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LAND TENURE CONVERSION IN AFRICA: BRIGGING REFORMATION TO REFORM

John W. Harbeson*

Changing patterns of land tenure have been central elements in the colonial and post-independence experience of nearly every African nation since World War II. Socioeconomic change in rural Africa has almost universally introduced the possibility of commercial transactions in land, out of keeping in many instances with preexisting traditions concerning the use and distribution of access to land.

The importance of land tenure rules in Africa has in no way been diminished by perceptible reductions in the percentage of the workforce deriving a livelihood from agriculture and in agriculture's share of gross domestic product during the last twenty years. While agriculture contributed nearly 35 percent less to GDP in 1980 than in 1960, the percentage of the population dependent on income from agriculture has diminished only about 12 percent.¹ Given population growth rates of 2.5 percent or more during this same period, the absolute number of people engaged in agriculture for a living has substantially increased.

Over and above the clear economic significance of agriculture in Africa, there is little reason to suppose that the psychic, cultural, and political importance of land to Africans has in any way diminished. Land continues to appear to represent status, power, and security to political elites, putting them in frequent and often unhealthy competition with the rural poor for control of an invaluable resource. Clearly, if scarcely quantifiable, intimate and complex relationships to the land are integral to the definition of African nationhood as well as to personal well-being for African elites and masses alike. This is especially the case in eastern and southern Africa where empire meant the alienation of control over land and the introduction of European settlement. Independence, therefore, meant in large part return of this treasure to its rightful owners. The forms in which these truths are expressed may have changed conspicuously over time, but their importance and significance have not.

* Associate Professor of Political Science, University of Wisconsin-Parkside, and LTC Associate.

1. World Bank, World Development Report (1980).

The central question is whether the substance has changed: granted important albeit perhaps changing relationships to the land, what is the actual meaning of land to African peoples? To what uses is it to be put? In what proportions does access to land mean survival as distinct from a vehicle for economic improvement, status as opposed to a resource for increasing standards of living, power for elites as opposed to a means for the empowerment of the dispossessed? To the extent that land represents a principal resource for development, who defines how land is to be utilized for that purpose, not to mention who establishes the definitions of development themselves? In the enormous academic literature on land tenure and agrarian reform, relatively little follows Paul Bohannan's initiative nearly twenty years ago in addressing African conceptions of the meaning of land as distinct from how access to land is in fact achieved.²

The use of unfamiliar terminology may be valuable in giving new emphasis to important but somewhat sidelined questions. There are at least two important ambiguities in the use of the conventional terms "land reform" and "agrarian reform." First, while it is generally acknowledged that changing land tenure rules cannot bring beneficial results except as part of a more comprehensive program for improving standards of living, definitions of land reform do not always reflect this perception. The World Bank, for example, explains that "Land reform is concerned with changing the institutional structure governing man's relationship with the land."³ "Agrarian reform" may, therefore, be the preferable term, defined as it was by Marion Brown in the U.S. background papers for the 1979 World Conference on Agrarian Reform and Rural Development to mean "modifying structures and institutions in the rural sector to provide more equitable and more secure access to land, water, and other productive resources and services including agricultural inputs, new technology, extension, credit, processing, storage, marketing, transportation, and mechanical equipment."⁴ Agrarian reform, thus conceived, represents progress in productivity, equity, and implicitly standards of living for those of limited means in rural areas.

Second, as Moris has noted, however, reform does not always produce such desirable results.⁵ Landowners and political elites may preempt the processes of agrarian reform. As Huntington was critical of modernization theory for failing to come to terms with decay as well with development, possibly our uses of the term "land reform" and "agrarian reform" may similarly serve to

2. Paul Bohannan, "'Land,' 'Tenure,' and 'Land Tenure,'" in African Agrarian Systems, ed. D. Biebuyck (London: Oxford University Press, 1963).

3. World Bank, "Land Reform Sector Policy Paper" (May 1975), p. 5.

4. Background Papers for the United States Delegation (Washington: Working Group on WCARRD, U.S. Agency for International Development, July 1979), p. 22.

5. J. Moris, Managing Induced Rural Development (Bloomington: International Development Institute, Indiana University, 1981), p. 68.

blind us to circumstances where reform processes retrogress, prove transitory, or are preempted by those who do not share the objectives of the reforms.⁶

In addition to these ambiguities, differences of emphasis concerning the importance of land reform in relationship to agrarian reform occur, partly because of differences in how broadly the former term is implicitly defined. Montgomery in 1970, for example, considered land reform to comprise at least initiating changes in ownership and tenancy rights, issuing titles and enforcing contracts, compensating landlords as well as collecting payments from purchasers and tenants, and adjudicating disputes over boundaries and rights.⁷ This represents a somewhat narrower definition than the World Bank's, both of which are compatible with the views of Warriner who, while equating land reform and agrarian reform, advocated eschewing a definition so broad that it "blurs the real issue."⁸ Perhaps such subtle but important differences in breadth of definition explain why the Agency for International Development's conference on Rural Development in the 1980s emphasized the use of land resources almost to the exclusion of land reform, even though sponsored by the AID office that has for many years supported the work of the University of Wisconsin's Land Tenure Center.⁹ Even Uma Lele, in her seminal work on rural development, assigns only limited importance to land reform, centering only on cases where great inequality in the distribution of land rights has obtained, e.g., in Ethiopia and Kenya.¹⁰ Perhaps implicit narrow technical definitions explain exclusion of land tenure from such discussions.

