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LAND REFORM AND PARTICIPATION OF THE RURAL POOR
IN THE DEVELOPMENT PROCESS OF AFRICAN COUNTRIES

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David J. King*

The presumption of this paper is that "participation of the rural poor" refers to the active and willing participation of rural peoples in the development of the nation-state in which they reside. Such participation requires that these people not only share in the distribution of the benefits of development, be they the material benefits of increased output or other benefits considered enhancing to the quality of life, but that they share also in the task of creating these benefits. For participation of the rural poor to be "willing," it is necessary that these people consider themselves to be full members of the state and that the state recognizes their status as citizens. It also requires that these citizens consider the development objectives of the nation-state to be commensurate, or at least not inconsistent, with their private objectives. Thus the development process has both political and economic dimensions.

The role of development planners, officials of nation-states, and other people and agencies (including the World Bank) which purport to foster the development process, must see the creation of a structure whereby more and more people have opportunities to participate in that process

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as the objective of programs, projects, and policies they suggest and instigate. This may be achieved by providing economic inducements and incentives, political and economic security that provide the framework for new opportunities, and by helping people to develop their abilities so that they can take advantage of new opportunities. Development is achieved by people able and willing to take advantage of new opportunities to participate in the nation-state economy. What constitutes development for a nation-state should not be defined by a powerful few who either hope or require that people agree. It is the participation of the people which shapes the development process and substantively defines development of the nation-state.

It is evident that the majority of people (but not all) who reside in what are considered the developed countries of the world are participants in the development process, both politically in that they are recognized as full citizens of the nation-state, and economically in that they have a job, occupation, or opportunity recognized as part of the business of the nation-state. Likewise, a common characteristic of the diverse less-developed countries of the world is that the majority of their peoples are not active participants in the development process. Most people do earn a living, but in a manner that involves only their survival, subsistence, and traditional way of life. Unless they are recognized as citizens with political rights which are enforceable, there is no security and few inducements for people to use their labor and abilities in ways that enable them to control and pursue those of their objectives which are consistent with those of the nation-state.

Dimensions to Increasing Participation in the Development Process

Increased participation in the development process of the presently developed countries¹ has been a function of two interdependent (both equally essential) factors: first, the expansion of the wealth of the nation as a result of the increased productivity of resources through improved efficiency and economy in their use, combination, and organization; second, the creation of property rights and expansion of the scope of property to include the expected exchange-value in the future marketability of anything.

As is still true today in many LDCs, most people in Britain, U.S., Western Europe and other presently developed countries once were concerned with scratching out a living with meager resources at their disposal and were continually at the mercy of nature. Economic activity was primarily based on the mixing of one's labor with the soil and other natural resources. From the eighteenth century onwards great strides were made in reducing this critical source of debilitating insecurity in the lives of men.² New resources and technologies, and new ways to combine resources, especially the potential productivity of the division of labor, were discovered, tried, and adopted. Increased productivity of resources released human potential and energy from the struggle to subsist to the pursuit

¹The ideas developed in this section depend heavily on John R. Commons, Legal Foundations of Capitalism (University of Wisconsin Press, Madison, 1923). Commons draws his material from the Anglo-American experience. For an application of Commons' ideas to the broader scope of the agricultural development problems of the LDCs of today, see K. H. Parsons, "Agrarian Reform Policy as a Field of Research," U.S.D.A.-E.R.S. Paper, Washington, 1962.

²Commons, Legal Foundations of Capitalism, p. 41.

of economic expansion and other development objectives. It is the highly visible consequences of improved efficiency and new technologies in the histories of present-day developed countries that has led many development planners and policy makers for the LDCs to concentrate, at times almost exclusively, on trying to release the man-nature constraint to the productivity of resources by attempts to discover and adopt new technologies and resource combinations suitable for these countries.

However, exclusive focus on reducing the uncertainty that comes from the low productivity of resources is inappropriate, because a more critical insecurity facing man is the possibility of arbitrary intervention in his affairs by a person or persons more powerful than himself. Since the majority of the people in the pre-development phase of the present developed countries had to survive and subsist by dint of their efforts to till the soil, it was in the interest of all that rules be developed and enforced which prevented a man from benefiting at the expense of another's subsistence opportunity. Over time, the customs of the community came to protect the right of everyone to a subsistence opportunity against the arbitrary action of others, but by the same token, it became difficult for an individual or group to take advantage of opportunities to improve their own lot beyond the subsistence level.

A fundamental change has been the reduction of these insecurities of life so that the energies and enterprise of people are no longer primarily directed towards survival, and mere subsistence. They can now be used for an individual's own benefit, so long as one's efforts do not unreasonably exploit or compromise the efforts and objectives of others, and are considered consistent with the public interest. Much, if not most,

of the increased productivity of resources has been achieved through the enterprise and innovativeness of people who expect the state to back their personal claims to at least some proportion of the rewards of their efforts.

For the majority of the people in the developed countries of the Western world, the creation, and widening scope of property rights recognized by the state provided the certainty necessary for active and willing participation in the development process. Property rights provide persons or groups of persons³ with the immunity against the claims from other persons, be they private individuals or public officials.

