exclusion, deepening social divisions, and class formation (see Peters 2004 for a review of the

research; cf. Amanor 1999, 2001, Raikes 2000, Bernstein and Woodhouse 2001). The growing bodies of research on intensifying competition and conflict over land, and on new types of contracts in land transfers across Africa reveal newer modes of fixing land to certain individuals or groups, and ways in which negotiability is limited or absent.

This is not to deny the cases of ambiguous outcomes and standoffs between competing claimants over land that may last generations (Berry 2002), and there is much to support a view of Africa as a continent with a majority of its population living on the land, without clearly defined classes of landed and landless. Nevertheless, current research suggests this is only part of the story and one, moreover, where change is accelerating.^{ix} More emphasis needs to be placed by researchers on who benefits and who loses from instances of "negotiability" in access to land. Even in programs intended to decentralize authority to "grass-roots" users, too often, national and local elites capture the benefits supposed to accrue to "local" and "traditional" managers (Ribot 2000, Carney and Farrington 1998, Woodhouse et al. 2000).

Another major caveat about the potential of local or community-level efforts at land tenure reform comes from the growing documentation of land transfers. Some of these have a commodity flavor, and *in toto* reflect far greater heterogeneity and social inequality within so-called customary and traditional systems of tenure and authority than the idealized versions, often embedded in current laws, imply. Examples of contracts such as share-cropping and rentals and even exchanges called 'sales' have been documented since at least the early 1930s, in the cocoa-growing areas of Ghana and Ivory Coast, the densely-populated zone of Northern Nigeria, parts of Kenya and other places (see references in earlier sections). Such contracts and transfers appear to be on the

increase across the continent: large majorities of persons rent land in Benin (Edja 2001), Ghana (Amanor and Diderutuah 2001), Ivory Coast (Colin and Ayouz 2006), and a study in Tanzania documents both rentals and sales (Daley 2005) despite an official statement that “here in Tanzania we don’t sell land”. This situation holds for Malawi (Peters and Kambewa 2007) where there is a pending land reform policy waiting to be passed by Parliament.

A particular element in this increasing salience of transfers considered illegal by most of the currently existing law on customary tenure is what considerable research from francophone West Africa calls “informal formalization” (Benjaminsen and Lund 2003).^x These are transfers that entail more definite signs of new boundaries and new definitions of in/exclusion. While legal titles remain a minority in much of rural Africa, at least among smallholder families, there appears to be a trend towards developing “informal” documents and other means of recording land transfers that depart from the oral methods prevalent among customary systems. Lavigne-Delville (2003) cites cases from several countries (Ivory Coast, Burkina Faso, Benin, Rwanda, and the Comoros) where farmers are using signed documents or “contracts” to record land transactions, particularly those considered “unusual and illegitimate” in that they involve the transfer of lineage or communally-held land for money, and where rural people follow “a strategy of ... piling up papers to safeguard acquired rights” (p.95), even though the particular purpose of these “pieces of paper” is not entirely clear. Lund (1999) points out that, in Niger, such papers are witnessing “the existence of a right”. Lavigne-Delville concludes his essay by asking rhetorically, “More than a systematic titling process, is it not this type of state-led institutional innovation ... legal recognition of ‘informal formalisation’

procedures ... that rural dwellers (or some of them at least) are really asking their governments to pursue?" (p.104; cf. Platteau 2000).