The term "land tenure conversion" may also be susceptible to implicit definitions of varying breadth. The term can be restricted to a narrow, legalistic idea of changing land "rights" from one form to another without necessarily improving the distribution or quality of those rights. An alternative definition might lead to new emphasis on broader, more philosophic dimensions of land tenure. Land tenure "conversion" suggests not only changing people's

6. Samuel Huntington, Political Order in Changing Societies (New Haven, CT: Yale University Press, 1968).

7. John Montgomery, "Allocation of Authority in Land Reform Programs: A Comparative Study in Administrative Processes and Outputs," Administrative Science Quarterly 17:1 (March 1972): 62-80.

8. D. Warriner, Land Reform in Principle and Practice (Oxford: Clarendon Press, 1969). Land reform and agrarian reform are treated as equivalent and refer to changing the institutional framework of agriculture, including distribution of ownership, forms of agricultural employment, the forms of land tenure, and organizations where membership is obligatory if one is to hold land.

9. Office of Rural Development and Development Administration, Rural Development in the 1980s (Washington: U.S. Agency for International Development, November 1979).

10. Uma Lele, The Design of Rural Development: Lessons from Africa (Baltimore: Johns Hopkins University Press, for the World Bank, 1975), p. 179.

relationship to the land but changing beliefs about the meaning of land, with particular application to the contexts of development efforts. Attention to beliefs about the meaning and uses of land links the issues of land tenure changes and participation in rural development. We have learned the importance of local participation in many aspects of development, from the location of water points in Botswana to the conduct of agricultural research in Central America.¹¹ We have learned that small producers are often more rational users of scarce resources than those operating on a larger scale, and we know that development projects which do not take account of the attitudes of the intended beneficiaries run a high risk of failure. Yet at least in Subsaharan Africa, these lessons may have been overlooked in the conduct of land reform. Paradoxically, however, in undertakings which perhaps more than any other signify promoting development with equity by and for the poor, some essential contributions of the poor to their own empowerment may have been forgotten. A review of some of the more dramatic post-independence land reform programs in Subsaharan Africa reveals not only that real progress may have been limited and ephemeral but that fundamental differences of views have persisted between the planners and the participants in these land reforms.

The thesis of this paper is that land reform itself must be reformed, at least in Subsaharan Africa. An essential ingredient in any land reform is understanding how rural producers themselves view the land, how they define their interests in land, what they view as essential to making the most of their principal economic asset. Where these perceptions differ from those of policy-makers imbued with a concept of national development and the place of rural smallholders in development, processes of dialogue, persuasion, compromise, and reconciliation must ensue. Only in this fashion is it likely that investing rural producers with new rights and access to land will result in their "empowerment" and, in turn, the kind of development at the national level that planners envisage. To give far more than the customary lip service to such a process of actively engaging the poor in the institution of new, more effective, and more equitable patterns of land tenure may indeed suggest an analogy to the Reformation in Europe. For the "priesthood of all believers" substitute the less ringing but perhaps equally important "planning of agrarian reform by all those who are to participate in it."

In the sections that follow, the appropriateness of such a reformation of land reform will be considered in the context of major land reform efforts in four countries illustrating several different models of land tenure conversion. The elements of each model include:

- 1) The subjects of the reform: are they individuals; individual households; families; or groups based on residence, ethnicity, and/or shared economic circumstances?

11. See the enormous literature published by the Rural Development Committee at Cornell University on participation in rural development. A benchmark study for the series is John Cohen and Norman Uphoff, Rural Development Participation: Concepts and Measures for Project Design, Implementation and Evaluation (Ithaca, NY: Rural Development Committee, Center for International Studies, Cornell University, 1977).

- 2) The benefits of the reform: empowerment to sell, exchange, inherit, use, and/or encumber the land.
- 3) The obligations incurred in terms of land use, payments, and/or political or social obligations at the time of the transaction and/or subsequently.
- 4) The agency of reform: relative importance of national governments, local authorities, donor organizations, or private groups in initiating and carrying out the reforms.
- 5) The governance of reform: adjudication of disputes, assignment of beneficiaries, determination of obligations, guaranteeing of rights" and the integrity of the reform as a whole, and initiating and carrying out extensions or modifications of the reforms.
- 6) The purposes and interests served by the reform. Each model involves not only changes in land tenure per se but beliefs on the part of planners and participants concerning the purposes to be served by these changes.

Model #1

Official Confirmation of Evolved, Broadly Based, Freehold Tenure. Kenya's land consolidation program confirmed that evolution of traditional usufructuary tenure had evolved toward individual "ownership" by the institution of freehold tenure.

Denied their ultimate objective of political preeminence early in the colonial era, Kenya's European settlers set about, with considerable success, to demonstrate to colonial authorities their indispensability to the economic development of the colony.¹² Not until the declaration of the Emergency in 1952 did colonial authorities and moderate settlers take seriously long-standing recommendations of agriculturists to stabilize land tenure in the areas then reserved to African cultivation.¹³ At that time the colonial administration took advantage of nationalist leaders' preoccupation with the insurgency to introduce land consolidation in the Kikuyu districts.¹⁴

Traditional Kikuyu land tenure rules led to individuals inheriting a number of often widely separated fragments, none of which was individually viable as a smallholding.¹⁵ Through land consolidation farmers exchanged

12. See, for example, E.A. Brett, Colonialism and Underdevelopment in Africa: The Politics of Economic Change 1919-39 (Nairobi: Heinemann, 1973).

13. John W. Harbeson, Nation-Building in Kenya: The Role of Land Reform (Evanston, IL: Northwestern University Press, 1973).

