

The Variety of Reform: A Review of Recent Experience with Land Reform and the Reform of Land Tenure, with Particular Reference to the African Experience ¹

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1. Introduction

African policymakers have pursued remarkably activist land policies. Few countries in Africa have not initiated reform programs of one type or another. Some of these programs have sought to redistribute land to adjust historical inequalities, as in the case of the Ethiopian land reform and the repurchase of European lands in Kenya and Zimbabwe. Others have sought to foreclose the development of inequalities, as in the case of Tanzania's program of ujamaa. Still others have redistributed rights rather than land, leaving holdings undisturbed but--as when tenure reforms facilitate the growth of a market in land--setting in motion processes which will have important impacts on land distribution.

The patterns of land tenure promoted by governments reflect their values and the priorities they assign to competing values. No tenure pattern is good or bad in the abstract, but as it serves or fails to serve a development strategy, or a political strategy, or some other purpose. Because ideology helps form these values and objectives, ideology naturally enough informs policymakers' notions of what is desirable in a land tenure system. On the other hand, experience helps us gradually redefine our sense of the possible and

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probable. This paper briefly examines recent developments in thinking about land reform in a broad comparative frame, then focuses on the experience with several reform types in the African context.

2. Land Reform: The State of Our Understanding

Land reform was propelled onto the development agenda of the West by the post-World War II reforms in eastern Asia. The purpose of these reforms was political- the destruction of anti-democratic concentrations of power based on radically skewed ownership of land--as well as economic. Land reform as a key to "democratic development" remains an important theme in advocacy of land reform (Prosterman and Riedinger 1987). In the event, the reforms in Japan, Taiwan and South Korea demonstrated important productivity effects. It was clear that a government-directed redistribution of land and other resources early in the development process could result in broadly, if unevenly, shared increases in production and income. These reforms were on the land-to-the-tiller model, with beneficiaries receiving as owners all or part of the land they had farmed as tenants. Actual cultivation patterns were not suddenly altered, or at least less so than in the subsequent wave of land reforms in Latin America. Recent evaluations have seen these Asian reforms as successful not only because they created new security and heightened incentives for individual cultivators but because they created an agrarian structure which was "unimodal" rather than "bimodal," distributing increased income from agriculture so as to generate domestic demands for new goods and services and creating a new basis for industrial growth (Dorner and Kanel 1971; Dorner 1972; Johnson and Clark 1982).

The 1960s and early 1970s saw efforts to repeat these Asian successes in Latin America. There, the attempt to deal with the concentration of land ownership through land reforms proved less successful. Often the *latifundia* were integrated management units operating on a large scale. Reform sometimes meant their breakup, altering the scale of production, creating many new farm units and produ-

cing dislocations in input and credit supply which at best made immediate productivity increases difficult to realize and in some cases resulted in drops in production. Or reform could mean attempting to maintain existing scales with cooperative farms on the asentamiento model, with all the very real difficulties of collective production. A variety of factors--having very different relative impacts in different cases--undermined the reform process. The almost interminable legal procedures required for the state to acquire title to land and for the state to confer titles on individual beneficiaries slowed the reforms and, as they lost momentum, rendered them vulnerable to counter-reform. The cooperative farms' dependence on services from the state left them vulnerable to withdrawal of those services by conservative governments or simply failure to deliver them by ineffective governments. Today, in a context of falling production, the cooperative farms are being dismantled by their own members in favor of family farms in many reform sectors in Latin America (Thiesenhusen 1988).

Even strong proponents of land reform are in light of this experience more cautious in their claims. A radical critique of prospects for land reform in Latin America has developed, based upon the perception that mechanization has driven much of the large labor force off the latifundia, undermining prospects for effective political action by peasants and diminishing (though not eliminating) potential increases in efficiency from land reform (de Janvry 1982). Such trends certainly exist, though they vary greatly in importance from country to country and even from sector to sector within countries (Thiesenhusen and Melmed 1989). The United States, which once promoted land reform in Asia and Latin America, has hardened its attitude toward compulsory acquisition of land as part of the current conservative tide in its politics. The United States Agency for International Development now touts the benefits of land markets, in terms of promoting efficient combinations of factors to production and, it argues, in terms of equity as well (AID 1986). Land markets can, of course, lead to either concentration or deconcentration of ownership, depending to a large degree upon the pre-existing levels of land concentration and other factors such as the structure of effective demand for land.

This new caution with respect to land reform has developed in spite of accumulating evidence that, at least for most farming, there is an

inverse relationship between scale and productivity per hectare (Berry and Cline 1979), which relationship appears to hold in Africa as well as elsewhere (Levi and Havinden 1982). Small holdings are generally more productive than large holdings, all other things being equal. Greater investments of household labor and the efficiency advantages of that labor over wage labor appear to more than compensate for potential economies of scale which in practice are usually unrealized (Carter 1987). There are of course exceptions to this inverse relationship, as with certain plantation crops such as bananas where economies of scale in both processing and marketing are transmitted to the farms via the necessity of tight coordination between harvesting and processing (Binswanger and Elgin 1988). Moreover, after a two-decade debate challenging Ricardian theory of share rent with its negative implications for investment in agriculture (Cheung 1968), a consensus appears to be developing that tenancy is indeed less efficient than owner-operatorship, though not so much so as the Ricardian model would have suggested (Binswanger and Elgin 1988).

A reassessment of reform models has also been taking place at the other end of the ideological spectrum. Karl Marx believed that the potential economies of scale inherent in mechanization were so great as to make the family farm obsolete. More recently, it has become clear that tractor-hire and rental markets for other farm machinery render this technology efficient in smallholder agriculture. It has also become clear that mismanagement of large-scale operations by the state reliably generates major inefficiencies. Since 1978 the People's Republic of China has abandoned collective agricultural production in favor of extremely small family plots. Agricultural output rose by 61 percent between 1978 and 1984. Studies have attributed as much as three-quarters of the productivity increase to changes in individual incentives and the remainder to price increases to farmers (McMillan, Whalley and Jing Zhu 1988). Lin (1986) attributes half the growth in agricultural production between 1980 and 1983 to the shift from the production team system to the household responsibility system and concludes that the shift on the average increased agricultural productivity by 14 percent. These changes are being institutionalized through long-term leases of land by the landowning village cooperatives to farm households (Bruce and Harrell 1989). In the Soviet Union, leasehold tenure has emerged as a key element in perestroika in the agricultural sector.

What has the experience with the different reform models been in Africa? Reforms are conveniently classified by their tenurial objectives (however different may be the paths to those objectives), and the discussion which follows is organized in these terms: collective or cooperative models; state ownership/leasehold tenure models; private ownership models; and models for renovating customary tenure systems. The discussions attempt to take into account the fact that almost all African states came to independence with the bulk of their land under customary tenure systems and with some of their land under private individual tenures introduced by the colonial powers, usually for European land use. Agrarian reform in Africa calls for comprehensive, possibly complementary planning of land policy and reform initiatives for the two tenure sectors. Each tenure objective is considered in terms of the experience with it in the two sectors. Land policy in both sectors will affect land distribution, though in the short run policy in the individualized tenure sector may have the more dramatic impacts.

3. Collective/Cooperative Reform Models

Cooperative production has been seriously pursued through tenure reform by Tanzania and Ethiopia. Tanzania has characterized its venture in cooperative production as "African socialism," Ethiopia as "scientific socialism." In Tanzania the reform sought to prevent growing disparities of wealth and class differentiation in the rural section. In Ethiopia the reform sought to eliminate widespread share tenancy on vast holdings originating in the military conquest and colonization of what is now southern Ethiopia early in this century.