Mathieu et al also describe a range of new practices related to transfer of land for cash in rent or sale agreements in the cotton provinces of Burkina Faso, where "exchanging land for money, which was once unthinkable, is now becoming common practice" (2003: 109). The most formal is a written record (*procès-verbal de palabre*) signed by the seller, buyer, customary authority, and local administration officer. The researchers see this type of document as "a hybrid and legally organised procedure, at the interface between administrative procedures and custom" (p.120-1). Other types include typed or hand-written documents recording the transaction but without mentioning such words as "sell" or "buy"; some of these are signed by a local official. The least formal but still new practices involve "exaggerated" public displays of ownership and of social exchange between transactors, which are intended to demonstrate "proofs" of ownership that "will be convincing and justifiable in the face of future threats or challenges..." (p.124). Mathieu et al see the rising value of land for market-oriented agriculture reflected in a "social demand for more individualised, precise and formalized land ownership rights." But, they conclude, because "[t]he process of commoditisation and formalisation of land rights appears to be totally embedded in social relationships ... [t]he changes in land transactions are ... slow, quite dependent on local circumstances, contradictory, exclusionary (that is, there are winners and losers in the new transactions), complex and ambiguous" (p.126).

These remarks echo those of authors who point to the variable, uneven and contradictory processes at play, as they also echo those emphasizing the flexibility and

ambiguity of customary tenure systems. Nevertheless, the same studies also show new and/or intensified efforts to demarcate boundaries and to delimit the definition of those to be included as owners. In other words, they describe processes in which some people, some social categories, are being excluded from rightful claims to land. In these studies out of Africa, one cannot help being reminded of the long, slow and ambiguous process described by E. P. Thompson in his analysis of how the definition of those with rights to the English commons was increasingly narrowed from the mid-sixteenth to the eighteenth centuries: court cases came to define some customary rights as "too vague and uncertain" while others, associated with "real" property such as houses, were upheld (1993: 132).

One of the most interesting, if difficult, dimensions of current writing on land in Africa concerns the very terms of description. Questions of what is and what is not a 'rent' or a 'sale' or a 'commodity' are very difficult to resolve. Many researchers describe transactions of land which are called in various indigenous languages a 'loan' or 'giving thanks' or 'homage' or 'improvements' yet which have many of the characteristics of rentals and sales (Lund 2000, Mathieu et al 2003, Sjaastad 2003, Kishindo 2004, Kambewa 2006, Colin et al 2005). One result is that some of these transfers become subject to counter claims (Gray and Kevane 2001, Peters and Kambewa 2007). It is precisely the increase in these semi-commodified transfers that is, in part, fuelling the increase in conflict over land across Africa.^{xi} Some transfers, including sales, are more likely to 'stick' than others; those in peri-urban areas, where "vernacular" land markets (Chimhowu and Woodhouse 2006) are most active, are a key example. Worries about the term of debate involve more than a lament about "what's in a name?" At issue are both the short versus the long-term view: who are the winners and losers in

contemporary transfers? For the longer-term, one conclusion is that of Chimhowu and Woodhouse who state, after their review of such 'disguised' transfers: "In summary, therefore, while the legitimacy of land commoditization may be insecure under customary tenure, norms and patterns of investment behaviour consistent with customary tenure will tend to reinforce, rather than weaken, the commodity nature of land" (2006: 358). This in turn is almost certainly going to increase rather than decrease social inequality of all types in Africa.

One of the dimensions of social difference at play in land transfers is that of indigeneity or autochthony posited as a basis for land claims. Much research has documented that a key socio-cultural dynamic driving the differentiation over land turns on a narrowing in the definition of belonging. Social conflict over land produces stricter definitions of those with legitimate claims to resources, that is, group boundaries become more exclusively defined. This has been described for Northern Ivory Coast (Bassett 1993), Botswana (Gulbrandsen 1987, Peters 1994), Malawi (Peters 1997, Kishindo 2004, Kambewa 2006), Ethiopia (Lastarria-Cornhiel 1995), Zimbabwe (D. Moore 1993), and Ghana (Amanor 1999). Metaphors of difference include those of "stranger," "immigrant" and "squatter" as contrasted with local or original inhabitants (Worby 2001), producing increased litigiousness, violence, and witchcraft accusations (Van Donge 1999; Hammar 2001; Nyambara 2001). The turn to claims of greater 'indigeneity' than others carries with it a danger of civil conflict.

