

## Original Paper

# Politics of Land and Agrarian Reforms in Africa: Examining the Challenges and Solutions

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### **Abstract**

*Land reforms fell out of favour with donors from the early 1970s—nonetheless, sporadic efforts to redistribute land continue. These reforms stemmed from shifts in the domestic balance of power between landowners and landless workers and peasants, which were quite independent of donor policies. Whereas the geographical context and individual country strategies may be new, the range of land reforms measures being adopted and the implementation problems encountered are not. The standard argument for tenure reforms centres on the role of uncertainty in discouraging investment on land that is held without long-term security. Land title that enhances such security may induce investment and productivity increases both from the demand side, as farmers become more certain of reaping the benefits of investment in the future; and from the supply side, by affording farmers better access to credit. The paper recommends that solutions to land and agrarian reforms in Africa should seek to achieve, in their broadest sense, reforms that entail a wide spectrum of options such as land claims, acquisition and distribution of land, access to land for certain purposes, land use planning, infrastructure development, farming and commercial support, resettlement programmes, security of tenure and training.*

### **Keywords**

*politics, land, agrarian, reforms, challenges, solutions*

## 1. Introduction

“Land reforms” and “agrarian reforms” are often used interchangeably. Land reforms is generally accepted to mean; the redistribution of property or rights in land for the benefit of the landless, tenants and farm labourers, while Agrarian reforms—a construct of the Cold War to counter “communist” land reforms; embraces improvements in both land tenure and agricultural organization. (Note 1) Thus, land reforms pertains to the remodeling of tenure rights and the redistribution of land, in directions consistent with the political imperatives underlying the reform.

Those favoring revolutionary change advocate a drastic, planned, public intervention to redistribute land. Yet attempts at drastic redistribution of private land, in the face of strong opposition from landed interests (and in some cases related budgetary impediments), may distract from more feasible evolutionary policies aimed at improving access and security of tenure for small farmers under alternative forms of individual and communal tenure, which do not involve expropriation and compensation.

Land reform fell out of favour with donors from the early 1970s—nonetheless, sporadic efforts to redistribute land continue. These reforms stemmed from shifts in the domestic balance of power between landowners and landless workers and peasants, which were quite independent of donor policies. In the 1990s, decollectivisation and privatization in the former socialist economies provided a new dimension to land reforms; so too has majority rule in South Africa, where the racially-skewed ownership of land is under challenge and where market-based measures to achieve land redistribution in favour of blacks are being tried. Whereas the geographical context and individual country strategies may be new, the range of land reform measures being adopted and the implementation problems encountered are not. Therefore, this paper sets out to discuss the challenges and solutions to land and agrarian reforms in Africa.

## 2. Challenges and Solutions to Land and Agrarian Reforms in Africa

### 2.1 *Challenges to Land and Agrarian Reforms in Africa*

“What is a title deed anyway? It is just a piece of paper” (Note 2). These words were spoken by a Kenyan Minister after the bloody eviction of twelve thousand families by the minister’s private army and police from an immigration zone in southern Kenya in October 1993. His words summarize growing conflicts over and tensions about access to land on the African continent. As recently as 1989, the World Conference on Agrarian Reform and Rural Development noted that “... land availability was not a major problem in the context of most African countries” (Note 3). However, nowadays, access to land is becoming problematic—Africa’s land use and tenure frontiers are shifting. Is the continent heading for a situation in which landlessness and unequal land distribution patterns resemble those of the Asian and Latin American continents?

Three major lines of policy towards land prevailed in Africa during the early 1980s. In some countries, there was a shift towards the socialization of land by way of co-operatives and state farms (such as

Mozambique). In other countries, the privatization and individualization of land was either continued or begun (for example Kenya and Malawi). Thirdly, some countries made adaptations to existing tenures to modify the relations between the tribal chiefs and the state, as in the Gambia and Lesotho (Note 4). In general, the switch towards the second type of land policy is what seems to be prevailing in Africa at the present time.