In Tanzania, pursuit of a policy of African socialism led to the abolition of freehold tenure shortly after independence in 1961. All land in Tanzania became State-owned, and freeholds were converted to 99 year leaseholds. After several years of successful experimentation by TANU and its youth wing with voluntary cooperative production, the Arusha Declaration of 1967 endorsed a policy of ujamaa, for the creation of a Tanzania of consolidated villages with lands farmed collectively. Two processes were required: vil-

lagization, aimed at bringing rural people together in villages where they could more effectively be provided with new services, amenities and production assistance by the State; and collectivization of production, which was considered consistent with African values of cooperation and mutual assistance, as well as the most efficient way to utilize scarce and costly capital items and limited expertise. Ujamaa was seen as a way of avoiding the development of greater inequalities in rural society with development, and affected the customary tenure sector as much or more than the former freehold sector (Nyerere 1967).

In spite of major promotional efforts by government and party, by 1973 only 10 percent of the villages and 15 percent of Tanzania's farmland had been collectivized. The ujamaa villages displayed considerable variety: some were organized completely on communal lines; others had both communal and private holdings, while some consisted entirely of private landholdings. Large scale capitalist production waned and largely disappeared by 1974; small scale commercial producers were tolerated. In 1974, a major push for villagization got underway, sometimes involving coercion. In that push, cooperativization of production was frequently postponed, and treated as a stage which would eventually follow upon villagization (von Freyhold 1979, Fortmann 1980).

As regards tenure arrangements, Tanzania in the 1970s treated them as beside the point. The mode of production was being changed, and tenure arrangements were considered derivative of the mode of production. Inattention to tenure issues was the rule as regards farms outside ujamaa villages, the landholdings of the ujamaa villages, and land held by villagers from their ujamaa villages. No law or regulation specified what these tenure relationships should be (James 1971: 240-47).

By 1979-80, before the further push for collectivization could begin on any major scale, Tanzania found itself in a serious economic crisis. The war in Uganda was a factor, but one aspect of the crisis was a shortfall in food production, and this has in part been due to the failure of cooperative production. The Tanzanian government now admits that cooperative farms have produced less efficiently than private farms, and this has been particularly evident in areas where

cooperative farming replaced privately-operated commercial farms (Hyden 1980: 119-121, Harbeson 1983).

The poor performance of cooperative farming is clear, but not the factors which account for it. Many commentators dismiss it too casually as due to the inherent unworkability of the model. More careful students of the ujamaa experience differ over the relative importance of a number of factors: (1) poor administration and the top-down nature of the program; (2) the poor returns to labor in the collective farms; (3) the special problems of organizing communal work in those villages which were ethnically heterogenous; (4) the production cooperatives' dependence on defective government channels for the supply of inputs and for marketing; (5) the absence of a party capable of imposing discipline effectively; (6) conflicts between labor requirements on individual holdings and the labor requirements of cooperative production at the peak of the traditional production cycle; and (7) lack of clear land tenure arrangements for land farmed individually, and even that farmed communally (McHenry 1977).

Whatever the relative weight of these contributing factors, the proximate cause of the poor performance was the rejection of the program by many of the rural people whom it was meant to serve. Hyden has written persuasively of an "uncaptured peasantry," unmoved by government strictures and still more oriented to a traditional "economy of affection" than the socialist (or capitalist) economic sector (Hyden 1980).

The economic crisis of the early 1980s, plus pressure from IMF and other donors, have led to a rethinking of land tenure policy. In 1982 a Task Force on National Agricultural Policy recognized the higher productivity of the private farming sector and urged that government provide titles of a minimum of 32 years duration to individuals and subsidize surveying and mapping costs to speed allocation of titles to private holdings. In 1983 a new Agricultural Policy Paper set lease terms at between 33 and 99 years. Villages would get 99-year leases with the option to sublet for 33 to 99 years to individuals. Implementation of these changes is only beginning, and deserves careful monitoring (Harbeson 1983: 9).

Ethiopia embarked upon cooperative production under very different circumstances. Southern Ethiopia, conquered by highlanders

from the North in the last century, had been parcelled out among military officers and the nobility of the empire. These territories had rapidly evolved from administrative regions to the status of private property, establishing a tenure pattern radically different from the "communal" tenures of the Ethiopian highlands. Vast estates were farmed by their earlier occupants, first as serfs and later as share-croppers (Cohen and Weintraub 1975). In 1974 a military coup opened the way for a major land reform. In 1975, all land was nationalized. For the most part, former tenants remained on the land they had been farming and simply ceased paying rent. Lacking the capability to administer a major reform, the military government delegated powers to local peasant associations, created to administer the reform. These associations were to administer the land, allocate it to the landless and settle disputes among members over land. In most cases, these associations do not appear to parallel traditional groupings. Students played a major role in the organization and mobilization of the associations (Cohen 1985: 15-20).

Initially, cooperative production was adopted only on nationalized private commercial farms, in an attempt by the State to keep these farms in commercial production at existing scales. But in the years following the coup, the military government increasingly adopted Marxism-Leninism as its political and economic philosophy. Cooperative production became a major element in settlement schemes and the long-term objective, at least in theory, of all peasant associations. Peasant associations embarking on the path to cooperative production are expected as a first step to equalize the size of holdings among their members. If those holdings are large they are expected to admit landless peasants as new members. The cooperative is then to pass through three stages, the first involving parallel individual and cooperative production, the second reducing individual cultivation to kitchen gardens, and the third relying exclusively on cooperative production.

In fact, few associations have been willing to take even the first step of equalizing holdings and accommodating landless peasants. It was recently estimated that only 2 percent of cultivated land was farmed by producer cooperatives. Individual farms are proving more efficient than production cooperatives, especially if the heavy subsidization of the cooperative production is taken into account. Farmers working individual holdings of land belonging to peasant

associations are experiencing the same uncertainties as regards their tenure as did many ujamaa villagers in the 1970s (Cohen 1984: 23).

Many of the peasant associations have proved capable of resisting pressures for cooperative production, and at least at the moment, cooperativization of production is being promoted by persuasion, heavy subsidies, expanded investment and other incentives. The cooperativization of production has been predictably unpopular with former tenants whose great aspiration was to own their own land. Given Ethiopia's commitment to Marxism-Leninism, one cannot exclude the possibility of a forced collectivization campaign under the newly formed Ethiopian Communist Party, raising the possibility of conflict with the membership of the peasant associations. But to date, cooperativization of production, it should be noted, remains in quantitative terms a relatively minor element of the Ethiopian land reform, which has so far resulted primarily in small holdings operated by households whose tenure is weak and ambiguous (Cohen 1984: 36-43).

The notable lack of popular enthusiasm for cooperative production in the Tanzanian and Ethiopian cases calls into question the common assertion that there is an African predisposition toward such cooperation. Traditional cooperation is normally among those with ties of kinship or other long established social affinities. Moreover, it is usually aimed at meeting a special, urgent need (as in the case of the illness of a farmer at plowing time) or performing some task for which cooperation has clear returns (watches to keep animals out of crops). It is not so readily generalizable as has been imagined. Programs of cooperativization will continue to go badly awry to the extent that planners rely on such a predisposition instead of having a hard look at what economic and other incentives exist for farmers to cooperate.

The pattern of household landholdings continues to predominate. As in the case of ujamaa in Tanzania, researchers and commentators have tended to focus upon collectivization initiatives and their problems. The research to date has provided only a few insights into the degree of security of tenure enjoyed by farm households within the framework of the peasant associations. In theory, such a framework could provide considerable security of tenure and even transactions in use rights. Microstudies, however, suggest continuing instability of landholdings, due to both the adjustments made in

particular associations in the years following the reform and the continuing uncertainty created by the government's commitment to collectivization.