In most Western countries, the pre-development phase was primarily an agricultural one. Hence property emerged first as the rights to the physical thing--land. The key to the creation of property rights in land is the commutation of indefinite obligations into fixed rents and taxes, which guarantee that the property holder can use the residuum of his opportunity from rights in land for his own benefit. The property holder has the power to enlist the state on his behalf if others attempt to infringe on his rights.

Property provides the basis of security, liberty, freedom from constraint, citizenship, and the opportunity for each property owner and citizen to participate in both the government and the wealth of the nation-state, i.e., in the "commonwealth."

Property gives the owner both the power to enlist the officials of government in one's behalf and a common interest with other property

³Property rights are not vested exclusively in individuals in developed countries; corporations, partnerships, cooperatives, unions are all examples of collective organizations recognized as legitimate by government, and owning property according to the rules and procedures established by such collectives.

owners in the continuing stability and development of the state. From the perspective of the property owner, the basic principle of participation in development of the commonwealth came to be: "Let any person get rich in so far as he enriches the commonwealth but not in so far as he merely extracts private wealth from the commonwealth."⁴ From the perspective of the nation-state, "the question to be asked is not what is a private purpose over and against a public purpose: but, is the private purpose also a public purpose, or merely private?"⁵ The role of government in the development of the commonwealth is not that of specifying what people should do, but of setting limits as to what citizens may not do in pursuit of their private purposes. Between the areas an individual must avoid there is a zone of private discretion. The pursuit of legitimate private purposes shapes the development process and expands the commonwealth.

To attempt to give a full account of how the limited agricultural commonwealth has been and can be expanded to become a commonwealth of all the people is inappropriate in the context of the topic of this paper, but an outline of the changing scope of the concept of property may be helpful in explaining the basis of inclusion of the masses of the people.

The rent bargain concept of property is of a physical thing and the uses it can be put to--i.e., corporeal property. The courts enforce the right of the owner to the use of the land and restrain others from trespassing and from any action that would compromise the power of the owner

⁴Ibid., p. 227.

⁵Ibid., pp. 326-7.

to increase the supply of goods and the use-values of the property. Although a subsistence farmer may derive security and liberty from the protection of the physical thing owned, land, modern farmers or farming groups produce and sell their products. They produce for the exchange-value rather than use-value of their crops. Land gives them more than producing power; it gives them the bargaining power to increase exchange-value. Exchange-value is not corporeal since "it is the market-value expected to be obtained in exchange for the thing in any of the markets where the thing can or might be sold."⁶ The transition in the meaning of property from specific things to anything intangible that has exchange-value requires that the transferability and negotiability of assets be recognized as legitimate. Legally recognized intangible property rights have been expanded beyond agriculture so as to include all facets of commercial and business activity including property that adheres to people or persons themselves.⁷ In the developed countries of the Western world, the widening scope of property rights has formed for the majority of people the basis of the right to share in the commonwealth and of the opportunity for active and willing participation in the development process of the nation-states in which they reside.

A critical issue for less developed countries where participation of rural people in the development process is limited in the expansion of the commonwealth through incorporation into itself of increasing

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Ibid., p. 19.

⁷The enforceable rights of labor to pursue an occupation, to negotiate the value of compensation, and to enhance opportunity through education are examples of intangible property that adheres to the person--personalty, and not realty.

numbers of people who reside in the country. In the presently developed countries of the Western world, it has usually been possible for the participants in the development process of the nation-state to agree that it is in the interest of the commonwealth that some part of the increased economic wealth of the nation be used as the means to create property rights in persons who are outside the process so that there may indeed be increased participation in the future. Such a policy is in the interest of existing participants, especially when a majority of people are outside of the commonwealth, because non-citizens may well resent their impoverished state and, associating it with their exclusion from the commonwealth, try to destroy the commonwealth. There is little to lose for those who are excluded and see no foreseeable change in their status in trying forcibly to replace the existing structure of the economy with one that might include their participation.

Some other points need to be borne in mind when increased participation in the development process of Western countries is considered for the purpose of throwing light on how to increase participation in the development process in LDCs. First, is that the inclusion of people as property owners and citizens with opportunities to participate in development was a slow process, and one that included much struggle, some violence, even revolution and civil war. Although conflict and some struggle are probably inevitable for the majority of people in less developed countries to achieve participant status in the development process, in many of these countries there are reasons to believe that the process of inclusion need neither be so slow, nor be so marked by severe nation-wide revolutionary upheavals. Optimism in this regard is based on two factors.

First, because LDCs can adapt and adopt the backlog of skills in organizing resources to be more productive and the technologies developed elsewhere, there is considerable potential for more rapid expansion of (if not distribution of) wealth in these countries than was possible in Western Europe. Second, especially in Africa, but also elsewhere, many of the political leaders of less developed countries are acutely aware of their responsibility to attempt to represent and act on behalf of all the people in their efforts to promote national development; this is a sharp contrast to the attitudes of nineteenth-century and earlier leaders in Western Europe.