Migrant farmers, as individuals and families, have crossed national borders in West Africa to gain access to land for seasonal or longer periods for generations. Various types of social institutions set up around the relation between land-giver/land-owner and

migrant have been described, many with similar versions across countries (see Chauveau, 2006, for Cameroun and Mathieu et al, 2003, for Burkina Faso). In recent research, Jean-Philippe Colin et al (2005) discuss the conditions under which conflict over land between autochthons and migrants/foreigners emerges or is exacerbated in parts of Côte d'Ivoire. The relationship between the migrants and the "autochthons" has taken shape through the *tutorat* institution, a relationship of patronage in which migrants received rights to land in return for "thanks" given in the form of agricultural produce, or other small contributions. Over time, with increasing commodification, the traditional thanks has taken a monetary form. Nevertheless, this has not represented a full commoditization of land access because the social obligations owed by a migrant (or his heirs) have not vanished.

Disputes between autochthons and migrants rooted in disputes over the precise content of land rights and duties transferred to migrants through a *tutorat* relationship were kept under control during the colonial and early post-colonial years. During the past decade, conflict has resurfaced as autochthons contest past land transfers in order either to receive a land rent or even to reclaim the land. In this process, young local men who no longer find jobs in towns play a leading role (cf. Amanor on Ghana). Very similar dynamics are described for Burkina Faso by Mathieu et al 2003. Similar patterns of intensifying competition over land, in this case valuable stream-fed land, are described for a major river basin in Malawi where some of the disputes are being cast as between locals and strangers (Kambewa 2006; cf. Woodhouse et al 2000). The Malawi study also reveals the malleability of custom in that some local chiefs require thanks (*chothokoza*) in the form of bags of rice given annually by those allocated gardens in the wetlands, making themselves landlords in the guise of tradition.

An important conclusion emerging from these detailed studies of new and proliferating land transfers is that some of the social struggle over land appears to be not merely about land *per se* but about legitimacy and authority more broadly (Berry 2002, Lund 2002, Moore 2005, Richards 2005).^{xiii} Social differentiation and political rivalry within countries are closely linked to competition over land. Southgate and Hulme identify a key means in land appropriation to be "the capacity of the patron-client chains that link the national elite to the local level to gain control over resources that offer opportunities for accumulation" (2000:112; cf. Myers 1994 for Mozambique, Klopp 2000 for Kenya, Odgaard 2003 for Tanzania, Cousins et al 1992 for Zimbabwe). One of the most detailed analyses of the deep intermingling of land and politics, as well as the interaction among local, national and international processes is that of the fertile Jubba valley in southern Somalia, where "local struggles for resources became increasingly intertwined with national and international ones" (Besteman and Cassanelli 1996: x).

Here, we see the dangers of opposing 'state' and 'community' when the dynamics of land use and land transfers are enmeshed in systems that crosscut this dichotomy and go beyond it. Here too, we come to one of the current debates around the role of land tenure reform in relation to broader aims of economic development and poverty alleviation. The types of land transfers and the accompanying competition and conflict swirling around land across Africa have been attributed in part to the increasing value of land for cash cropping (for export and for the burgeoning food supply to growing urban areas – see Bassett 1993 among many), in part to the search for a basic livelihood by the large numbers of rural dwellers who depend increasingly on "off-farm" sources of income in a situation where faltering industrialization and Africa's disadvantageous place

in the global economy have failed to provide the equivalent of a 'living wage' to the majority (Arrighi and Moore 2001, Bernstein 2004).

It is against this last concern that a debate about the place of land reform in poverty alleviation takes place. In Southern Africa and particularly South Africa, debate rages about the fallacy that land reform itself is sufficient to redress a past history of inequity and a current, post-apartheid situation of rising poverty. Ben Cousins is among the most prominent commentators and he has argued forcefully for land reform (including redistribution and restitution) to be necessarily linked with "agrarian reform", taking the shape of a suite of policies, programs and actions to improve the access of land-based families to infrastructure, services and markets. He espouses an "area-based land and agrarian reform" intended to revitalize smallholder production and agriculture more broadly (Cousins 2006, Lahiff and Cousins 2005). Rather similar stances, albeit with different language, appear in writers such as May et al (2004) for South Africa, Dorward and Kydd (2004) for Malawi, Griffin et al (2002) more broadly.