A study of the experience with land redistribution in four weredas around the country finds that some of the localities have had as many as four successive land redistributions since 1975, others as few as two redistributions. These redistributions were not arbitrary but in pursuit of the overriding objective of the reform: an end to landlessness. Redistribution is a continuing process to accommodate new households as they are formed by marriage or immigration into an area and to accommodate changes in the capacity of particular households to cultivate in a situation in which inheritance and transactions are not permitted to meet these needs. Fragmentation of household holdings continues to be a problem because land distributions by peasant associations are responsive to the demands of each household to have a piece of each type of land (Dessalgn Ramato 1984).

Another study examines the experience of two localities, one a previously individual tenure area and the other a previously communal tenure area. In the first area, there has been considerable diversity of experience in different associations: some have elected to merge holdings and farm collectively, others have approved existing holdings but made periodic adjustments to accommodate landless households, and yet others have engaged in general re-portionment of holdings. Some redistribution has been occasioned by attempts of government to equalize average holdings as among peasant associations; these were created hurriedly and usually on the basis of pre-existing communities with quite different land/person ratios. Such adjustments have not been popular. In the second area, as in communal tenure areas generally, the reform legislation did not mandate land redistribution, instead encouraging collectivization of production. However, the reform legislation accomplished some redistribution of land used, if not land owned, by outlawing tenancy arrangements. In the local circumstances (and in those of the communal tenure areas generally), this meant that wealthier farmers with draft animals could no longer rent in land from households which lacked plow oxen. Further redistribution occurred in 1978 to eliminate the holding of land by one farmer in several different peasant associations, a holdover from the system of

communal tenure, under which a farmer might hold land in several parishes. By 1979, further redistribution was necessitated by a government requirement that each peasant association set aside some land for collective farming. Dislocations appear to have been more extensive than would have been anticipated from the provisions of the land-reform proclamation on communal areas (Alula Abate and Tesfaye Teklu 1980).

In the past five years, the Dergue has pursued a controversial program of vilagization reminiscent of Tanzania's ujamaa program. A recent study found little evidence of generalized land redistribution in connection with recent villagization efforts: "Reallocation of land occurred during the campaign when someone's fields or pasture were taken for the village site, or when peasants were moved from lowland to highland farms, or when PCs peasant cooperatives_ were expanded. But those who lost holdings were given other land to continue farming individually. Still, given the stated long-term objectives of the Government, villagization must be seen as a step towards establishing large-scale PC-based group farms." The authors are doubtful that collectivization, given its very limited scale, has had an impact on aggregate production levels. The villagization process itself, the authors conclude, may have efficiencies in provision of services, but it increases distances between farmer residences and their parcels and is likely to have negative environmental consequences because it tends to intensify land use in the immediate vicinity of villages (Cohen and Isaksson 1987).

It is possible that some causes of insecurity are on the wane. For instance, the cases of loss of land due to adjustments in the territory of associations and the absorption of landless former tenants would appear to have been temporary phenomena. But the absorption of new households will continue to be an issue (the extent to which it creates insecurity will depend to an important extent upon how it is managed), and the prospect of the further taking of peasant holdings for collective farming operations continues to create insecurity. A recent consultancy report suggests the creation of long-term use rights, such as those being introduced in China and other more mature socialist systems, but it is unclear whether government is prepared to take such steps (Singer 1989).

4. State Ownership/Leasehold Tenure Models

Post-independence Africa saw a rash of national legislation declaring all or most land owned by the State. In most countries, such as Guinea, Sudan, Mali, Nigeria, Cameroon, Burkina Faso, Zaire, Uganda, Somalia, and Zambia, all land was in theory affected. The nationalization was intended to provide a basis for a new state leasehold system of tenure, with farmers now holding their land by virtue of lease (or sometimes "permits to occupy") from the State. In some cases, notably Sudan and Senegal, limited freehold land already registered was exempted from the nationalization and leaseholds were instituted only in areas under indigenous tenures.

What is the basis of the popularity of this reform model? In fact, it has diverse bases, and their importance varies from country to country. One objective of a state leasehold system is to provide the farmer with more secure land tenure. It may also involve provision of a title which can be used to secure agricultural credit. In this respect the institution of a state leasehold system may be considered a species of individualization, and accepts many of the critiques of indigenous tenure systems by advocates of freehold.

A leasehold system is commonly argued to be more consistent with indigenous tenure models which recognize a tribal or other community interest in land. The state is seen as the successor to the tribe, exercising its former land allocation prerogatives. Where the state consists of a single tribe or ethnic group and the chief or king of the group is the head of state, the lease may simply be a new legal instrument for exercising traditional powers of land allocation.

The State leasehold has been considered a tenure option preferable to full private ownership by African countries with a moderate socialist political orientation. They have been anxious to affirm the dominant role of the state in the allocation of productive resources, but have at the same time embraced the smallholder operation as the primary production unit, either rejecting state and cooperative farming or practicing them in only limited areas. The state is the owner and allocator of land (the lessor) and the land is farmed by individual households, as lessees. The lease is usually used to create a direct tenure relationship between the state and the farmer,

depriving traditional authorities of their traditional role in land administration.

In the countries mentioned, the extent of any intended intrusion upon indigenous land tenure systems has varied considerably. Certainly a potential for such intrusion is created when the state asserts a title, but in some cases it appears only to have been intended to be utilized when and where projects are established, permitting ready creation of a new tenure system by state land allocation in project areas. In the meantime, indigenous tenure systems continue in most of the rural sector, outside of such project areas. This is the case in indigenous tenure areas of Sudan, Zaire, Cameroon, Senegal, Zimbabwe, Uganda, Zambia, and Somalia. In Nigeria a better funded attempt appears to have made greater headway, perhaps because a larger part of the country was "projectized." In Mali and Guinea, the State attempted to reorganize land administration at local levels to give government greater control over land allocation, but with relatively little effect.

If leasehold systems may serve quite different ends in different situations, they also affect cultivators very differently from country to country. In many cases they may provide greater tenure security, but not if the state agency which administers them is more inefficient and corrupt than traditional land administrators, or if the leasehold term is too short. In addition, terms and conditions are sometimes attached to the lease which so constrain the farmer--such as requirements that particular crops be cultivated, or prohibitions of transactions--that some farmers feel that a leasehold worsens their position.

While only limited information is available on the operation of these state leasehold systems in most countries, we have a reasonable amount of information on Zambia, Sudan, Senegal, Nigeria, Somalia, Botswana, and Zaire. In Zambia, the leasehold system was created as the tenure system for former white settler lands, but has had a growing impact in areas under indigenous tenure. In Senegal and Nigeria, an attempt has been made to replace all customary titles with titles from the state, a statutory tenancy for an indefinite period. In Sudan and Somalia leasehold has been used as a special tenure for commercial farming, and in Botswana for commercial ranching.

Zambia's tenure system is characterized by a marked dichotomy between a traditional tenure sector known as Trust and Reserve Land and a sector in which land is held only on lease from the State, the State Land. State Land is that land taken by the colonial power as Crown Land, for distribution to white settlers, which became State Land at independence. Trust and Reserve Land is the land not taken, which remains under traditional land tenure systems. Since 1975 the Zambian state has asserted a state title in Trust and Reserve as well as State Lands but has done little to alter the tenure situation of traditional holders.

The State Land sector is only a little more than five percent of Zambia's land area, but it is of great importance to Zambian agriculture, containing most commercial farming operations. Sales of freehold farms and assignments of leaseholds increased in the years immediately preceding independence and continued throughout the 1960s and, to a lesser extent, into the 1970s. In addition, there were cases of abandonment of farms and the sale of moveable capital assets required for continuing commercial operation. In 1961, there were 1,185 European farms with a total area of 3.79 million acres of which 2.1 million acres were under cultivation. By 1963, the amount under cultivation had fallen to 165,640 acres. By the 1970-71 Agricultural Census the commercial farming sector consisted of 1,076 working proprietors, of whom 643 were African and 433 were non-African. By 1981, the figure generally given for the number of non-African farmers was about 300 (Bruce and Dorner 1982).