14. M.P.K. Sorrenson, Land Reform in the Kikuyu Country (London: Oxford University Press, 1968).

15. A standard work is John Middleton, The Kikuyu and Kamba of Kenya, Ethnographic Survey of Africa: East Central Africa, Pt 5 (London: International African Institute, 1953).

fragments of comparable size and quality so that each could hold in one place land of the size and value of the separated fragments. The process was carried out through elaborate and prolonged consultation with individuals and communities concerning the nature, location, and value of lands held. When the fragments had been consolidated, the farmers were offered freehold title to their new holdings.¹⁶ The new legislation limited the subdivision of land, undertook to promote security and regulate rents, established boards to review sales of newly consolidated holdings in the interests of the poorer farmers, and established decentralized procedures to regulate and adjudicate land matters.¹⁷

A fundamental premise of the consolidation movement was that traditional Kikuyu land tenure rules had evolved to the point where traditional rights in land were very similar to those embodied in the English system of freehold. Care was taken not to force on the Kikuyu a set of land tenure rules that was alien.¹⁸ Even with such caution, one of the three principal districts had to be redone in 1961.

Participation in the land consolidation program was open to everyone in the Kikuyu districts, the expectation being that without the presence of nationalist politicians, people would not resist engaging in the reform process. Cohen gives a somewhat misleading impression in suggesting that only "loyal tribesmen" were permitted to participate.¹⁹ The freehold titles did not restrict sale, though some effort was made to restrict subdivision of consolidated plots through inheritance.

Individuals were free to use the land as they chose. They were encouraged to grow cash crops and to participate in cooperatives but were not required to. Some have argued that it was the lifting of restrictions on Africans' growing coffee, not consolidation per se, which resulted in the increased production. They have argued that freehold tenure was less something that the Kikuyu sought than something the colonial administration wished to impose as part of its overall political strategy: to create a conservative African smallholder class supportive of a multiracial alternative to independence on the basis of majority rule.²⁰ African farmers were encouraged to follow prescribed land use rules in the interests of production and soil conservation, but were not specifically threatened with loss of title for failing to do so. Implicit in the

16. J.T. Fleming, "Tenurial Reform as a Prerequisite to the Green Revolution," World Development (1975), pp. 47-58.

17. Ibid. One argument is that the titles were imposed on the Kikuyu as the price of their gaining encouragement to produce cash crops. Colin Leys, Underdevelopment in Kenya (London: Heinemann, 1975).

18. See, for example, F.D. Homan, "Consolidation, Enclosure, and Registration of Title in Kenya," Journal of Local Administration Overseas, no. 1 (1962), pp. 4-14; and Sorrenson, Land Reform in the Kikuyu Country.

19. John Cohen, "Land Tenure and Rural Development," in Agricultural Development in Africa, ed. R.F. Bates and M.F. Lofchie (New York: Praeger, 1980), p. 364.

20. Leys, Underdevelopment in Kenya.

program was the concept of enfranchising these titled smallholders as a way of isolating the nationalist politicians, but there were no specific political obligations attached to the award of freehold tenure.

More than is true for any of the other models considered, land consolidation in Kenya was initially carried out in close, patient, local-level consultation with the peoples affected by the program. Even at the time, however, there were unreconciled divergences of purpose between planners and participants. These divergences of purpose have widened with time and help to explain why the initial economic success of the program has been increasingly tarnished. Initially government did just what ministry agriculturists had long recommended and what "chiefs" in the area had begun to do on their own. But one of the causes of the Emergency had been the willingness of appointed chiefs to consolidate private landholdings at the expense of those who had enjoyed fairly secure tenancy under traditional rules. While provision was made for establishing holdings in the name of those absent from an area, many who were participating in the insurgency or who had emigrated to Tanzania did not receive land. The same pressures of growing landlessness which helped to spark the Emergency made the subsequent resettlement of the European areas with African smallholders a political necessity.

The land tenure rules themselves have enjoyed only limited effectiveness and legitimacy.²¹ They presumed that Kikuyu were more prepared to accept bureaucratic control over conveyancing and resulting distinctions between landed and landless than has proven to be the case. Indications are that successions to holdings are seldom recorded and that sales often are not.²² The Kikuyu prefer to leave titles in the name of the deceased original holder and subdivide the land in smaller parcels than the statutes countenance which did, after all, characterize the traditional Kikuyu system.²³ The Kikuyu may find the resultant limitations on security and freedom of disposition to be an acceptable price for freedom from bureaucratic regulation and, perhaps, for accommodating more people on the land. Unrecorded successions and sales open the way for multiple sales of the same piece of land, increased difficulty in implementing land conservation and development measures, and concentration of holdings by the politically powerful. Indications are that all of these have occurred. Individual titleholders have also experienced difficulty in protecting their title deeds from being tampered with on behalf of those with political influence.²⁴ Once excluded, therefore, from the titling process by colonial administrators, the country's political elite has been able to turn

21. H.W. Okoth-Ogendo, private correspondence. See also his article, "African Land Tenure Reform," in Agricultural Development in Kenya: An Economic Assessment, ed. J. Heyer, J.K. Maitha, and W.M. Senya (London: Oxford University Press, 1976), pp. 152-87. Also F. Coldham, "Land Tenure Reform in Kenya: The Limits of Law," Journal of Modern African Studies 17 (1979): 615-29.

22. *Ibid.*

23. Middleton, Kikuyu and Kamba of Kenya. See also Jomo Kenyatta, Facing Mount Kenya (New York: Vintage, 1962).

24. Okoth-Ogendo, private communication.

the reform to their advantage at the expense of many who were to have been the beneficiaries of the program. These problems have been exacerbated by Kenya's unbridled population growth and the attempt by the Kenyan government to apply the consolidation and titling process to other areas of the country where traditional rules were less in keeping with English concepts of freehold than were those of the Kikuyu.

A clear lesson from the Kenya experience with consolidation and titling is that initial efforts to build land reform from the ground up, though imperfect, have not been maintained--let alone improved upon in recent years. Without such dialogue, divergence of unreconciled purposes between planners and participants can grow to the point where the significance and durability of the reform itself come into question.