The second point to be borne in mind when considering the relevance of developed country experience is that the majority of people achieved participant status as laborers in wage employment and not as owner-operators of farms, nor as businessmen or entrepreneurs. The agricultural commonwealth provided relatively limited participation of rural people in the development process. However, it did provide the first most important basis of participation from which others grew. In the less developed countries it is to be hoped, and expected, that opportunities to participate in the development process will be created simultaneously in agricultural, commercial, and industrial sectors. In fact, with rapidly increasing populations, who are often aware of the advantages of participation in the development process and actively demanding an opportunity to do so, it is essential that opportunities to participate be developed in every sector. Since the majority of people in less developed countries are predominantly rural and rely on their use of land as the basis of their subsistence opportunity, the land will have to provide the basis both of

opportunities to participate in the agricultural development process of retaining and to retain the customary means of subsistence for increasing numbers of people for some time to come.

The final point to be borne in mind in relating developed country experience of increasing participation to less developed countries concerns the nature of customary rules of behavior in traditional society, and the way in which they are modified and generalized in the development process.

In the developed countries of the Western world the establishment of an agricultural commonwealth through the commutation of indefinite tithes and rents into fixed money rents and taxes led to the gradual disappearance of those personal reciprocal obligations to defend each others' opportunity to survive and subsist. The customary institutional arrangements were generalized into law which depersonalized and formalized the personal reciprocal obligations into contractual obligations.

It is likely that in the less developed countries the creation of opportunities to participate in the agricultural development process from opportunities to subsist will also entail the depersonalization of the customary institutional arrangements into some form of limited contractual agreements. However, it does not necessarily mean that these depersonalized contracts will, or should be, on an individual basis. If, as in many African countries, a tribal lineage group or extended family is the customary unit for organizing both the economy and the society, it may well be that the formalization and depersonalization of customary institutional arrangements into a system of rules sanctioned by the nation-state should be based on some, or one, of these collective organizations.

It should be emphasized that the concept of land reform proposed in this paper is one that takes as its premise that the customary working rules with regard to the use, occupancy, and ownership of land incorporated into the

traditional system of land tenure have to form the basis for the new system of land tenure. The importance of building on, generalizing, and transforming the customary working rules and institutional arrangements when a new system of land tenure is to be established is exemplified in most successful land reform programs. Land reform that imposes a system of land tenure which replaces the existing system by fiat is likely to be alien to the rural people and incompatible with the customary working rules with regard to land that they understand and in which they have confidence. Such land reform is unlikely to provide the basis of increased participation in the development process.

On the basis of the preceding analysis, four sets of circumstances can be identified which create difficulties for less developed countries in increasing participation of their poor (and, at present, predominantly rural) people in the development process. It is also possible to indicate whether or not these difficulties are generally experienced:

- (1) Where the resource base is small in relation to the increasing number of people who are trying to eke out a subsistence livelihood by using it, use of resources is relatively efficient, and prospects for increasing productivity several fold remote, the possibility of using part of the resource base to provide opportunities for many people to participate in the development process are diminished. This difficulty is worsened where population is increasing rapidly. It is particularly severe in those countries where there is a high density of population in relation to land available as the basis of agricultural subsistence opportunities, and only insignificant non-agricultural enterprises.

Many of the South Asian and Southeast Asian countries face this kind of difficulty to some degree in increasing participation

in their development processes. In many African and some Latin American countries there are land and other resources that could be used as the basis of agricultural development opportunities rather than for subsistence purposes. However, these countries will also be faced with the same problem as a result of rapid population increase unless major progress is made in the next decade in getting the development process underway.

- (2) Participation in the development process may be denied to a proportion, even a majority, of the population because a minority in the population controls an inequitable share of the resource base. The emergence and perpetuation of such inequity is frequently based on the inability of those excluded from an equitable share in the resource base to enlist the powers of government on their own behalf to rectify the situation. The powers of government are not used to rectify the situation but may reinforce and widen the division between the included and the excluded. The typical example of this kind of situation occurs in many Latin American countries.
- (3) Part of the population, again sometimes a majority, may find it difficult to participate in the development process of the nation-state because they have less than full citizenship, even though they do have access to sufficient land, resources, and other services (e.g., education) to form the potential base for participation. However, the use of resources at their disposal is a privilege from the state; it may well be subject to restrictions and controls formulated by the state. It is

quite possible that public officials may have (what they view as) the best interests of the people at heart in their actions, policies, and decisions, but there is always the insecurity that this need not be the case in the future. This kind of difficulty of increasing participation in the development process is particularly to be associated with colonial policy. There are few clear-cut cases of this problem left in the world, except perhaps for Southern Africa.⁸

- (4) Customary working rules and institutional arrangements may support and protect the right of all in the community to whom they apply to a subsistence livelihood, but may do so at the expense of prohibiting actions that might provide individuals, groups, or even the whole community an opportunity to participate in the development process of the nation-state.