When black Zambians took over as private commercial farmers, changes in production patterns sometimes followed. They tended, for instance, due to limited capital and expertise in commercial crop production, to move into less capital intensive production which appeared to offer equal profits on investments, such as cattle ranching. Nor did all these new farmers ultimately succeed. The 1970s saw significant turn-overs in private farmers, and even now there occur abandonments of farms and occasional terminations of leaseholds for failure to meet development conditions stated in the leases. These dislocations in commercial farming on State Land in the 1960s and 1970s, though difficult to quantify accurately, created major interruptions of production (Bruce and Dorner 1982).

The process involved was not simply one by which African private cultivators replaced non-African private cultivators. There was no major cadre of Africans trained for or experienced in large-scale commercial cultivation, nor did many have the capital required to step into the shoes of the departing white farmers. The Zambian Government, in order to keep this vital sector in commercial production, stepped in with a variety of programs. By 1981, almost one-third of the productive State Land was reported to be under the direct management of the State. In some cases parastatals took over land under leases for direct state farming operations. In others, settlement schemes were established which subdivided large commercial operations (and in some cases failed parastatal operations) into smaller units of widely varying size. Scheme managements provided a variety of services, including a first plowing by tractor and facilitation of access to credit and commercial farmings inputs. By 1975 resettlement programs had settled 740 families of medium and small-scale commercial farmers on 65,686 ha (average holding: 89 ha.) and 1,466 families of semi-commercial and subsistence farm families on 49,256 ha. (average holding: 33.6 ha.) (Department of Agriculture 1975).

As of 1981, the most recent comprehensive figures indicated that of the leased state land, land in private hands accounted for 60.5 percent, land operated directly by government for 26.5 percent, and settlement schemes for 31 percent (the remainder includes holdings of religious and education institutions, non-agricultural land, and vacant leaseholds). Of 1,755 leases to private holders, 38.3 percent were under 300 ha. in size, 29.8 percent were between 300 and 1,000 hectares in size, and 31.9 percent were larger than 1,000 hectares. The large-scale of many of the pre-colonial operations has been maintained (Bruce and Dorner 1982).

The major production issue as regards this leasehold system concerns the policy of "land without value." State Land is leased, and leases transferred, for a consideration based on the value of improvements and not of the land itself. Land's value is seen as a product of inherent quality differences and proximity to facilities created by the State, a value which ought not to accrue to landholders. Land thus has little cost to the leaseholder. It has been suggested that (1) this permits inefficient, land-extensive use strategies on a uniquely valuable land resource; and (2) it is not equitable for such a resource to be rationed to a privileged few at virtually no cost.

The issue could be addressed through a system of differential rents, but there has been no indication that Government is seriously considering such a change.

In over 80 percent of Zambia's land area, the Trust and Reserve Lands, traditional tenure systems continue to operate and evolve. Since 1975 government has introduced fourteen-year leases, with the chief's consent. The fourteen-year leases are granted in response to a request from an applicant, usually an aspiring commercial farmer, for a particular piece of land. This results in many scattered leaseholds rather than any systematic conversion of tenure in the area. Consent of the chief and the District Council must be obtained before a lease is approved by the Commissioner. No figures are available on the volume of such leasing, but the Commissioner of Lands's Office was in 1981 receiving half a dozen applications for such leases each week, and a conservative estimate is that there were then at least a thousand such leases subsisting (Bruce and Dorner 1982).

In Zimbabwe at independence, African farmers held less than half of the land of the country (a little over 16.2 million hectares) under customary tenure arrangements in the reserves. Farmers had access to an average of 2.5 hectares of cropped land plus the equivalent of 17.5 hectares in communal grazing. There were two and one-half times the number of households crowded into the reserves than originally planned. Population is growing at over 3 percent. Land degradation due to over-intensive land use had been a serious concern for some time. A roughly equal amount (about 15.2 million hectares) of better land consisted of large, white-owned commercial farms in freehold tenure. Some 40 percent of the land of the 5,700 commercial farms is estimated to be underutilized, though their productivity is high. One estimate, made in 1981, was that 6,300 commercial farms produced on the average 3.4 times the value of gross output, 3.8 times the value per hectare, 6.9 times the value per person, and 378 times the value per holding as the average for the 700,000 communal area farms. Between 75 and 80 percent of the gross agricultural output came from these large farm areas, and about 90 percent of this was marketed. Commercial agriculture accounted for one-third of all formal wage employment in the country, and in 1980 was the largest single employer. There was also

about 1.5 million hectares of freehold land owned by Africans, in Native Purchase Areas (Palmer 1977; Riddell 1978; Kinsey 1982).

Land redistribution had been an important objective in the liberation struggle and government policy has called for the purchase of 9 million hectares for the resettlement of 162,000 families. Some 5,700 white commercial farmers owned a little under 16 million hectares (for an average size of 1,754 hectares per farm); 8,100 families in the African purchase areas owned 1.5 million hectares (for an average farm size of 185 hectares, including grazing); and approximately one million families have access to 16 million hectares, with cultivated holdings at 2.5 hectares, the rest of the land being used for grazing and not appropriate for cultivation (Due 1986: 37).

At independence, however, the Lancaster House Constitution limited the government to land acquisition on a willing buyer, willing seller basis. The costs of acquiring 9 million hectares on the market were estimated at U.S. \$500 million, of which the United Kingdom is providing about \$50 million. The U.S. is providing nothing for this purpose. To facilitate land acquisitions, the government of Zimbabwe passed the Land Acquisition Act, which came into effect in 1986. It required that all commercial farm land up for sale be offered first to the government, which had to issue a "certificate of no present interest" before the land could be sold on the open market. The act also provided for the compulsory acquisition of land declared underutilized or derelict. This provision was not invoked in the years immediately after independence, perhaps because of the difficulties in proving what constitutes underutilization for a particular piece of land. In the last year, however, eight farms were declared derelict.

There are four types of resettlement schemes (Due 1986):

Model A: Intensive settlement on an individual family basis. Farms vary in size but on the average farmers have access to 5-10 hectares of land on which crops can be rotated (every two years) and each family is considered to need access to the equivalent of 55 hectares of communal grazing land, though this varies widely depending on the availability of such land. Persons selected are not given title; they have to acquire three permits--to settle, to cultivate, and to obtain cattle for grazing. The government has yet to enunciate its land

tenure policy; at the moment some farm families selected are given five-year leases with the promise of long-term leases if they farm successfully. They also must give up their right to land in the communal areas. Many of these settlers are married; no single male settlers have been chosen for this model, but 20 percent of the units have been set aside for widows and households headed by divorced females. The majority of resettlement has been under this model.

Some smallholder settlement has been characterized as accelerated, lower cost resettlement, adopted in order to speed up numbers of squatters and others resettled. It provides less infrastructure at the beginning and is done with less planning effort. This has been seen as suitable for resettlement of scattered and isolated commercial farms that become available. In 1980 there were about half as many settlers established under this model as under the more elaborate version of Model A. These versions are being merged into a uniform pattern.

Model B: Village living and cooperative farming. This model is built for takeover and operation on existing scale of commercial farm operations. Settlers farm cooperatively, with decisions being made by committees as to what is planted and who does specific tasks each day. Borrowing would be done by the cooperative rather than by the individual; earnings would be allocated to farm development or individual families on formulas established by the members of the cooperative. About fifty have been created. Again, only spotty productivity data is available.

Model C: State farms with outgrowers. This model envisages intensive resettlement, as in Model A, around a core estate that would provide certain services to the settlers and to which settlers would contribute labor. As in Model A, arable land would be allocated to individual settlers, whereas grazing land would be managed communally. The estate would be run by a professional manager who would be responsible for large scale production, provision of roads, water, and other services and coordination of labor for the estate. Individual families would finance their own operations and retain profits from them. Three have been created.