The hope of a socially just economic renaissance based on small-scale agriculture with means including land reform seems to be widespread. But critics who see Africa's current marginalization from world trade as an obstacle to such a scenario remain skeptical and point to the likelihood of the better-off benefiting disproportionately from land reform, even if buttressed by other programs. Henry Bernstein concludes: "Even without marked inequalities of initial conditions, the normal tendency to differentiation may generate increasing inequalities between those who benefit from land redistribution, and – ironically – may do so even more in conjunction with structural and idiosyncratic or fortuitous factors that shape the (differential) fortunes in labour markets of those who

[like many to most of Africa's 'smallholders'] combine hoe and wage" (2004: 218). This conclusion gains from the kind of research documenting increasing socio-economic differentiation and conflict over land cited above. A sterner conclusion by Bernstein, echoing others (see special issue of *Journal of Agrarian Change* 2004, 4, 1 & 2) is that "once pre-capitalist landed property ... is destroyed ... there remains no rationale for redistributive land reform [and] any notion of redistributive land reform that advocates the division of larger, more productive enterprises ... is ipso facto both reactionary and utopian" (2004: 199).

While many might accept that increases in social differentiation and inequality are the future of Africa, at issue here is the short versus the long-term view. Those who hope that the huge difficulties in face of small farmers-cum-laborers gaining a "decent livelihood" might be overcome by policies focusing not merely on land but on promoting access to inputs and markets (for example, Dorward and Kydd) have to recognize that such an approach requires "far higher levels of public investment and a much more interventionist state than the current consensus is prepared to contemplate" (Sender and Johnston 2004: 159). The challenges are enormous. Yet, because "in the long term, we are dead", short-term gains can be considered worthwhile, so the likelihood of concerted efforts at land reform plus programs to increase access to benefits by the non-privileged, or the push for states to recognise "informal" contracts as Lavigne-Delville suggests (see above), will continue to rally people behind calls for more equitable land reform.

6. CONCLUSION

The topic of land has long been, and continues to be, central to the lives of most Africans, and to the politics and economies of African countries. As a specific policy focus, land has been moved onto and off center stage over the past hundred plus years. In research by anthropologists in Africa, too, land has shifted up and down the list of priority topics, though it has rarely been completely absent. In the present moment – early in the new millennium – “the land question” is once more near the top of policy goals for development across Africa and a central focus of much cross-disciplinary research.

Since at least the 1980s, there has been growing competition and conflict around land across the continent. Researchers have pointed to the close connection of land with both local and national claims on authority in these struggles, as well as frequent international influences. At times, such struggles move into violence and war, as documented for Somalia (Besteman), Darfur (de Waal), and Sierra Leone (Richards 2005), among others. Other influences on this intensified competition have been the thrust towards environmental sustainability in development policies since the 1990s, as well as moves towards decentralization and community-based organization in the name of democracy and improved governance. All these political economic struggles involve competing claims on the use of and authority over land and its resources.

In this paper, I have highlighted from the large body of research by anthropologists and others^{xiii} the major contributions to improved understanding of the role of land in people’s lives and in policy purporting to improve those lives. These contributions have been empirical and analytical and among these, the most significant in my view are the following. From the colonial positions on communal and customary

tenure to current claims about the power of property (de Soto 2000), a repeated caution from the research has been to avoid separating land tenure or property from their social, cultural, and political-economic matrices.^{xiv} Gaining “title” to land has never been a “simple” recognition of unused capital but has always involved severe social struggles with distinct winners and losers, from the enclosures in England (see Thompson 1993 for one account) to contemporary processes across Africa.