In Kenya, high potential agricultural land is limited to some 20 percent of its territory. This has a distorted land ownership structure, which is a legacy of the colonial period, during which high-potential arable and good pasture land was reserved for white settlers—no real correction was implemented in the post-colonial period. By the late 1970s some 2.4 percent of Kenyan holdings accounted for some 32 percent of Kenya's total arable land. In 1990, landlessness in Kenya was estimated to affect some 10 percent of the total population increasing by at least 1.5 percent annually. In the late 1960s, in order to deal with the problem of diminishing land availability, the World Bank urged breaking away from the community-based systems of land, which ensured security of ownership to certain groups.

Besides the transfer of land formerly held by Europeans to African farmers and the creation of settlement schemes, the Kenyan land use policy was mainly directed at the adjudication and registration of land in the “non-scheduled” areas. The rationale for this replacement of customary land rights by individual tenure arrangements was to create a collateral for loans and the encouragement of long-term investments. A negative consequence, however, has been the creation of a group of landless people, as land has become increasingly concentrated in the hands of a happy few (Note 5)—African farmers constituted particularly of businessmen, politicians and civil servants. This probably explains the high political constraints for a real land reform policy within Kenya.

Furthermore, in spite of a land reform started in the 1950s, under which land in the hands of whites was transferred to Africans, the major challenge has been that; an unequal land distribution has remained a feature of Kenya. The Maasai pastoralists, in particular, have lost huge amounts of land. After the loss of their high-potential lands in Central Kenya, they now face the influx of agricultural groups and large-scale capitalist farmers following the individualization of land held under statutory group title. This communally-owned private title, introduced in the late 1960s, replaced traditional community-based management regulations over resources.

Moreover, the group ranches failed, mainly because of their sociologically and ecologically unsustainable format. Growing negative feelings towards the group ranch concept fueled the ultimate call for subdivision into individually-owned plots to bring back flexibility in herd and range management in the hands of the individual producers and prevent exploitation of the poor by the rich. Most notably, however, has been the effect of the creation of a land market—it is not so much individualization as such, but rather the commoditization of land that has been responsible for a rapidly growing stratification in the Maasai area. Many Maasai “were not ready” for the reform in land tenure (Note 6). They engaged themselves, sometimes tricked, into land transfers to better-off segments within society.

In South Africa “The last few years have seen the wholesale abandonment of economic planning based on social property concepts to a planning pattern emphasizing some form of private property rights” (Note 7). This “property rights” paradigm is based on neo-classical economic theories—it argues that traditional African land-tenure Systems induce inefficient allocation of resources, because property rights are not clearly defined, costs and rewards are not internalized, and contracts are not legal or enforceable. The theory holds that individualization of land tenure; first, increases the landholder’s security of tenure; secondly, increases investments by improving tenure security; and thirdly, will transfer land to those who are able to extract a higher value of product from the land as more productive users bid land away from less productive users (Note 8).

Therefore, in South Africa the government land reform policy is to redress the injustices of colonialization and apartheid; to foster national reconciliation and stability; to underpin economic growth; and to improve household welfare and alleviate poverty. However, the challenge is to find a way of redistributing land to the needy while at the same time maintaining public confidence in the land market. The issue of restitution has concerned in the first place, the relocation of some millions of people dispossessed by racially discriminatory legislation and practice. Restitution can take the form of restoration of the land from which claimants were dispossessed, the provision of alternative land, payment of compensation or a combination of the above measures. One of the most controversial elements in the land reform proposals has been the clause which allows the government to expropriate land at payments below market value.

A major land reform was started in Kenya in the 1950s. It was based mainly on western ideas of individual freehold tenure, but also allowed the registration of group titles, especially in the dry zones of the country. Recently, South Africa also embarked on the development of a comprehensive land reform programme, its goal is to address the legacy of “apartheid” in relation to land distribution and to create security of tenure in land rights for South Africans (Republic of South Africa 1996). Could Kenyan experiences of group tenure provide a model for the South African land reform policy? Or should they adopt “modern” concepts of individual tenure Systems? Both during and after the great scramble for Africa by the Western imperialist powers at the end of the nineteenth century land-grabbing became a central theme. Throughout the colonial period the colonial Government, by legal enactment or other drastic measures, carried forward their policy of slicing away the land from the African people. By direct seizure, conquest, pressure on chiefs, trickery swindling, the repudiation of pledges and promises, and by every other means open to them, the representatives of the European powers took land (Note 9).