Model D: These are commercial grazing areas for communal areas (TTLs). This model envisages the purchase of commercial ranches

in southern Zimbabwe when rainfall precludes Model As. Livestock would be purchased from families on the nearby TTLs, fattened and sold by the estate. TTL families from whom the livestock was purchased would promise to reduce grazing on their own land in order to allow fertility to return. One has so far been established, on a pilot basis.

To date, 52,000 families have been resettled on 2.7 million hectares of land, with an average holding size of over 50 hectares. Prices received by European farmers were reasonable (in line with prevailing land prices in 1976, Z\$ 10-30/hectare), and so the cost to the state was substantial. Settlers were given no clear tenure in the land on which they were settled, and were not required to pay for it, as were the beneficiaries in the Kenyan reform. Targets established in 1982 called for the acquisition of over 8 million hectares by 1990, a goal which seems unlikely to be met (Kinsey 1982; Dickerman 1986; Morna 1989). Skeptics warned that resettlement might undermine commercial production, make little headway against demographic trends in the communal areas, and, if settlers are given large holdings, lead to fewer employment opportunities for Africans than on the existing large commercial farms (Kinsey 1982).

Scattered figures on productivity in the resettlement areas are now becoming available. They give a mixed picture and it is too early to draw many conclusions. To do this not only productivity but profitability data will be needed. On the other hand, communal area farmers have scored important production gains in recent years, with the country's 850,000 peasant families--and in particular some of the larger landholders among them--delivering about half of the marketed maize last year as well as 55 percent of marketed cotton (Morna 1989). This suggests dependence upon the commercial farms for food security and even export crops is not so great or immutable as had been previously argued.

Zimbabwe has now entered its tenth and final year under the restrictive Lancaster House constitution, and the issue of land redistribution is again assuming important proportions in public dialogue. It seems likely that an attempt will be made to speed the pace of resettlement, but finance will remain an obstacle, not only

for land acquisitions but for the cost of resettlement itself (Morna 1989).²

Sudan

The British registered agricultural land along the Nile in the Northern Sudan. The land registered was a small but important part of Sudan's land area, about six million feddans (one feddan equals 42 ha.) out of a total of a little less than 40 million feddans judged suitable for cultivation.

The 1970 Unregistered Land Act instituted a leasehold tenure system. It declared that all unregistered land, occupied or unoccupied, belonged to the State and was deemed to be registered in the name of the State. The Act was a reaction to land-grabbing by commercial elites in the central Sudan, and the original intention appears to have been to establish direct state administration of all unregistered land. In fact, land outside major development projects has continued to be administered by traditional authorities. The primary practical importance of the 1970 legislation was to provide a clearer legal basis for use of leaseholds from the state as the tenure for farmers in development projects, and to facilitate acquisition of land for such projects.

In spite of Islamicization efforts in the early 1980s, leasehold remains the tenure on which government makes available land in development projects. This is the case both in the irrigated schemes and in the mechanized farming schemes in rainfed agricultural areas. Rents are nominal, and the most important function of the lease is to set out the complex relationship between the farmer and the scheme. The period of leaseholds ranges from one year under Gezira Scheme tenancies (though they are almost invariably renewed) to 25 to 40 years in rainfed mechanized farming schemes such as those around Gedaref and Habila.

Problems have arisen under the leasehold system, which differ as between the rainfed and irrigated sectors. In the rainfed sector the critical issue is government's inability or unwillingness to enforce

² Personal communications from Godfrey Makombe, Ministry of Lands and Resettlement, Zimbabwe, and Ben Cousins, Center for Applied Social Sciences, University of Zimbabwe, permitted the author to update these figures.

conservation and good husbandry requirements in leases to tractor-farmers, and its inability to restrict the unauthorized expansion of tractor cultivation beyond mechanized farming schemes. Both factors are contributing to severe soil degradation, and are also depriving pastoralists of land, engendering growing conflicts over land between tractor-farmers and pastoralists. On the older irrigated schemes, a long history of over-control of production decisions by scheme management (enforced through a system of leasehold conditions) appears to be partly responsible for declining yields (Elfatih Shaaeldin 1987, Thompson 1964, Republic of Sudan 1986).

In Senegal, the French colonial administration permitted registration of land holdings in full private ownership. Most of the 50,000 hectares of land registered by the end of the colonial era were in urban and peri-urban areas, though small amounts of agricultural land were registered in the Peanut Basin and the Bignona region of Casamance.

Under the 1964 Loi relative au domaine national, all unregistered land is classified as part of the national domain and the property of the State. The national domain comprises four categories of land: zones urbaines, zones classées (including forests), zones de terroir (land occupied by villagers), and zones pionnières (settlement zones). The law makes clear the authority of the State over all these lands, including those previously under customary tenure (which are included in the category of zones de terroir), and states that members of the local communities occupy and develop the land "under the control of the State."

A 1972 law provides for the designation of local councils consisting of both elected and appointed members and of a council president. The councils are given the power to allocate land in keeping with the national priorities for development within their area. It appears that they do not become involved with land allocation to individuals, which remain largely in the hands of local, traditional authorities. Decisions of the local councils are ratified by the sous-préfet, with ultimate direction resting with the Ministry of the Interior. The law was applied in the region of Thiès in 1972, in Sine Saloum in 1974, in 1976 in Diourbel, in 1978 in Casamance, and in the Fleuve region in 1980. A second law, passed in 1976, was required for Louga and Sénégal Oriental where there are no pre-exi-

sting rural communities; for these two regions, authority over land matters is vested in the sous-préfet, who represents the administration at the level of the arrondissement.

The 1964 law recognizes the right to continued occupancy of those individuals cultivating land at the time of the law's enactment. The right is viewed as a right of occupation conferred by the State, similar to a lease for an indefinite period. But not all of these individuals necessarily held continuing rights to the land under customary tenure practices; that is, an individual might arrange for the loan of land from another, and this arrangement was regarded as only temporary under customary tenure practice. Under the 1964 law, however, occupancy was given a legitimacy comparable to that of "ownership." The law also provides that land must be developed, but does not define what "development" is to consist of.

In its failure to take into account overlapping claims to land, the law has strained (and sometimes abolished altogether) longstanding ties between individuals and groups. In the past loans of land served to integrate into the community those who would otherwise be landless and forced to seek work outside. Landholders are now reluctant to enter into such arrangements, fearing that they will be declared permanent. Pastoralists' claims to land have been badly served by the new law, particularly in areas where access to land was shared with cultivators. While the law recognizes rights of those actually occupying the land, it makes no provision for seasonal or other occasional use of the land. The rights of pastoralists are often ignored altogether (Hesseling 1984, Niang 1982, Hardy 1989).

Nigeria

On 29 March 1978 the Federal Military Government of Nigeria promulgated the Land Use Decree, which, with immediate effect, vested all land in the territory of each state of the Federation in the Governor of that state. The land was to be "held in trust and administered for the use and common benefit of all Nigerians" in accordance with the provisions of the Decree. Land rights in rural areas are "customary rights of occupancy," rights granted by local government to any person or organization "lawfully using or occupying land in accordance with customary law." Such grants of land cannot exceed 500 or 5000 hectares for cultivation or grazing purpo-

ses, respectively. Local government may expropriate land for public purposes and revoke customary rights of occupancy in doing so. It must also approve all alienations of customary rights of occupancy (e.g., sales of land).

The implementation of the 1978 Act has been most controversial in connection with Nigeria's major push for irrigated agriculture under its river basin development program. Here government has acquired substantial amounts of land and redistributed it. Instances of corruption and favoritism are common and in some cases violence has ensued. Pressures for modifying the decree have arisen. Rights of occupation are ill-defined in the decree and are therefore open to diverse interpretations on the part of each government administrative body dealing with land tenure. Perhaps it is for this reason that the majority of smallholders have been reluctant to comply with the law's provisions, resulting in the generally slow implementation of this plan except in areas where the government is setting up large development projects (Famoriyo 1984, Francis 1984).