Another emphasis has been that, rather than fixed rules, land relations are usually cast in terms of more general principles open to interpretation and thus to negotiation. This means that careful attention has to be paid to the specific meanings and constructions, including narratives and stories, placed by different social actors on the principles justifying access, use and control. In response to this stress, recent research has pointed up the dangers of over-privileging notions of flexibility and negotiability in the social relations around land in Africa, and the need to assess ongoing processes of exclusion and the production of winners and losers. These processes may be embedded in commodification and the increasing value of certain types of land for both use and the exercise of legitimate leadership, or in longer histories of social differentiation as described for Liberia and Sierra Leone: “Many young people view local systems of land tenure and marriage payments as instruments of chiefly exploitation. There is now enough evidence to suggest that land grabbing and the exploitation of labour through marriage have been equally powerful sources of conflict [in those countries]” (Richards 2005: 588). Richards’ paper stands as a recent exemplar of the repeated lesson that land and land tenure must be understood through the social, political and economic relations through which authority, power, resource use and management are channeled.

The most difficult challenge, not just for anthropologists, remains that of recognising and analyzing the specifics of time, place and person to capture the multifarious dynamic processes in land access, use and transfer, but also to situate these within the encompassing and shaping processes of national, regional and international inter-relations. The current arguments sketched at the end of the last section about whether land reform can be a vehicle for agricultural development and for greater social equity pose this challenge in its starkest form.

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ⁱ Some readers will recognize another lineal heir in Garrett Hardin's 1968 paper on "the tragedy of the commons". Esther Kingston-Mann (1999) traces the ways in which the conventional English view "glorifying property" and demonizing commons was taken up in France and Russia, a history relevant to current debates in post-socialist countries.

ⁱⁱ In 1967, then President Banda of Malawi, said that individual titling was necessary because "land is held in common... and everybody's baby is nobody's baby at all" (Ngo'go'ola 1982: 115).

ⁱⁱⁱ The notion of social embeddedness owes much to the work of Polanyi (1944). Later exponents include Granovetter (1985).

^{iv} This is so despite Garrett Hardin's own acceptance of his mistake in changing the famous label to "The tragedy of the unmanaged commons" (1991).

^v For example, the report "*Sub-Saharan Africa: From Crisis to Sustainable Growth*" had a special section on "Redefining land rights" in its chapter on agriculture where it states: "Agricultural modernization combined with population pressure will make land titling necessary. Traditional tenure systems need to be codified." (World Bank 1989: 104).

^{vi} See also the 2006 World Development Report's reference to "potentially large benefits for titling" (p. 165).

^{vii} An example is the announcement by the Bank Association of Mozambique that it will not accept land titles as collateral (Holden et al 2006:3).

^{viii} For example, Amanor 1999, Bassett 1993, Dzingirai 2003, Gulbrandsen 1987, Juul and Lund 2002, Ribot 2000, Schroeder 1999.

^{ix} Kenya already has a landless class called “squatters”; Malawi is developing one; and research suggests increasing exclusion in many countries.

^x The very term highlights the problem with neat dichotomies of informal/formal as equivalent to non-market/market or precapitalist/capitalist.

^{xi} Similarly, the political-economic changes in the “post-socialist” countries of Africa have often “resulted in the revival, continuation or escalation of conflicts over land and resources and the reordering of property relations” (Pitcher and Askew 2006: 8).

^{xii} “...at stake here...is a contest over values and modes of social being ... [that] goes beyond the specific matter of rights to land: land symbolises other things” (James et al. 2005: 826).

^{xiii} The inter-disciplinary nature of the research on land is evident.

^{xiv} Recent examples are von Benda-Beckman 2003, Kingwill et al 2006, Mitchell 2005, Verdery and Humphrey 2004. This thinking is now found in some policy reports: “Tenure does not involve a purely technical, easily quantifiable set of issues... land is embedded within a range of socially constructed meanings, values and relationships” (Aliber et al 2004:20).