In Kenya, as in other African territories, African land was appropriated for the exclusive use of immigrant white colonialists—a good deal more land was alienated than could be put to effective use by the immigrant white settlers as explained in large measure by the white settlers’ insatiable need for African labour in their estates. As late as 1940, according to Barnett, there remained over one million acres within the White Highlands which lay unused for either crops or pasture; so that when Jomo

Kenyatta, then general secretary of the Kikuyu Central Association, said, “What Africans want now is not commissions but the restitution of their land” (Note 10), he was speaking not only for the Kikuyu and Kenyans but for the African majority throughout European colonies.

Agriculture has continued to be the most important sector of Africa’s economy after independence. Nevertheless, the years after independence have witnessed dramatic changes in the agricultural sector. The racial division which had earlier marked African agriculture came to an end as most European settlers sold their farms and left African countries. The face of rural Africa was also transformed by the extension of land consolidation and individual tenure to most of the countries’ best agricultural land. Despite these very substantial changes, Africa has experienced rising levels of agricultural production since independence years. There still remain significant differences between what can be termed the small-farm and large-farm sectors of the agricultural economy.

In some countries, there was a shift towards the socialization of land by way of co-operatives and state farms (for example, Mozambique). In other countries, the privatization and individualization of land was either continued or begun (like in Kenya and Malawi). Thirdly, some countries made adaptations to existing tenures to modify the relations between the tribal chiefs and the state, as in the Gambia and Lesotho. In general, therefore, the switch towards the second type of land policy is what seems to be prevailing in Africa at the present time.

Land reforms which eventually began in the period preceding independence, have been characterized by two distinct types of Government programmes; one provided for the transfer of European farms to African ownership; and the other provided for land consolidation, registration, and the prevention of ownership on the basis of individual tenure in the former African “reserves”. The first type of land reform basically consisted of two types of schemes for land transfer; on one hand the Government undertook the purchase and subdivision of settler farms for ownership by African small holders (Note 11).

Furthermore, land and agrarian reforms have 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 reforms.

Some challenges of land and agrarian reforms emanate from the fact that this process was undertaken for economic and political reasons—it was felt that more intensive use by small holders would lead to increased outputs and enable the farms to earn higher incomes than they had been able to previously. It was also intended, of course, to provide an agricultural livelihood for thousands of landless people and to “pay off” the European settlers with as little embarrassment as possible to the British Government. Moreover, it has also been argued that one main purpose of the settlement schemes was to preserve large-scale agriculture.

Furthermore, the much better-known Swynnerton Plan—*A Plan to Intensify the Development of African Agriculture in Kenya*—involved consolidating land fragments into single holdings and issuing registered freehold titles to individuals. The larger leaseholders would then be able to borrow from the commercial banks or from the government on the security of their title. However, the political implications were quite explicit—“former government policies will be reversed and able, energetic or rich Africans will be able to acquire more land, and bad or poor farmers less—creating a land and a landless class. This is the challenge common in the evolution of a country.” (Note 12)

The Kenyan *Harambee* scheme, which was originally projected to begin in 1966, got underway in 1969; by that time, it had been decided to reduce considerably the size of the programme. The *Haraka* scheme, directed specifically toward squatters on European farms, was hastily established in the mid-1960s; and the plots provided to such families were averagely smaller than those under the Million Acre programme. The Government soon came to view the results of the *Haraka* scheme as not very satisfactory—they faced challenges such as being established on mismanaged large farms which had been poorly developed to start with. The settlement authorities undertook little development work, and the farmers received little financial assistance for developing their lands; thus by 1974, both the *Haraka* and *Harambee* schemes had been supplanted by the *Shirika* scheme (Note 13). The eventual aim of the *Shirika* scheme was to transfer responsibility for the farm to a co-operative society formed from the tenants.