Somalia

The independence constitution of 1960 stated that all the land, both agricultural and pastoral, belonged to the State. The present land tenure system in Somalia is based on Law No. 73, of October 1975. It declares that all land is owned by the state and that individual persons and families can register only one piece of land. Such leases are for 50 years and are renewable, while state farms, cooperatives, independent agencies, and local governments can hold leases for an indefinite period. The law puts a limit on private holdings of 30 hectares of irrigated or 60 hectares of non-irrigated land. Private banana plantations may be of up to 100 hectares. A private leaseholder must develop the land within two years and pay taxes; otherwise the land can be confiscated by the state. The law also forbids the leaseholders to sell the land, rent it or subdivide it without the consent of the Ministry of Agriculture. The lease may be passed by inheritance to close kinsmen provided that the registry is notified and these conditions are accepted by new owners.

The Ministry of Agriculture issues the leases. There is a long bureaucratic process which starts with an individual filing an application to register land with the District Agricultural Coordinator

(DAC). The DAC, along with the head of the District police, reviews the application and the land and are supposed to find out from the local elders whether anyone else is currently using or has a legal claim on it. The lease is finally approved and issued by the head office of the Ministry in Mogadishu.

Serious problems are arising in the implementation of this program. The new leaseholds are often registered by the Ministry of Agriculture without an adequate check into existing land use and in disregard of traditional use rights of both cultivators and nomads. The leasehold system has been in some areas a vehicle for land-grabbing by civil servants and businessmen, particularly in the Shabelli and the Juba River Basins where irrigation potential has led to rapidly rising land values (Hoben 1988, Besteman 1989, Roth 1989).

Botswana

In Botswana, where cattle are the major form of agricultural production, leasehold tenure has been introduced for commercial ranching operations. The Tribal Grazing Lands Policy (TGLP) is an extensive program of enclosure and individualization of tenure on formerly communal grazing land. The policy is based on classic "tragedy of the commons" arguments.

Between 1975 and 1980 tribal grazing land in Botswana was zoned as commercial (53,411 km²) or communal (189,829 km²). The unzoned area was 134,062 km². The commercial areas, most of which were in the western sandvelt, were to be demarcated into ranches of 64 km² each, to be leased to large cattleowners (usually those who owned boreholes in the area) on fifty year leases at nominal rents, renewable at the lessee's option. The sandvelt, a very sparsely populated area once used primarily by Bushmen, had been opened to grazing by large cattleowners in the last generation through the introduction of modern borehole technology. By May 1984, 368 ranches had been demarcated, 218 allocated, and 131 leases signed; 80 ranches were under development with loan capital provided by the World Bank through the National Development Bank. Communal and reserved areas were to be administered as before, as commons. It was claimed that they would benefit from the removal of large herds from communal areas onto the ranches.

TGLP is at a crucial juncture. It has been criticized on several grounds: (1) that the zoning exercise seriously overestimated the extent of unutilized grazing land and in particular ignored use rights of the Bushman minority; (2) that the distributional consequences are inequitable and foreclose expansion by small stockholders into areas they will need in coming years; and (3) that there is a lack of evidence both in precursor projects and under TGLP to date that projected increases in investment and production on the ranches will be realized. The program has not been generally popular. Implementation has been slowed by foot-dragging by some land boards, which have in certain cases re-zoned areas from commercial to communal. A major expansion of the program under discussion between the Government and IBRD recently came under heavy criticism abroad (Hitchcock 1980, Bekure and Dyson-Hudson 1982, Lawry 1983, Riddell and Dickerman 1983).

5. The Private Ownership Reform Model

In some instances, land privately owned by Europeans (in freehold, fee simple, or some equally extensive tenure) has been redistributed to Africans after independence. The cases of Zambia and Zimbabwe have already been noted. They redistributed the land in leaseholds. But in Kenya this land was redistributed in freehold. Moreover, the bulk of the land which had remained under customary land tenures was subjected to a systematic process of demarcation and registration of holdings in private individual ownership. This process is commonly referred to as "individualization".

"Individualization" will mean somewhat different things in different contexts, but at least in the African context the consistent element in all programs of individualization is a reduction of community controls over land use and distribution, enhancing the rights of the individual landholder/ farmer. The term is not felicitous, in that it incorrectly suggests that indigenous tenure of farmland is not to a significant extent already "individual." But it accurately indicates the direction in which the balance shifts. Individualization may come about as the spontaneous, evolutionary response of an indigenous tenure system to pressures exerted by a market economy. It

may equally be initiated, or seen through and consolidated, by a tenure reform.

Most western analysts discussing the future of indigenous tenure systems assume explicitly or implicitly that they will develop in the direction of private individual ownership, whether by evolution or forced march. In the absence of a firm policy decision to the contrary, this will presumably be the trend in countries with private enterprise economies. If the economic forces of society are organized along those lines, a compatible form of property will tend to develop. It may not resemble private individual ownership on the western model in all respects, but there will be a strong family resemblance.

Many commentators see this as natural and positive. Individualization is seen as the remedy to the concerns about indigenous tenure systems noted earlier in this paper. It is the creation of a property form which will mesh more easily with the other economic institutions of emerging private enterprise economies, a property form which allows land to be treated as a commodity.

In Kenya, where a sustained effort over a quarter century has registered in private individual ownership most good farmland (and much other land) throughout the country. It was seen by those who initiated it as consolidating changes in the Kikuyu tenure system which had been underway for some time. It was explicitly intended to foster the emergence of an African yeoman farmer class, with holdings on a scale which would be "commercially viable," in the interests of political stability. This reform has been implemented through a field operation aimed at the systematic, compulsory conversion of all indigenous titles. The program's greatest strength has perhaps been its clear perception that tenure reform is not simply a matter of changing land law, but a matter of changing and establishing facts on the ground. Rights have been adjudicated, owners determined and registered, parcels surveyed, and fragmented holdings consolidated. This has been done at little overt cost to the landowner, but considerable cost to the country. The newly individualized titles have been registered under a system which confers great security of tenure because it gives the register entry conclusive legal effect. The system is designed to facilitate land transactions by

provision of single forms which permit transfers in the registry offices (Lawrance 1970).

The program has been expensive, but effective in that tenure has been individualized over great areas. The 1960s, the early post-reform period in Central Kenya, was a prosperous time for small-holder agriculture. Some authors have claimed a causal connection; others dispute it (Barber 1970/71). It is difficult to know how much of the success to attribute to the reform, as distinct from all the other new government programs underway in the immediate post-independence period. These included the lifting of restrictions on the growing of important cash crops by African farmers and new access to credit and extension by those farmers. The careful monitoring of impacts called for by such a significant experiment was simply not done, and probably no amount of scrutiny after the fact will ever resolve the question to everyone's satisfaction. There have, however, been a number of micro-studies of the reform. Though they have limitations methodologically (in particular, lack of good baseline data), they have produced consistent evidence of certain important trends:

1. The creation of individual ownership involved not just the extinction of group rights, but elimination of many use rights of other individuals. This impact was not limited to members of the nuclear family, but they have been most affected. The registered landowner attains a new position of dominance. Most adversely affected have been the owner's wife or wives. The process of tenure conversion has generally made the husband the owner, untrammelled by the protections which wives enjoyed in their use of family land under indigenous systems. Husbands may now sell land "out from under" their families. Women continue to do a large part of agricultural labor but have reduced tenure security (Coldham 1978: 91; Achola Pala Okeyo 1980).
2. Critics saw the program as potentially leading through market transactions to a more skewed distribution of land and the development of a large landless class with none of the security in subsistence opportunities provided by indigenous systems. Concern was expressed

that landlord-tenant relationships might proliferate as distribution patterns changed. The evidence to date does not support this scenario on all points. There is much land in large holdings in Kenya, but these appear to be primarily due to policy decisions concerning the manner of the distribution of the large settler holdings. These large holdings are being broken up through subdivision and sale, and to this extent transactions are having a positive impact on distribution patterns. In the former customary tenure areas, however, new landlessness has been created through transactions, as well as some increase in tenancy and major rural-urban migration, the latter developments in part stimulated by the increased landlessness. Sale of land appears to frequently be an act of financial desperation on the part of the seller. Most of the landless do not appear to be moving into tenant or agricultural wage-labor roles, but leaving agriculture as the remaining farmers employ more labor-efficient methods. In the 1960s it was arguable that those leaving the land would find employment in developing industrial and agro-industrial sectors. In light of patterns of development in Kenya since independence, that is now clearly a chimera. The eventual political consequences of the new landlessness are cause for serious concern (Okoth-Ogendo 1986, Coldham 1982: 95-96).