Model #2

Donor-Financed Support for Increased Tenant Security in a Limited Area and Official Sanction for Narrowly Based, Imposed Freehold Tenure. This model is represented by regional development in pre-revolutionary Ethiopia in which agricultural development was attempted without changing traditional tenure rules, wherein the interests of the government and the participants differed sharply. An "essentially unregulated" freehold tenure system was enjoyed by a limited number of landowners whose position symbolized and consolidated the Addis Ababa government's conquest of the area around the turn of the century.²⁵ The Ethiopian government, therefore, sought development without tenure change while large numbers of tenants sought increased security of tenure as a basis for engaging in real agricultural development. Tenants and small landholders in the system sought security of tenure.

Chilalo district in Ethiopia was brought into the empire by the conquests of Menelik II before the turn of the century. The political settlement of this and other similar conquests involved transformation of an essentially corporately managed usufructuary tenure system into concentrated private landholdings allocated to the "victors" and local people who collaborated with them. Much of the remainder of the population was obliged to seek tenancies under these landlords on extremely unfavorable terms.

In the 1960s the Swedish International Development Authority (SIDA) was encouraged to promote comprehensive agricultural development of this district, in part because of its agronomic potential. It established the Chilalo Agricultural Development Unit (CADU). Among the purposes of the project was to help farmers in the lower income brackets, specifically those who were tenants. At the time Haile Selassie's government appeared to be considering legislation to afford increased security of tenure to tenants.²⁶ The proposed

25. John Cohen, "Land Tenure and Rural Development in Africa" (Cambridge, MA: Harvard Institute for International Development, 1979), p. 27.

26. John Cohen, "Effects of Green Revolution Strategies on Tenants and Small Scale Landowners in the Chilalo Region of Ethiopia," Journal of Developing Areas 9 (April 1975): 335-58.

legislation was never promulgated. SIDA undertook the project on the understanding that such legislation would be forthcoming, but did not follow through on its threat to withdraw when this condition was not fulfilled. Apparently SIDA considered that the benefits still outweighed the costs or that, as Cohen states, "CADU's activities had few harmful consequences by themselves: seed germinated, fertilizer worked well, improved livestock survived, and profits did accrue to those who participated in the various programs."²⁷

While the subjects of the program were the tenant farmers, the program was less successful than intended in reaching the poorest of these people. Those whom the program did reach profited economically but did not gain land tenure security to protect these improvements. The principal obligations of the participants were the repayment of loans which occurred at a remarkably high level.²⁸ While SIDA was the principal executing agency, it was unable to act independently of the imperial government, which had other interests to protect principally those of the landlords. Perhaps as many as 20 percent to 40 percent of the farmers reached by the project were evicted by landlords who, in classic fashion, sought to preempt the benefits of CADU for themselves.²⁹ Evictions were stimulated by tax credits for investments in equipment that only the landlords could afford. Local courts in the surrounding area, dominated also by the landed gentry, did little to help those evicted. Land prices escalated as did rents for those not evicted by their landlords.

CADU was a program where differences of purpose between planners and participants were not at the level of how to reform but of whether to reform. In the light of the history of the land tenure system that was to be modified and the subsequent history of the revolution, one may question whether any sort of land reform could bridge the deep and historic differences between the conquering governors and the conquered governed. Indeed, the comprehensive rural land reform introduced by the successor military regime represents an effort to bridge these deep and long-standing differences. It seeks to build enough legitimacy for itself that dialogue and reconciliation of divergent purposes between planners and participants in agrarian reform can be brokered and reconciled. Should that occur, it might then be possible to compromise differences between the imposed and traditional social systems as they are reflected in land, a process preempted by military adventure and endangered now by larger issues concerning the legitimacy of the military regime.

Model #3

Land Redistribution Creating Tenants of the State in Transition to Eventual Freehold. Such redistribution occurred in Kenya where former freedom fighters and the landless and unemployed were given plots on subdivisions of former European estates. The independent government of Kenya viewed the

27. Cohen, "Land Tenure."

28. Ibid.

29. Ibid.

schemes as engineered by departing European settlers in their own interests and as a diversion from the basic development course of land consolidation and supporting incentives for growth.³⁰ The new African settlers, on the other hand, viewed resettlement as an important realization of Kenyan nationhood representing both an end to rural land-based inequality and a broadened development opportunity.

The British government appeared to have surprised African and European parties alike with its sudden decision in 1960, just as the Emergency was nearing conclusion, to grant Kenya independence under majority rule within a space of three to four years. The decision came at a point when European parties were at their zenith in organization and influence, and African parties barely reorganized at the national level after the Emergency. The colonial secretary, Iain MacLeod, made clear his belief that cooperation of moderate European parties was essential to a smooth political transfer of power.³¹ The moderate Europeans used their influence to obtain a resettlement program as one price for their acquiescence in the transfer. The conservative European parties expressed their views through European farmers on whom the rural economy still depended. They threatened to abandon their farms immediately unless more comprehensive resettlement schemes were enacted.³² Over African objections the schemes were initiated prior to the transfer of power while the colonial administration still held sway. The government used its power to deny leadership roles in the transition to individuals like Oginga Odinga who did not accept the terms of the transfer, e.g., individual tenure and especially payment by settlers for the land itself as well as for the wherewithal to develop it. The effect of all this was to make resettlement a European issue to be accomplished on European terms and conditions, thereby preempting a historic *raison d'être* of Kenyan African nationalism.³³

The subjects of the land reform were for the most part to be landless and unemployed Africans. In fact, however, many were not. Former laborers on European farms were to get priority along with those who had been freedom fighters. As a practical matter many of the former group were dispossessed and had become squatters on the lands now given to members of the latter group.³⁴ Some 30,000 families received small plots designed to yield net cash incomes of under US\$100, in addition to subsistence. While the prospect of eventual freehold tenure was held out to the new settlers, in fact nearly all have remained in effect tenants of the state. They have gained access to the land on the basis of letters of allotment which make tenure conditional on repayment of loans, observance of recommended farming procedures, and other regulations

30. Harbeson, Nation-Building in Kenya.

31. Iain MacLeod, "Blundell's Kenya," Kenya Weekly News, 27 March 1964.

32. Harbeson, Nation-Building in Kenya. A contrary view is expressed by Gary Wasserman in his The Politics of Decolonization: Kenya, Europeans and the Land Issue (London: Cambridge University Press, 1976). My rejoinder appears in the American Political Science Review (June 1978).