⁸ Clear evidence that these indigenous populations regard citizenship as essential for their participation in the development process has been given recently in the case of Rhodesia. The government proposal for constitutional amendments that would, over time, give many Rhodesians greater participation and weight in policy formation for the nation was rejected, largely because the indigenous population was not convinced that it would acquire full citizenship. During the interim between commitment of the present government to future citizenship status for all Rhodesians sometime in the future and the actual realization of that citizenship, there would be little recourse for the indigenous population if there was a weakening of commitment among public officials who act on behalf of, and in response to, the (legally recognized) citizens of Rhodesia. The significance of demands for "No Independence before Majority African Rule" is that unless the African population receives full status as citizens of Rhodesia with the right to enlist the government's powers on its own behalf, before the government of Rhodesia is free to define public policy and public purpose solely in terms of what its citizens and their representative public officials decide is appropriate, then there is no assurance that the African majority population will ever become citizens. Without full and secure rights of citizenship, there is little prospect that Africans will be able, or be willing, to be participants in the development process of Rhodesia.

As already discussed, many countries must also resolve other problems that will limit rural participation in the development process. It is only in those African countries not as yet severely pressed by increasing population, where colonial intervention did not lead to the destruction of customary working rules and traditional institutional arrangements, but where there has been very little development of non-agricultural enterprises (and consequently limited opportunities for increased participation in non-agricultural development), transformation of agricultural institutional arrangements is the key problem to be resolved for increased participation of rural people in the development process.

The role of land reform is most directly to be perceived in the context of modifying the agrarian institutional arrangements so that they support participation of rural people in the development process. The system of land tenure, which defines the interrelationships between men in the use and occupancy of land, is the central feature of both the social organization and the system of economy of communities that rely on agricultural production as the basis of their subsistence and survival.

The subsequent sections of this paper focus on establishing the need for, and role of, land reform and other agrarian reforms that modify existing tenure systems and other institutional arrangements which presently protect subsistence opportunities but impede increased participation of rural people in the development process. The analysis is cast in the specific context of African countries, south of the Sahara, where it can be shown that this is indeed the major bottleneck to increasing rural participation in the development process.

There is little popular demand for land reform in most African countries (Ethiopia may be the major exception). Many African countries do face pressing and growing demands from the people for participant status in the development process. In order to make the case that land reform and/or other agrarian reforms may truly be necessary, three facets of the argument are developed to show:

- (a) that there is no prospect of providing opportunities to participate in the development process to all those who now demand, and will demand, such opportunities in the future, by expanding opportunities to participate in non-agricultural enterprises. This is shown in the discussion of how problems of inadequate participation in the development process emerged;
- (b) how traditional land tenure systems of Africa do impede increased participation in the agricultural development process through the same features that protect rights of all to a subsistence livelihood using the land. There is an attempt to show that the evolution and change of land tenure systems may also not necessarily lead to increased participation in the development process;⁹ and
- (c) the prospects for successful modification of land tenure systems through land reform and other agrarian reform measures to increase rural participation in the development process. They are appraised with reference to the experience of the few countries where this has been attempted.

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This is more difficult to show because colonial policy, or the mere introduction of colonial concepts of law, may be used to influence the evolution of land tenure systems, and vice versa.

The Emergence of Demands for Participation in the Development Process

The development problems and aspirations of the less developed countries first received serious consideration and attention in the early 1950s. The objectives for development policy, and the most appropriate ways to pursue them, established at that time have provided the rationale for most development efforts right up to the present time. Many African countries became independent in the late 1950s and early 1960s. The change in status led to increased emphasis and urgency for the achievement of development objectives, to be achieved through greater commitment to development policies similar to those already established prior to independence.

In the early 1950s it was not anticipated that the increasingly impatient demands of growing numbers of people in the less developed countries for opportunities to participate in the development process might endanger both the development efforts and the stability of these countries. These problems have emerged in the last twenty years in many African countries. From Lagos, Nigeria, to Addis Ababa, Ethiopia and Nairobi, Kenya, there are masses of people queuing up for an opportunity to enter into wage employment in the developing sectors. Many of these masses are prepared to risk their minimal secure opportunity to subsist off the land by migrating to urban areas where most of the new wage opportunities occur. Problems of increasing participation, especially of providing sufficient attractive employment for those who actively demand it, have become a major preoccupation of development social scientists and policy makers in many, if not most, less developed countries.

For the purposes of finding ways these problems might be handled, it is appropriate to lay out how and why the problems emerged, and why

the problems were not anticipated when the basic tenets of development policy were established in the 1950s.

Attention was turned to the development problems of the less developed countries as a sequel to the successes of reconstructing Europe following World War II. The redeployment of resources (especially capital) by the United States for the reconstruction of Europe under the Marshall Plan had performed near miracles in getting the growth process reestablished in Europe, and had also incorporated millions of destitute people into this process. The mass unemployment and poverty that accompanied a painful and slow reconstruction process after the 1914-18 World War were largely avoided after World War II. Resources poured into Europe for growth, alleviating many equity problems. The benefits from growth trickled down and were spread out among the disadvantaged masses. By extension, a similar process was anticipated in the less developed countries. Emphasis on growth would be compatible with resolving the equity issues.

What had been forgotten was that, although unemployed and poor, the European masses had already been active participants in the economies and nation-states of which they were citizens. They had the skills; they knew how to get a job in a national economy if one was available; and they knew how to protect their rights and properties against the economically powerful. The reconstruction needed was largely in the form of physical infrastructure--social and institutional infrastructure suitable for a developed economy was preexistent.