3. The purchases which are taking place do not appear to be resulting in "economically viable" holdings. Sellers usually sell only a portion of their holding (to avoid landlessness). Holdings built up by purchases are formed in a fragmented state. In addition, studies indicate that many purchasers are buying land as an investment, to use as security for loans, to be farmed under tenancy, to be held for speculative purposes or with the buyer's children's eventual need in mind. Most purchases have been by those with income from non-agricultural sources, not "emergent" farmers seeking to expand their holdings. Land transaction control mechanisms put in place by the reform do not appear to have had much impact on these trends, except that the Land

Control Boards' reluctance to permit sale of the farmer's total holding, leaving his descendents landless, may be both limiting emerging landlessness and contributing to the rate of subdivision (Haugerud 1983, Wilson 1972, Coldham 1982).

4. Where the economic opportunities for which land tenure conversion is to pave the way do not materialize, owners tend to continue to treat the land as they have done before. This is particularly true as regards inheritance patterns. In a situation of already small holdings, the Kenya program has attempted to enforce minimum registrable sizes, whether such parcels are created by transactions or inheritance. Many heirs have declined to register successions either to avoid the impact of these restrictions or simply because they perceive no urgent need to register. The land remains in the name of the deceased and is informally divided among the heirs according to customary rules. In addition, many sales appear to be taking place "off the register" (Coldham 1982, Homan 1962, Okoth-Ogendo 1986).

The Kenya program has been very ambitious, quite successful as an implementation exercise, but less clearly successful in its economic objectives. A reaction appears to be underway, including the return of land dispute settlement authority to elders, with profound implications for the indefeasibility of registered title (Kuria 1986, Muigai 1987).

It has already been noted that it is almost impossible to disaggregate the impacts of tenure reform and other programs implemented in the post-independence period to promote agricultural growth. It is also difficult to evaluate tenure reforms because they do not prove conclusively in ten years or even twenty. Still, Kenya's experience with national, systematic and rapid individualization of indigenous land tenure has disclosed some important problems with that model. It may be questioned whether the results have justified the expense involved.

Kenya provides not only the most carefully evaluated systematic tenure conversion in Africa, but the largest program to redistribute

freehold land. With the approach of independence and the release of 60,000 Mau Mau detainees, many of whom had no land, white settlers and government officials feared a wave of land seizures. Portions of the former White Highlands were added onto the African reserves beginning in 1961 and subdivided for occupation by the landless and unemployed and by progressive African farmers. The program was called the Million Hectare Scheme. It initially aimed to settle 6,000 peasant families but by the time it was concluded in 1971 it had settled 34,000 families on 1.5 million hectares. Settlers received 25 acres each in high-density schemes, 40 acres each in low-density schemes, and some as much as 100 acres in "Z" holdings for local leaders. The scheme was financed by a £ 7.5 million loan from Britain, the Commonwealth Development Corporation and the World Bank. The total cost of settlement has been estimated at nearly K£ 30 million, of which roughly K£ 14 million was borrowed abroad and amounted to slightly less than one-third of all the foreign debt incurred in 1961-69 (Migot-Adholla 1985; Leys 1975: 73-75; Leo 1984).

Settlers purchased their holdings, using bank loans provided by government for that purpose, and eventually received freehold titles. Land for settlement was initially purchased by, or vested in, the Settlement Fund Trustees which then offered it in lots to prospective settlers at a land price based on an estimate of its productive value. This offer was subject to the qualification that no freehold title would be granted until the settler had repaid a compulsory land loan which covered about two-thirds of the original price of the land and an optional development loan to help finance the purchase of crops, livestock and machinery. The land loans covered about 90 percent of the subsidized purchase price for low density holdings and 100 percent of this price for high density holdings. Ability to repay loans became factor in selection of settlers, and in the event many were not landless. Repayments have been slow and uneven, with about half the funds lent repaid by 1977. Low-density scheme-settlers have had a less satisfactory repayment record than those in high-density schemes (Okoth-Ogendo 1981).

This left three-quarters to four-fifths of the former White Highlands intact. The purchase of whole farms by individual Africans or groups has been encouraged through the availability of loans for such purposes. In the critical period 1954 to 1971 the proportion of

farmland in the largest farms in these large farm areas declined, but farms of 500 hectares and more still occupied 86 percent of the 2.7 million hectares in the large farm sector (Migot-Adholla 1985: 162).

While the scale of the redistributive efforts was impressive, the overall effect of the government land purchase program and the operation of the market in freehold land in the post-independence decade was the creation of what Okoth-Ogendo (1981) called "a squirearchy," a landed, rural elite. Kenya's population growth rate is high, and ILO has estimated that even in 1969 17 percent of all Kenyans were landless. Proposals for a ceiling on large holdings or for a land tax which would encourage the subdivision and sale of large holdings have been rejected by government (Okoth-Ogendo). Calls for a new land reform are becoming more insistent (Hunt 1985).

6. Renovating Indigenous Land Tenure

The reform models examined so far involve dramatic departures from indigenous tenure systems. They break the link between traditional social organization and land tenure. In the case of Kenya, government has accepted a more atomistic social condition; in Tanzania the ujamaa villages were to provide an alternative social focus.

Only a few countries have been disposed to take such an apparently irrevocable plunge. The alternative is to preserve the fundamental framework relating society and tenure and to proceed through specific, narrowly focused reforms directed at problematic facets of a tenure system. This approach, "renovating" indigenous tenure, reflects the viewpoint that indigenous tenure systems are not inherently incompatible with agricultural modernization and their defects can most cost-effectively be handled by a certain amount of creative tinkering and fine-tuning, rather than more dramatic reforms. One attempts to deal with defects through relatively modest changes in tenure rules, reorganization of land administration machinery (sometimes altering its legal basis and legitimacy), and creation of new, supportive linkages with national and regional institu-

tions. A significant element of community control over land, a "communal" element, is retained. This approach seeks to adjust the tenure system to changes in the economic and social environment in which it operates. In an economy moving from subsistence to marketed production, the changes made in the tenure system are likely to move it in the direction of individual ownership.

The task of framing modest changes in substantive rules of tenure to meet specific new needs of farmers is challenging. The possibilities will vary from one circumstance to another, but the fundamental challenge is how to create an adequate institutional framework for such change. Traditional local land administration institutions may or may not be able to meet new needs; in some cases they may not be able even to deal adequately with their traditional tasks under changing circumstances. For example, land allocation becomes increasingly difficult for the allocating institution as pressure on land increases and disputes over land rights multiply. Government policy may have undermined the legal authority, or economic bases for authority of the traditional institution. The institution may need reorganization, strengthening and new, supportive connections with concerned government agencies and courts in order to effectively carry out its tasks. There are complex choices to be made, between utilizing existing institutions and replacing them with new institutions, between vesting these with essentially private and public character, between recognizing local particularity and insisting upon national uniformity, between developing such institutions out of local models and attempting to force them into the mold of roughly analogous western institutions.