33. Harbeson, *ibid.*

34. Harbeson, Nation-Building in Kenya.

the government might propose. The plots could not be subdivided, transferred, or encumbered without the consent of the ministry. Settlers were required to maintain their domiciles on the plots. Settlers of limited means experienced difficulty in meeting the repayment conditions which took only limited account of natural disasters, payment delays for crops, excessive charges for plowing, and participation through cooperatives in purchasing capital equipment left behind by the Europeans. Settlers enjoyed only limited "due process" in adjudication of any disputes concerning observance of the terms of tenure.

Cooperatives were established to give a semblance of local self-government to the settlers, but membership became compulsory rather than voluntary. Cooperatives were obliged to purchase capital equipment left behind by the Europeans over the objections of the Department of Cooperative Development, and the cooperatives were given little room for maneuver under increasingly strict central legislation. The reasons for this strong central management were two. One was a desire to complete the country's liberation from colonial rule by repaying as fast as possible the loans for the schemes provided by the British government, the Commonwealth Development Corporation, and the World Bank. Another was the prevalence of "corruption" which was defined broadly enough to include not only criminal misbehavior, but protest against the terms of tenure and the inability of the settlers to give weight to other development priorities such as schools and clinics.

As the settlement schemes have matured, divergences of purpose and concept between planners and participants have broadened and deepened. The same unauthorized transactions that occurred in the land consolidation program (Model #1) have reappeared on the settlement schemes. While additional resettlement occurred to relieve concentrated unemployment in particular areas, many plots have found their way into the hands of political elites, sometimes facilitated in classic fashion by settler indebtedness. Current total indebtedness of the settlers after five years of resettlement had reached over 3 million shillings,³⁵ reflecting not only malfeasance but unreconciled difference in priorities between government and settlers.

The Kenyan government seems to have viewed the schemes as something of an albatross, a bitter parting gift of departing settlers and colonial administrators rather than the realization of the goals of nationalism and independence. For the settlers, however, there is evidence that they did quite well given the resources available, perhaps as well as those on larger "low-density" plots. Many of those who did do well were not in fact landless or unemployed at the time they entered the schemes; they and not official support must be credited for the success they enjoyed.³⁶ Settlers who achieved higher incomes appeared more willing to repay the loans.

The conclusion is quite clear that the settlers and the government entertained quite different perceptions of the elements and priorities of agrarian

35. William Barber, "Land Reform and Economic Change among African Farmers in Kenya," Economic Development and Cultural Change 19:1 (1970/71): 6-24.

36. Harbeson, Nation-Building in Kenya.

reform. Neither succeeded, or perhaps even recognized the importance of both parties converting to a common belief system concerning how post-independence agrarian society in Kenya should be constructed. Few processes of dialogue were, or apparently are, available for reconciling the strongly held but un-brokered differences in belief systems between the parties.

Model #4

Land Redistribution Creating Tenants of the State in Transition to Usufruct within Organized Rural Communities. Land reform along such lines is in progress in Zimbabwe where former European estates, many of them abandoned, are being subdivided and redistributed to over 160,000 rural families. The Government of Zimbabwe has made clear its commitment to some form of socialism and views the settlement schemes as means to that end. The precise definition of that socialism is yet to be established, and the government has indicated that it will not institute such socialism until the rural peoples are ready for it.³⁷ It is not clear, however, that the new settlers are ready for one likely manifestation of Zimbabwe socialism: villagization.

The differences between the Zimbabwe and Kenya resettlement schemes are the more interesting because of the similarities in the nature and circumstances of the two programs. The element of surprise in Kenya's propulsion to independence was missing in the case of Zimbabwe, which achieved independence on the basis of protracted negotiations in London. As in the case of Kenya, settlement schemes were a price for European acquiescence in the transition to majority rule. Whereas the Kenya African parties were weak at the time, those in Zimbabwe--if only barely in alliance with one another--had become seasoned and sinewy after long years of struggle for independence. No moderate European party existed on which to hinge a reconciliation in agrarian development and politics between Europeans and Africans before independence as has been the case in Kenya. Many Europeans had already abandoned farms as a consequence of the war well before independence occurred, but no resettlement effort took place before the Mugabe government came to power.

More than in the Kenya case, therefore, resettlement of Africans on the former European estates has taken place on African terms and conditions. Of special importance is the fact the African settlers have not been obliged to pay for the land. Prices for land were not set on the basis of a particularly good year for European farmers as they were in the Kenya case (1959), but at 1976 levels when the war had already begun to depress farm values.

Plots have been created on the basis of what is required to enable the holders to earn the minimum wage, well above that sought for the Kenya farmers, even allowing for inflation. The settlers are to be served by schools, clinics, roads, and water points, paid for from funding for the schemes, thus

37. Mugabe has made this point several times, most recently in an exclusive interview for Africa Report, September-October 1982, and in Harare Herald, 6 February 1982.

eliminating many of the concerns felt at the time by the settlers in Kenya. Cooperatives are to be formed on each of the schemes, but unlike Kenya there is little or no pressure on them to acquire any capital equipment the European farmers may have left behind.