Only when the failure of growth to resolve the equity problems of LDCs became apparent was there a full realization of the difference in tasks between physically reconstructing Europe, and socially and

institutionally constructing a nation-state economy from one of the less developed countries of the world.

The second reason that problems created by demands to participate in the development process and the benefits of it were not anticipated is that in the developed countries gross inequities between those included as participants and those excluded persisted for generations and caused relatively few problems. In the context of the one or two decades it was (optimistically) expected to take for the benefits of growth to trickle down to most of the people in the less developed countries, it was assumed that the majority of people not included as participants in the development process would also be prepared to wait until an opportunity to participate was available. In the interim, some of the benefits of growth could be used to make their subsistence livelihoods less uncomfortable. When the time came, people could be provided incentives to cover the costs of transfer from the security of their subsistence livelihood to the opportunity to participate in the development process.

What was not anticipated was that the masses excluded from participant status would recognize that they had been left out and that it was desirable to be included. It has been the failure of growth in GNP to provide significantly increased participation in the development process combined with this recognition and the subsequent unwillingness to wait that has caused problems. It has led to demands for participation in the development process, mainly conceived of as the right to regular wage employment in urban and commercial sectors, with wages guaranteed in some way.

Economic historians writing about the nineteenth-century industrial development of Europe have long recognized that the absorption of laborers, although dramatic in consequences for production, took a long time. During this time, entrepreneurs induced labor into the modern sector at wages and

in conditions incommensurate with the marginal productivity of labor. Paradoxically, there was both exploitation and opportunity for the masses included into the modern sector.

The economists of the 1950s recognized that economic dualism existed in nineteenth-century Europe and posited it as a possible basis of twentieth-century growth in the less developed countries. W. A. Lewis¹⁰ suggested that economic growth could be stimulated by "capitalists" (users of reproducible capital who are willing to reinvest their profits in further economic expansion) hiring labor at wage rates equal to average productivity in the sector where such capital was not used (the subsistence sector). Such a wage would be below the marginal productivity of labor and would enable the capitalist to accrue greater profits for reinvestment and an even faster rate of capital formation and labor absorption. This was precisely the mixture of labor opportunity and exploitation that occurred in the nineteenth-century industrial revolution in Europe. Just like his classical predecessors (of whose work he was explicitly and cogently aware), Lewis argued that an economic incentive above the opportunity costs forgone may be necessary to persuade labor to transfer from subsistence underemployment (primarily agricultural) to capitalist-sector employment.

It is the presumption that an incentive would be necessary to persuade people to transfer into capitalist-sector employment that has been brought into question during the last two decades in the less developed countries.¹¹

¹⁰W.A.Lewis, "Economic Development with Unlimited Supplies of Labor," reprinted in A.H.Agarwala and S.P.Singh, eds., The Economics of Underdevelopment (Oxford University Press, New York, 1963), pp. 400-449.

¹¹The work of M.P.Todaro in analyzing the urban unemployment problem in Kenya suggests the serious consequences of continued urban-rural wage differentials even if the probability of urban wage employment is low. See M.P. Todaro, "A Model of Labor Migration and Urban Unemployment in Less Developed Countries," in American Economic Review, LIX, No. 1 (March 1969), pp. 138-48. The line of reasoning in this paper is not contrary to that of Todaro, but places more emphasis on the prospective erosion of subsistence opportunities and present paucity of opportunities to participate in the development process while residing in the rural areas to explain the persistence of rural-urban migration when migrants face semi-permanent underemployment or unemployment in the urban areas.

The problem has rather been how to persuade people not to abandon their subsistence livelihoods. One reason for this is that the advantages of being included in a developed sector have been demonstrated to the excluded people of the less developed countries through the very success of developed countries. Another reason is that less developed country entrepreneurs and governments have found it difficult, for political, social, and humanitarian reasons, to permit the harsh conditions and exploitation of their fellow men which occurred in nineteenth-century European development.¹² The higher than necessary wage rates enhance the attraction of developed sector employment opportunities. A third reason is that, unlike nineteenth-century Europe where the livelihood of the excluded was improving modestly as a result of both improved agricultural technology and (eventually) reducing pressures on land resources, agricultural technological improvements and increasing rural incomes in the subsistence sector of less developed countries have been few and far between.

The recognition of the benefits of inclusion in the development process by the people and their unwillingness to accept prolonged exclusion was bound to create development policy problems. What made the problem so acute was the unprecedented and unanticipated rates of population growth experienced by the less developed countries. In the late 1940s and early 1950s, demographers were projecting growth rates of population on the order of 1 to 1-1/2 percent per annum for most less developed

¹² There are some notable exceptions where exploitation has been severe, e.g., the exploitation of labor in plantations, mining enterprises, and domestic servitude in Portuguese Africa and South Africa. Harsh conditions are more widespread, because their mitigation is more difficult to accomplish where the resource base of a country is small in relation to its (growing) population.

countries. These growth rates of population were incorporated into the models of development that economists used. Actual growth rates of population have increased to 2-1/2 to 3 percent per annum. (See Table 1 for average annual population growth rates in selected African countries.)