What is the experience of African countries as they have sought to renovate indigenous land tenure systems. In English-speaking West Africa, and particularly in Nigeria and Ghana, the courts developed a common law of "family land" out of a variety of tribal lineage-ownership systems. How was custom reinstitutionalized in this case? Judges seeking to recognize to such a system generally fell back on analogies to the English concept of joint ownership and ownership in common (Allot 1968, James 1982: 50-55). The courts permitted transactions in family land, with the consent of all those interested. This required a clear definition of the "family," those persons whose participation was required for an effective transaction. Even if the definition had been so lucid as to be free of any ambiguity in appli-

cation--and it was not--it was as a practical matter difficult to pull together all the necessary signatures. Again, resort was had to a western legal model, the trust. Several persons would be registered as trustees for the lineage, clan or other group. This model was introduced in Western Nigeria in 1959, and adopted in Kenya in 1968 (James 1976: 40-42).

The Civil Code of pre-revolutionary Ethiopia contained a chapter on ownership of land by agricultural communities which, though never implemented, drew attention for several unique characteristics. These communities were given legal personality and recognized as owning the land they controlled. The Code conferred substantial freedom on them to organize themselves as they chose. They were expected to reduce their customary laws to writing and to amend them from time to time. The government never advertised the existence of these provisions or even advertised their existence. This reluctance appears to have been based in a fear of the political potential of any genuine local organization (Bilillign 1969).

The most interesting experience is that of Botswana. A system of Tribal Land Boards was created shortly after independence, shifting powers over land allocation from chiefs to boards composed of indirectly elected and ex officio members. Ex officio members came from local representatives of relevant ministries. Chiefs remained as members, sometimes as chairmen; later they tended to drop out in pique over their diminished powers. Ownership of land remains vested in the tribe. The tribe which is not clearly a public or a private institution. The Land Board, however, which administers the land in trust for the Tribe, could be described as quasi-public. Its secretary is a civil servant; it must take orders from the President (through the Ministry of Local Government and Lands), and appeals from its decisions are in the first instance administrative appeals into the Ministry, not to the courts. The Land Boards are in danger of institutional schizophrenia, as cases arise in which their trusteeship role is not easily reconciled with following orders from above. On the whole, however, the approach is intriguing and the tensions may be creative. It has involved reconstitution of the administrative authority for a tenure system which has remained for the most part traditional in substantive terms. One problem has become increasingly clear in recent years. The Land Boards were cre-

ated on too high an administrative level to carry out village-level functions, at least outside the vicinity of major villages where they are located. They have had to rely heavily on traditional headmen. Cooperation from such headmen is uneven, and they often allocate land without the Land Board's approval (Riddell and Dickerman 1986: 10-17, Machacha 1981).

The major attraction of this model is its promise of relatively cost-effective reform with a minimum of social dislocation. This model should not be confused with romantic notions about traditional societies and their preservation. It begins with the assumption that tenure change is necessary and desirable, but seeks financial and social economies in change by building on existing institutional arrangements to the extent that this is practical.

7. Conclusions

The diversity of experience is considerable, but some themes appear fairly consistently. They are cautionary tales, and should contribute to realistic planning of agrarian reform. Some may be relevant to post-apartheid South Africa, while others may not. The conference participants from South Africa will be able to shed some light on this. The experience of other African states appears to suggest:

1. The experience with redistributive land reform in Asia and Latin America is being repeated in Africa. In Kenya, Zambia and Zimbabwe, redistribution has involved repurchasing European large farms operated as integrated units and allocation of that land to African settlers, on what might be called a repurchased/subdivision/resettlement model. All these reforms involved substantial compensation for the land acquired. As in Latin America, it has been difficult to carry out reform on a scale which fundamentally alters the structure of landholding. This has been due to a number of factors including constitutional constraints, shortage of funds for land purchase and shortage of funds, trained staff, etc. for resettlement. The one case of really thorough redistribution of large estates is that of Ethiopia. There, in a situation of widespread share tenancy resembling the somewhat simplistic

Asian model, tenants were able to simply cease rent payments and continue farming their holdings. (A good deal of sorting out had to be done later, but the critical initial step imposed only limited demands on government, beyond the need for political mobilization.) In the other countries (Kenya and Zambia, and perhaps now Zimbabwe) the central fact of land tenure since independence is not the reform programs but the movement largely intact of most large European farms to African private interests via market mechanisms.

2. The comparative experience with cooperative production from Latin America is again being reproduced in Africa. The cooperative farms themselves have failed in production terms. While there are theoretically economies of scale to be preserved, they are less than was once imagined and have proved very difficult to realize. Both in Tanzania and Ethiopia this model is being critically re-evaluated, as it has been in China and the Soviet Union. The creation of such operations creates major demands for managerial ability and capital, and because both are scarce, those states pursuing the model have been able to affect even smaller areas of land than those pursuing the repurchase/subdivision/resettlement model. In addition to the inability of these farms to produce efficiently, the desire of governments to realize this model more widely leads to prolonged uncertainty and insecurity in the smallholder sector. This probably has a more serious impact on production than the problems faced on those small areas under cooperative production. Cooperatives may in the future be seen as a transitional mechanism, an institution to which title can be transferred quickly for a large farm, without delays involved in subdivision, and which can provide a structure for peasant political organization to defend the land acquired from counter-reforms, but which ultimately should subdivide its land among its members, providing them with adequate security of title.

3. Where beneficiaries of redistribution programs are provided with security of tenure, both freehold and long-term leasehold from the state can be viable options. Both Kenya (freehold) and Zambia (leasehold) seem to have had satisfactory experiences in terms of production, once some unevenness in the transition was past. In the case of leasehold, of course, much depends upon the terms of the lease and upon the effectiveness of the land administration machinery. The Somalia case indicates how a badly-framed leasehold

system may provide little security, especially as against government and a land-grabbing bureaucracy.

4. While titling with leasehold and freehold have gone satisfactorily in some redistribution situations, additional problems arise in situations where government seeks to extend these tenures to holders under traditional tenure. In Somalia, Sudan and Nigeria the availability of leasehold tenure from the State as an individual option has been extensively abused by governmental and commercial elites to grab land from traditional cultivators. Fraud in certifying land as "unused" has been widespread; a central bureaucracy does not have the knowledge of local situations needed to guard against these abuses. In Kenya, because tenure change was compulsory and comprehensive, all claims were brought forward at one point in time and adjudicated. From an equity standpoint this is the preferable approach, but it is also expensive. Because the process is compulsory, the state absorbs most of the costs. And large amounts are spent to demarcate, adjudicate and survey all holdings when only a fairly limited number of landholders are anxious to make use of the new opportunities involved in a title--for instance, the opportunity to borrow upon security in land. The experience in Kenya suggests that under these circumstances title holders will not come forward to register successions and other dispositions respecting land and that the registers fall rapidly out of date. This creates confusion which can cause a reaction against the new tenure arrangements, such as the re-authorization of elders to decide land disputes in Kenya. There is a genuine dilemma here, and at least part of the solution may lie in decentralized systems of land administration such as that being developed in Botswana, which create local institutions which can mobilize local knowledge and are responsive to local demands.

5. Land redistribution and tenure reform only achieve positive impacts on production in coordination with appropriate arrangements for access to inputs, credit, extension services and markets. Often the potential of a reform is not realized because needed adjustments for access to these other needs are not made at the time of the reform. Attempts to increase farmer incentives through tenure and land reforms have often been nullified by cheap food policies favoring urban consumers.

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