According to Christopher Leo, however, the *Shirika* farms functioned to a significant degree “as a welfare programme for uncaptured peasants” (Note 14). Whatever the purpose, it became clear in the mid-1970s that this development of co-operative group farms was not likely to succeed. Government reports noted a clear lack of interest in such enterprises by the African families settled on *Shirika* schemes—most wished to own and operate their own individual holdings. It was also argued that the creation of small-scale units held significant economic advantages over the proposed large-scale units. The former could generate more employment, had lower costs per unit of output, and could obtain market output per hectare at least as high as on larger farms. As a result of such thinking, the standard one-hectare subsistence plot on *Shirika* farms was increased to two in 1978; thereafter, *Shirika* farms were subdivided into small-scale units, not only by the ex-squatters, but also by more affluent farmers seeking more land. By 1983, this process of subdivision was largely complete. (Note 15)

The cost to establish and maintain infrastructure in rural areas is high, urban areas in Africa are under pressure due to rapid urbanization and general conditions for the farming and pastoral industries are tougher than before. As a consequence, the main problem in the respective case studies is not necessarily a shortage of available land on the market for acquisition for the landless, but rather the establishment of viable enterprises on such land. The obvious risk, however, to the landless is that they may be entering an industry that is virtually on its knees—and rather than addressing poverty and unemployment, it may exacerbate social problems.

Finally, the European land tenure resulted in displacement of groups of Africans and stabilization of the

boundaries between various tribes; those who were displaced still claim that the land taken from them is rightful property of their people. Thus, tribal rights in land are clearly marked in the minds of the people—such a situation presents political challenges for the Government. There are areas with quality underutilized land—what is the feasibility of settling outsiders on the land? What would be the response of the local people? In some areas where spontaneous settlement by outsiders has occurred, inter-ethnic conflicts are common—this poses a serious challenge to the Government as it tries to tackle the land question. The demand for land causes discontentment and dissatisfaction with the Government; in addition, since many of the landless are also jobless, they are unable to pay taxes which is a further challenge to the Government (Note 16).

## *2.2 Solutions to Land and Agrarian Reform in Africa*

Colonial and immediate post-independence states' attempts to resolve the land question through reforms such as the Swynnerton Plan and the Settlement Schemes are assessed and mostly found inadequate as they were primarily concerned with tenure, rather than distributive aspects of the land question. The Njonjo Commission and the Ndung'u Commission Reports are further assessed and found inadequate as they were limited by their terms of reference to inquire and report primarily on the legal status of public land and their illegal/irregular allocations. It is, however, concluded that the Draft National Land Policy, the provisions on land in the Constitution of Kenya, 2010, and the Land Act No. 6 of 2012, if implemented, have the potential for positive resolution of the land question—they all emphasize equity and due regard for women, children and individuals with disability in land distribution, the establishment of a National Land Commission, and decentralization of land administration. (Note 17)

The World Bank evaluates agrarian reforms using five dimensions: first, price and market liberalization; second, land reform (including the development of land markets), third; agro-processing and input supply channels; fourth, rural finance, and; fifth, market institutions. Therefore, a key precondition for land reforms to be feasible and effective in improving beneficiaries' livelihoods is that such programs fit into a broader policy aimed at reducing poverty and establishing a favourable environment for the development of productive smallholder agriculture by beneficiaries (Note 18). This can be a suitable solution to land and agrarian reforms in Africa.

International political and economic support for land reforms in especially African case studies is crucial to the success of the programmes. African countries simply do not have the resources to deal effectively with the land programmes they have embarked upon. When Kenya started with land reform shortly after independence it received so much foreign support that only five per cent of costs had to be financed by government from own resources.

Land consolidation and registration is one important solution towards land and agrarian reform in Africa. The term land consolidation denotes both the act of eradicating excessive dispersion of parcels forming one farm; and, enclosure. The latter means the process in which land being used under customary tenure is divided among individuals and boundaries erected, while unused land is parceled

and distributed to individuals on the principle that each member of the clan claiming rights in the area should have his own separate piece of land and to hold it absolutely—this distribution of unused land is also referred to as the process of “land distribution” (Note 19).