Absorbing all those who demand participant status in the development process is a difficult task. When the population doubles in less than thirty years, the task becomes formidable. Few African countries have managed to increase agricultural production at rates significantly greater than the rate of growth of population (see Table 1). Although it does not substantiate the fact, this is indicative of the general lack of success in the creation of opportunities to participate in the development process through agricultural enterprise. It is not surprising that many African peoples have come to consider development to be an urban and industrial phenomenon. Participation in the development process is perceived to be mainly a question of non-agricultural wage employment. This is the impasse because, as Folke Dovring has shown in his historical analysis of the changing roles of the agricultural sector in the occupational structure of the developed countries,¹³ the absolute number of the working population engaged in agriculture or depending upon it is likely to increase during the early stages of the development process. The smaller the initial proportion of total population engaged in non-agricultural occupations, the greater the rate of expansion needed, and the more difficult is the task of absorbing all the increases in population into non-agricultural job opportunities.

¹³Folke Dovring, "The Share of Agriculture in a Growing Population," Monthly Bulletin of Agricultural Economics and Statistics, Vol. 8 (F.A.O., Rome, 1959), pp. 1-11.

Table 1. Agricultural, Population, and Production Data for Selected African Countries

Country	Increase in Agricultural Production Percent per Year		Increase in Population Percent per Year		Population in Agriculture (000)		Population in Agriculture as Percent of Total			
	1952-4	1959-61	1952-4	1959-61	1950	1960	1965	1950	1960	1965
	1959-61	1967-9	1959-61	1967-9						
Cameroon	3.2	5.1	1.8	2.1			4368			84
Congo (Zaire)	-0.1	-0.3	2.3	2.1	9084 ¹		10945	84 ¹		70
Ethiopia	2.9	2.9	1.7	1.9		18900 ²	20120		90 ²	89
Ghana	5.6	2.6	2.7	2.7		3944	4642		58	60
Ivory Coast	5.7	6.4	3.2	3.4			3105			81
Kenya	4.5	3.1	3.0	2.9			7821			84
Malawi	4.4	4.3	2.3	2.6	2078 ³	2765 ⁴	3158	92 ³	79 ⁴	80
Nigeria	3.4	0.4	3.0	3.0			46196			79
Rhodesia	6.4	2.1	3.3	3.2			3195			75
Senegal	5.7	3.0	2.3	2.1			2605			75
Uganda	2.7	4.0	2.5	2.5		5829 ⁵	6870		87 ³	91

¹1947

²1962

³1949

⁴1961

⁵1959

Source: Selected data from Annex Table 9A, Africa: Basic Data on National Agriculture, and Annex Table 10A, Average Annual Growth of Agricultural Production and Population in Developing Countries, in F.A.O., The State of Food and Agriculture, 1970 (Rome, 1970).

In most of the less developed countries of Africa there was little development of an industrial base prior to independence. Consequently, only a small proportion of the working population is engaged in non-agricultural occupations and most people still depend on agricultural livelihoods (70-80 percent of the total population depend on agriculture in many African countries--see Table 1). The relatively small non-agricultural base, in conjunction with rates of population growth of 2-1/2 - 3 percent now sustained for over a decade, means that the number of non-agricultural job opportunities would have to expand at the unattainable rate of 9-15 percent per annum if the number who must rely on an agricultural livelihood or become unemployed is not to increase. Even if there is immediate success in reducing the rate of population increase this will not be reflected for another fifteen years in the number of new entrants to the labor force looking for job opportunities. In Table 2 estimates of rates of increase in population and entrants to the labor force, along with estimates of the attainable rates of expansion of non-agricultural job opportunities for Nigeria, are used to calculate maximum agricultural population size in relation to 1970 agricultural population. Even with development policy that attempts to maximize the expansion rate of non-agricultural job opportunities, the agricultural population may well increase into the next century, by which time it would be anything from 45 to 200 or more percent larger than in 1970.

Even if the projected additions to the working population who will not be able to find opportunities to participate in the development process in industrial and other non-agricultural occupations are prepared to resort to their residual opportunities for subsistence agriculture

Table 2. Projection of Extreme Values for Agricultural Population in Nigeria

This table assumes that 70 percent of the total population was engaged in agricultural occupations or dependent upon it in 1970.

r (%)	z (%)	Year When Agricultural Population Would Reach a Maximum	Size of Agricultural Population Compared with 1970 Size (1970=1.00)
2.3	4	2009	2.43
	5	1986	1.44
	6	1977	1.17
2.5	4	2020	3.44
	5	1991	1.68
	6	1980	1.28
3.0	4	2067	17.59
	5	2007	2.98
	6	1988	1.70

r is annual percentage rate of growth of working population.

z is annual percentage rate of growth of non-agricultural job opportunities.

The values of r selected for analysis are the estimates of present labor force rates of increase (2.3 and 2.5 percent per annum) and of population increase (3 percent per annum) assumed in Federal Republic of Nigeria, Second National Development Plan, 1970-74 (Lagos, 1970).