Initially planned for 18,000 families on approximately 1.1 million hectares, the program has been expanded to accommodate nearly nine times the original number of families. It is thus far larger than the Kenya effort. Where Kenya followed the Million Acre Scheme with subsequent piecemeal quick resettlement efforts, Zimbabwe has planned for a large program from the outset. Where resettlement quickly became anomalous in Kenya's post-independence development plans, the schemes in Zimbabwe appear likely to remain at the heart of the country's rural development effort for the foreseeable future. Where Kenya's newly independent government came to share with the relevant international development community (CDC, IBRD, and expatriate planners in key ministries) the view that resettlement was a costly political necessity for the transfer of power but inappropriate for a post-independence development strategy, the Mugabe government appears to have resisted a similar view put forward by at least one prominent external donor.³⁸

The subjects of the reform were chosen from surrounding, overcrowded, communal areas (the Tribal Trust Lands, or "reserves" established by European administrations). While settlers were not required to be landless or unemployed at the time of settlement, they have been expected to surrender any assets in land they may enjoy in the communal areas. The first schemes have been heavily concentrated in the eastern portion of the country, including most of the Shona communities, partly because of the pressure of landless former freedom fighters surging across the border from their former exile in Mozambique. Another reason for the eastern bias of the schemes is the refusal of people in the western portion of the country, many of them Matabele, to participate in the program, presumably at the behest of Joshua Nkomo's party which has lost much of its influence in the national government.

The settlers are themselves in effect tenants of the state as in the case of Kenya. Settlers have been granted permits to reside on the schemes, cultivate, and graze livestock. These permits oblige the settlers to abide by any regulations the government may impose, on pain of summary dismissal from the scheme without any recourse. The schemes provide no security of tenure, therefore, but settlers remain liable for payment of taxes, adherence to destocking orders, and other costs of participating in the program. It may be the case that women do not have rights to acquire tenancies in their own name on the schemes.³⁹ The settlers have no guaranteed authority to sell or encumber the land or bequeath it to their offspring. Even the dimensions of the plots may be changed without settlers' consent if in the government's judgment this becomes necessary.

38. Zimbabwe Country Development Strategy Statement (Washington: U.S. Agency for International Development, 1982).

39. E. Berry, private communication.

The immediate governance of the schemes, as in the Kenya case, rests with settlement officers on the schemes. The settlers have elected committees from their ranks on each of the schemes to serve as an advisory body for the settlement officer, more democracy than was ever proposed or enacted for the Kenya schemes. Real authority, of course, rests with the ministry which to date relies upon pre-independence legislation vesting control of land in the state. For this reason lands "purchased" by the government in fact are not transferred to the government but revert to it. While working control over land allocation and dispute adjudication at the local level has been transferred from the "chiefs" to the elected councils dominated by the political parties, the basic institutional framework for rural development has yet been unchanged from what it was before independence. The Mugabe government has only just recently embarked on a major restructuring of its legislation and governing institutions which, if it occurs, will mark a further departure from the Kenya model.

The underlying conceptual differences between the Kenya and Zimbabwe re-settlement efforts lie not only in the terms of tenure and importance assigned the effort but in the ultimate objective of the rural development in and outside the schemes. The Mugabe government has made clear its intention to institute some form of socialism, the specific outlines of which have yet to emerge. One manifestation on the settlement schemes is the insistence that settlers live in villages, for administrative convenience and economies in service delivery, to be sure, but also to establish a sense of rural community consistent with socialist ideals. Kenya, too, proclaimed a form of African socialism, but from the first there were few empirical manifestations in the structure of the rural economy.

The Mugabe government's pledge to establish socialism only in forms and at a rate that people have come to accept or want is a distinctive application of the principle that underlying belief systems and conceptions of agrarian reform and development must in fact, not just in principle, be shared by planners and participants alike. It is still too early to tell how profoundly the Mugabe government means to abide by this pledge. Initial indications are that there are a number of important questions reflecting underlying concepts of agrarian structure that will need to be brokered if the settlers discover that the government is serious about dialogue. The terms of tenure is one such area. Another is the villagization requirement, which does not appear to be welcomed, at least by some of the first settlers.⁴⁰ The whole relationship of the settlements to the surrounding communities, a problem also in the Kenya schemes, needs to be addressed. At what point and on what terms are the settlers to be reintegrated with the surrounding communities? There may be problems of the government attempts to reduce the initial size of holdings already occupied because of population pressures. The difficulties of establishing promised services and agricultural inputs is already an issue.

40. John W. Harbeson, "Land Policy and Politics in Zimbabwe," Current History (March 1982), pp. 121ff.

Model #5

Relocation of Smallholders from Homestead to Collectivized Villages without Changing Usufructuary Tenure Patterns. Villagization was the rural embodiment of Julius Nyerere's concept of ujamaa. The government abolished freehold tenure for the few who enjoyed it shortly after independence, confirming the previous colonial administration's policy of preventing the evolution of private freehold tenure.⁴¹ To foster ujamaa, Nyerere sought to move dispersed households into villages where "traditional" patterns of cooperation could flourish, as he believed they had in pre-colonial Tanzania, and rural class stratification could be prevented. Villagization also introduced economies of scale in the use of scarce skilled personnel and the cost of administering social services. In fact there appeared to be a fundamental conflict at the local level between pursuing the self-reliance Nyerere postulated as the essence of African socialism and being required to accept bureaucratic directives telling local communities what they should do to help themselves and how they should do it.⁴²