A key element that impacts upon the way in which land restoration is approached is whether land reform is market-driven, non-market driven or a combination of the two. By market-driven reform is meant where new tenants or the state have to acquire land on a willing buyer–willing seller basis. Whether the state or new tenant acquires the land, experience shows that the process can be very costly and is usually driven by land that becomes available on the market rather than acquiring land in a cohesive manner in pursuance of a land acquisition plan. Non-market driven reform is where the state opts for a policy of expropriation whereby land is taken (with or without adequate compensation) for redistribution. It could also include packages to assist new tenants to find their feet, establish their businesses and support them for a period of time.

Therefore, non-market driven reform has the benefit that government can decide where and when it wants to expropriate land, but if abused, as in Zimbabwe, it has obvious implications for democratic standards and economic development and stability. Hence successful land reform model probably requires a combination of market and non-market reform. Any land reform programme should therefore be reflective of the social, cultural and economic realities that impact upon the new landowners. In essence land tenure systems are not “simply products of planning institutions. They are forms of social organization” (Note 20) that reflect the value systems, culture and traditions of people.

In collaboration with stakeholders, including the private and non-government sectors, the Africans Government should set up tenure reform projects in selected test areas to establish best practice. For example, it is for this reason that South African NGOs have now turned to other parts in Africa to learn from other land tenure reform experiences. Kenya, in particular, is of interest to the South Africans because of interesting similarities with the South African situation in the areas of redistribution, restitution and tenure reforms.

It is crucial to determine with clarity which government department is ultimately responsible for the overseeing and implementation of land reforms, and of support services following the restitution of rights in land. Both centralized and decentralized options carry risks—while the strategic objective is to get land reform under way, coordination between tiers of government and departments within the respective tiers is crucial to success. In most case studies African Governments, a fragmented approach has caused delays and poor focus, which in turn has led to failure. Zimbabwe and Kenya have ample examples where intra-departmental factions and conflicts impacted and contributed to the failure of projects. In South Africa, the initially overly centralized process stood guilty of the very problems it wanted to avoid (Note 21).

Finally, lessons which can be drawn for African land reforms, in particular experiments in group tenure, would include: adaptation—interventions and methods of enforcement should build on local land tenure practices; security of tenure—group titles can be instrumental in assisting large groups of less well-off



people. The most appropriate set of tenure rights should be determined by the proper mix of ecological conditions and socio-economic situation; timing—movement toward individual tenure reform should be initiated only when technical and socio-economic conditions warrant it. Local groups and Non-Governmental Organizations should be involved in an open and transparent allocation. Most of all, people should be aware of the value of land and the possibilities for sustainable development in the individualized plots.

### 3. Conclusion

From the foregoing discourse, it is evident that Land reform is probably one of the most difficult domestic policy issues to be dealt with by African countries. In most of these countries the process of land reforms is incomplete. Zimbabwe, on one side of the spectrum, is facing a crisis in democratization due to its radical approach to land reform. On the other side of the spectrum there is Namibia, where the winds of change and the pressure to “radicalize” land reforms are increasing. And then there is South Africa where systems and policies to deal with land reform are probably the most advanced from a legal perspective, but where the resources, patience and other practical issues to execute reforms effectively are becoming serious hurdles in implementing policies.

Access to land is becoming increasingly a problem in Africa today. In addition to a growth in the human population, tenure reforms are foremost responsible for this—Statutory law is replacing customary laws. The standard argument for tenure reform centres on the role of uncertainty in discouraging investment on land that is held without long-term security. Land title that enhances such security may induce investment and productivity increases both from the demand side, as farmers become more certain of reaping the benefits of investment in the future; and from the supply side, by affording farmers better access to credit.

The rationale for this “replacement” paradigm, however, can be questioned from the economic, ecological and social point of view; especially for those regions where agro-ecological conditions are limiting and local groups lack the necessary experience and formal education to compete with better equipped groups in society. Therefore, solutions to land and agrarian reforms in Africa should seek to achieve, in their broadest sense, reforms that entail a wide spectrum of options such as land claims, acquisition and distribution of land, access to land for certain purposes, land use planning, infrastructure development, farming and commercial support, resettlement programmes, security of tenure and training (Note 22).

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