Values for z selected are from two sources. W. A. Lewis, Reflections on Nigeria's Economic Growth, O.E.C.D. (Paris, 1966), estimates the maximum rate of growth of non-agricultural employment in Nigeria to be 5 percent per annum. In his analysis, C. R. Frank, "Industrialization and Employment Generation in Nigeria," Nigerian Journal of Economic and Social Studies, Vol. 9, No. 3 (November 1967), pp. 277-297, concludes that, although a major emphasis on non-agricultural job creation might enable a growth rate of non-agricultural employment of 6 percent per annum, 4 percent per annum was a more likely maximum sustainable growth rate.

Table 2 was extracted from D. J. King, "Agricultural Labour Force: Tables for Analysis of Sectoral Transformation over Time and their Use," Proceedings of Seminar on Population Problems and Policy in Nigeria (Ife, Nigeria, 1971). This paper includes the method of derivation of the figures and further implications of the analysis.

livelihoods (usually theirs by right of birth into a land holding group), there would most likely be increasing scarcity of land and other resources. In several countries or regions of countries in Africa areas of land suitable for subsistence cultivation are being subdivided to ensure that all who have a claim on the land can subsist on it if they so wish.¹⁴ This involves deterioration of the basic subsistence opportunity and further encourages young men to leave the rural areas. There has never been much to lose when a young person relinquished his rights to a subsistence living in search of urban employment. Yet even this right is subject to erosion as a result of population pressure.

The only possibility of avoiding the inevitable frustration of increasing numbers of people who seek the advantages of participation in the development process, but for whom there are no prospective opportunities in non-agricultural occupations, is the transformation of agrarian institutional arrangements, including the land tenure systems. The failure to create modern, investment-oriented agricultural sectors based on the participation of people in the rural subsistence economies who now use traditional systems of farming has been the most critical element in development efforts. The importance of agricultural development for overall growth has been recognized because of the need for balanced sectoral production if adverse sectoral terms of trade and structural inflation are to be avoided. Hence, the primary emphasis of agricultural development policy has been on attempts to increase production either by

¹⁴ This is happening in the Ibo areas of Nigeria (primarily the East Central State). Don Thieler, a graduate student from the University of Wisconsin, working in Lesotho has reported that land subdivision to provide subsistence opportunities is occurring in that country.

increasing the scale of production and/or research on agricultural innovations--seeds, fertilizer, pesticides, and mechanical equipment.

There has been some success in developing technology and improving techniques of production for agricultural export commodities. Improvements in coffee, rubber, and oil palm seed varieties adapted for conditions under which they are grown, and improved fungal and pest control of cocoa have come from long-standing research on agricultural export commodities. There was definite colonial interest in these crops, and as most are grown as single crops (in contrast to the multi-cropping of many food crops in Africa), improvements in their productivity are less difficult to achieve than for food crops. The success of increasing the volume in production of some of the export crops has to be tempered by the deteriorating terms of trade for them and bleak future international market prospects for their expansion.

Less success has been achieved in improving the productivity of staple food crops in Africa. There have been some recent advances in agriculture but, as yet, few accomplishments for most of the basic staple food crops, particularly the tuber root crops--yams and cassava (manioc).

Much of the financing for agricultural development has been spent on relatively large-scale production schemes, many of which have been disappointments. Some have been major, expensive failures--notably the groundnut scheme that was launched in the late 1940s in Tanzania, the Mokwa settlement scheme in Nigeria in the early 1950s, and Nkrumah's state farms conceived in the early 1960s. Emphasis on rural agricultural development schemes during both colonial and post-independence eras is indicative of the pervasive conviction held by many African and colonial administrators

and academics that the traditional African subsistence farmer and his small holding cannot be the basis of a modern agriculture. Agricultural development schemes have been designed as replacements for traditional agriculture.

More serious than the actual failure of many large-scale schemes--be they private or public plantations, estates, or ranches--for increasing agricultural production is the production emphasis they have given to agricultural development policy, while largely ignoring the need to tackle the problems of increasing participation in the rural sector. The failure has not been merely a misplaced emphasis. The very allocation of funds to production schemes that replace traditional agriculture is indicative of the evident difficulties of transforming traditional agriculture into a modern, investment-oriented agriculture in such a way that increasing numbers of rural people have opportunities to participate in the development process in the rural areas.

Development Perspectives of Land Tenure Systems in Africa

To demonstrate that the necessary transformation of existing systems of agriculture into modern systems supporting wider participation in development will require the use of the powers of the state to modify land tenure systems and other institutional arrangements (i.e., to instigate land reform and other agrarian reform programs), it is necessary to show that traditional land tenure systems in Africa do not support sufficient opportunities to participate in the agricultural development process, and are unlikely to do so as they evolve in response to other changes in the economy and society.

Since proposals for land reform should be appraised in relation to the customary working rules constituting the land tenure system to be modified, and from the perspective of the people who would be affected by land reform, it is difficult to specify what would be the desirable features of a land reform. In the context of this paper, it is also difficult to outline the general features of African land tenure systems which constrain increased participation of rural people in the development process without resorting to concepts and ideas of "land" and "tenure" that are foreign to the conceptions of African rural peoples. As Paul Bohannon comments:

Thinking about land has been and remains largely ethnocentric. Although many investigators have been meticulously careful in pointing out that one must not use European concepts like 'leasehold' or 'fee simple' in describing an African situation, rarely has anyone gone so far as to ask what we mean by the terms 'land', 'tenure', and 'rights'. The notion of land tenure may have distorted as much as it has clarified.¹⁵

¹⁵Paul Bohannon, "'Land', 'Tenure' and Land Tenure" in African Agrarian Systems, ed., D. Biebiuyck (International African Institute and Oxford University Press, London, 1963), p. 101.