While villagization was attempted throughout the rural areas, there were important regional variations in rates of acceptance, the poorer areas responding with more enthusiasm.⁴³ The villagization took place in phases: first, movement to the villages after which settlers were permitted private cultivation; second, the creation of collective production within the framework of cooperatives. Phase two proved to be time consuming and difficult to administer, in part because of settler reluctance, so that by the early 1970s, five years or so after the Arusha Declaration, only about 10 percent of the villages and 15 percent of the Tanzanian rural areas were collectivized.⁴⁴ Cohen notes that those who previously acquired land on an individual basis were to be won over and not dragooned into the new system.⁴⁵ Nyerere, like Mugabe, pledged not to achieve socialism by compulsion, but compulsion did occur.⁴⁶

It is not clear that in instituting villagization and collectivization, the Tanzania government placed as much weight as appropriate on the risks to farmers of limited means entering upon the new system--though many of the poorest did venture into the program--or that sufficient effort was made to sort out at the local level the costs and benefits to the participants or to

41. K.M. Maini, Land Law in East Africa (Nairobi: Oxford University Press, 1967), among many possible sources.

42. Cohen, "Land Tenure."

43. L. Fortmann, Decentralization and Development in Tanzania (Ithaca, NY: Rural Development Committee, Cornell University, 1976).

44. Dean E. McHenry, "The Ujamaa Village in Tanzania: A Comparison with Chinese, Soviet, and Mexican Experience with Collectivization," Comparative Studies with Society and History 3 (1976): 347-70.

45. Cohen, "Land Tenure."

46. Fortmann, Decentralization and Development.

anticipate and modify likely problems.⁴⁷ The program may also have been hampered by the competition between party and bureaucracy in its management. It is not clear that either institution possessed the resources to do the job with the attention to detail and the concerns of individual communities that was required. In any event, one of the underlying problems of villagization with collectivization is that the self-reliance proclaimed as a key element of ideology at the national level appears not to have been realized at the local level. Local peasants appear in a true sense to have been forced to be free.

Model #6

Abolition of Private Ownership Enjoyed by the Few and the Institution of Usufructuary Tenure for All Managed Locally by Peasant Associations Without Much Relocation. Public ownership of land has been central to the Ethiopian revolution, in progress since 1974. The Mengistu government sought by this reform to empower the peasantry and, partly through such means, to acquire the political legitimacy it needed to carry out the revolution and prepare the way for a new political order.⁴⁸ Especially in many regions of the south, tenancy on unfavorable terms symbolized creation of an "internal empire" by Haile Selassie's predecessor, Menelik II. The warm welcome for land reform did not automatically produce legitimacy for the regime, willingness to participate in government-supported marketing schemes, or agreement on the suitability of scientific socialism as a new basis for defining Ethiopian nationhood.

Land tenure patterns in pre-revolutionary Ethiopia were enormously complex and varied. Roughly, however, there were four broad categories of landholding: kinship tenure, village tenure, private tenure, and government tenure. The implications of private tenure in the southern portions of the country were explored briefly in the discussion of Model #2 tenure systems. Kinship tenure in Ethiopia is known as rist and is characteristic of much of the northeastern quadrant of the country, which constituted the country before its vast expansion at the hands of Menelik's armies. The rist areas are divided into many geographical units, each originally established by a founding father. The Amhara ambilineal descent system enabled persons to claim access to land through both the maternal and paternal families.⁴⁹ The welter of complex and competing claims to land were resolved by well established local political processes which measured both the strength of the claim and the status of the claimants. Generally ristegna (rist-holders) enjoyed usufructuary claims to the land. In principle, the lands were not to be sold. Superimposed on the ristegna, however, were gult-holders, those given

47. Ibid.

48. John W. Harbeson, "Socialist Politics in Revolutionary Ethiopia," in Socialism in Sub-Saharan Africa: A New Assessment, ed. Carl Rosberg and Thomas Callaghy (Berkeley: Institute for International Studies, University of California, 1979), pp. 345-74.

49. Allan Hoben, Land Tenure Among the Amhara of Ethiopia (Chicago: University of Chicago Press, 1973).

sometimes hereditary grants by the crown to receive tribute due the state from rist lands.

Village tenure, characteristic of parts of Tigre and Eritrea, is based on residence rather than kinship. Land is periodically redistributed by village leaders to take account of new residents and the departure of others. Holders of village tenure enjoyed usufruct and did not have the authority to sell or bequeath their holdings. Private tenure, as we have seen in Model #2, was established through the conquest of the southern regions by Menelik. Lands not so allocated were retained as government land. Pastoral communities roam much of this land. Where it was awarded to individuals, typically soldiers or government employees, in lieu of salary, the government retained the residual right to dispose of the land.

On the eve of the revolution, Ethiopian land tenure systems were characterized by concentration of holdings, absentee landholders, insecure tenancies, fragmentation of holdings, and great inequalities of status and power based on land. Over much of the realm land tenure systems reflected the alienation of traditional patrimonies as a result of imperial conquest.

One of the principal revolutionary objectives in Ethiopia has been rural land reform. Proclamation 31 of 1975 abolished all private ownership without compensation.⁵⁰ Peasant associations were to be created having the responsibility to distribute land on a usufructuary basis to typically a hundred or so families within the jurisdiction of each. No plots were to exceed 10 ha, and no one except the old and the infirm were to be permitted to hire labor. The proclamation established priorities for redistribution of land. Curiously, former landlords, once dispossessed of their previous estates, were to share first priority along with their former tenants, but the tenants that such landlords may have evicted came after their malefactors! Organizations such as the church were authorized to receive land, but received the last priority. All payments to former landlords were to cease immediately and landlords were to parcel out their oxen to their former tenants.

Peasant associations assumed large responsibilities under the reform. In addition to allocating the use of land, they were obligated to help establish cooperative societies for development purposes and to adjudicate most land disputes. Subsequent proclamations endowed the associations with legal personality and invested them with ever increasing degrees of responsibility for such activities as provision of educational resources and the defense of their local communities. Ministry of Land Reform officials were to assist local peasant associations in their adjudication work as well as other areas, but the land reform clearly implied that local knowledge would be the basis for adjudication in such matters as boundaries. After confirming the legal status of associations, the military regime acted to qualify the delegation of responsibilities to the peasant associations. Through hierarchies of district and provincial-level organizations, the peasant associations were obliged to recruit militia

50. "Proclamation #31 of 1975," Public Ownership of Rural Lands, Art 3, Sect 1 (Govt of Ethiopia, 1975).

for the 1976 and 1977 Eritrean campaigns as well as for the Ogaden war. Through cooperative societies, peasant associations have been given a great deal of responsibility for promoting local participation in officially sponsored development campaigns.⁵¹

The rist areas of the north were treated somewhat differently than other areas under the proclamation. Peasant associations in these areas were to perform the same functions as those elsewhere, except that they were not required to redistribute land. Implicitly the Amhara rist system was allowed to continue to function as it had in the past, whether because it appears relatively egalitarian or because the military regime was not prepared to challenge existing systems in these areas.⁵² In effect the derg created for the former empire as a whole a land tenure system not unlike that which had obtained in the north, except for the ambilineal descent system and the superimposed gult. The other exceptions to the sweep of the proclamations were the Ethiopian Orthodox Church whose control over land was not directly challenged, pastoralists on government land whose security of tenure the proclamation purported to strengthen, and very large commercial agricultural estates which were to be nationalized and run as state farms.⁵³

The military regime relied on the Zemecha students and teachers to help administer this quite radical and thoroughgoing program. These were high school and university students and teachers lifted out of the classroom and distributed around the country to explain and mobilize support for revolutionary tasks such as the land reform. Many of the students wished to expropriate landlords, eliminate local bureaucratic supporters of the old order, and establish collective farms far more rapidly than the military regime was prepared to countenance. The result was the alienation of the most vocal and energetic constituency in the country favoring a socialist course for the revolution.

Throughout the Mengistu government's struggle to consolidate power and snuff out insurgencies in Eritrea and the Ogaden, opposition has come as much or more from the left as from the right, from those favoring an end to imperialism, internal as well as external, the elimination of privilege perpetuated by the old order, and the quest for scientific socialist answers to the country's development problems. The violence that has characterized certain periods during the military government's eight-year tenure and the large numbers of Ethiopians in exile have been caused in large part by the refusal of civilian proponents of revolution to accept the legitimacy of military leadership on this course. The Mengistu government for its part has resisted democracy or civilianization of the government out of an apparent belief that many

51. A good summary of the proclamation is John Cohen and Peter Koehn, "Rural and Urban Land Reform in Ethiopia," African Law Studies, no. 14 (1977).

52. The efforts of Haile Selassie to modify even slightly the land tenure customs in these regions met stiff armed resistance, recounted in Hoben, Land Tenure Among the Amhara.

53. Article 3, Sect 1 allows organizations the care of land; Art 16 makes special provision for large-scale estates; and Art 19-27 treat communal and pastoral areas specially.

civilian cadres had been coopted by the *ancien régime* and could not be trusted with leadership until the revolution had moved further along its course.

The insurgencies in the Ogaden and Eritrea, on the other hand, appear to have been based on the premise that Ethiopia itself as an entity is contradictory to scientific socialism because it was created in its present form by imperialism. The more the Mengistu government has devoted resources to denying these claims, the more it has been placed in the position of defending an imperial creation, thus undermining its apparent commitment to scientific socialism, or even to liberal democracy from the perspective of others. Perhaps right-wing opposition to the military regime would have permitted the military regime to appear somewhat more moderate and progressive to its critics from the left. The rural land reform, in particular, by undermining a foundation for the consolidation of the empire, may have seemed to invite the dismemberment of the country.

Not least among the Mengistu regime's problems of constituency-building have been the very rural families who benefited from a reform that more than any other single act symbolized the coming of the revolution. Having been empowered by the reforms, the new peasants and their associations appear to have been reluctant to embrace attempts of the Addis Ababa regime to mobilize them for collective farming in place of their peasant association-sanctioned private usufruct. Moreover, the regime appears to have had difficulty persuading the newly established peasant farmers to increase marketed production. The reform has given the rural poor a basis for insisting on favorable internal terms of trade and provision of consumer goods in return for marketing their output through centrally sponsored channels. In effect, therefore, this revolutionary reform which was so much in the interests of the beneficiaries, has empowered them to insist on "negotiations" with the government on matters of economic organization. There is little provision for such brokering in the regime's conceptions of scientific socialism. While necessary, such brokering may be outside the capabilities of a regime not certain enough of its own legitimacy to risk departures from its own blueprints in order to increase that legitimacy.

Conclusions

The conclusion indicated by the foregoing review of Subsaharan African models of land tenure is that continuous brokering of the interests of national elites and local producers is essential even in matters of land reform clearly undertaken in the interests of the producers. In differing ways all the models of land reform have appeared at certain points to connect planners' and participants' interests. However, the interests of neither party are necessarily static over time and deeper problems may surface when more immediate ones appear to be resolved. Applied research on participation in rural development has centered on the dynamics of local involvement but has recognized the indispensability of adequate central support for such work. This paper goes beyond that point to suggest that central government policy-makers must themselves evolve mechanisms for brokering changing and differing conceptions of a just and prosperous rural order if land reforms as well as other programs instituted to help the rural poor are to succeed in the long run. Land reform itself must be reformed to include articulation and resolution of differences of belief concerning the ultimate goals of such land reform.