These reservations as to the efficacy of trying to generalize from various African land tenure systems have to be borne in mind in considering the rest of this paper.

Features of indigenous¹⁶ African land tenure systems that inhibit participation in agricultural development. The basic feature of most, if not all, indigenous African land tenure systems is the mutual interdependence of rights in the same land by the individual user of the land and community or other group in which the individual user has some identifiable status. To the extent that all individual rights to use land are sanctioned and protected by the community, and in so far as all land that has not been used or has been abandoned is claimed by the community, the land tenure systems are rightly considered to be "communal." However, it must be remembered that continued rights to use land are held by individuals. Individual use-rights to land are established by initial clearance and use of the land. Only where a community or other group is engaged in pastoral activities are rights to use land (i.e., to graze cattle) shared communally. These individual use-rights are inheritable. They remain with the initial user of the land and his heirs until the land is abandoned. If abandoned, the residual interest of the community in the land is reasserted and the land reverts back to the community to be held until someone with recognized status in the community is granted individual use-rights.

¹⁶The systems of land tenure are described as "indigenous" to distinguish them from systems and conceptions of land tenure introduced as the result of colonial settlement and/or colonial attempts to administer land matters using European concepts.

Neither the community nor the individual holder of use-rights in land by virtue of status in the community normally has the right to alienate land to other persons or communities. The inalienability of land protects community or group members' rights to use land by virtue of mere membership, but inalienability of land inhibits individuals, extended families, and even entire communities from participation in the development process because inalienability constrains individual investment, innovation, and entrepreneurial activity in agriculture, and the rationalization of land use to maximize such activity.

The right to alienate land to a person outside of the land-holding group (be it tribe, corporate descent group,¹⁷ extended family or sub-lineage) is prohibited, or only permitted with the consent of a head or group of elders of such groups empowered to act on behalf of the group. Hence, in many African countries there is no full-fledged market in land or in rights to use land, the absence of which prevents both the alienation of group land to strangers and the reallocation of land to its most productive uses. With no market in land or land-use rights there is no assurance that the (potentially) best land will be used by those who can realize its potential productivity and who would thus be willing to purchase it at the premium price it would command.

¹⁷It is difficult to find a suitable and meaningful expression for the group that holds the reversionary rights in land, and the duties to allocate and defend rights to use land according to the customs and customary working rules of the group. P. C. Lloyd, Yoruba Land Law (Oxford Univ. Press, Ibadan, Nigeria, 1962), argues that corporate descent group is the most meaningful and least misleading term in most cases. It implies that there is some group that is identifiable (i.e., it is corporate) but not necessarily on any other basis than their common interest in the group (cf., community, tribe, clan) and that membership in the group is determined by right of birth into the group (i.e., it is a descent group). The term "group" in this paper should be construed in terms of corporate descent group.

The inalienability of land inhibits capital formation in agriculture. In a rural economy where the principal economic activity involves man using his labor on the soil, physical capital stock is likely to be small. Incomes are small, savings negligible, and productive investment is minimal unless the farmer can capitalize his existing potential assets. For the many African farmers who farm in arable areas the major potential asset is land (in pastoral areas cattle may also be a potential or actual asset). For land to become an actual asset, it would have to be both alienable and negotiable. What bank will grant a development loan on the basis of a resource that cannot be alienated to the bank or sold to someone else so that the bank can liquidate its secured asset in cases of default? The inalienability of land does protect the African farmer from the loss of his rights in land as a result of indebtedness. Even where the fruits and produce from land are pledged as interest on a loan from a money lender (this is common in West Africa), the rights of the pledger and his family and heirs to redeem the pledge remain intact even after generations have passed (the situation in Sierra Leone may be an exception).¹⁸ Furthermore, the pledgee is unlikely to press any claim to use or dispose as he chooses of land involved in the pledge. Such a claim would be tantamount to allocation of group land for use by a stranger (i.e., someone outside of the land-holding group) or alienation of the land from the group. Allocation

¹⁸There is some indication that pledging of land is becoming the means whereby land is alienated outside of the corporate descent group in some areas of Sierra Leone. See, Richard L. Barrows, "Individualized Land Tenure and African Agricultural Development," LTC Newsletter, no. 39, Land Tenure Center, University of Wisconsin, Madison, Jan.-March, 1973, pp. 12-15.

of land for use by strangers is subject to the consent and control of the group, and alienation of land to them would be prohibited.

In areas where land is more suitable for pastoral activities the individual member of the community may have rights to use a piece of land for growing some of his subsistence needs if the community is not continually nomadic, but rights to graze are likely to be shared by all. The cattle are individually owned. An individual's security is directly related to the number of cattle he owns. With communal rights to graze, there are few, if any, incentives for an individual to limit herd size in the interest of protecting or conserving carrying capacity of the grazing land.

Succession and customs vary considerably among the various African tribes and nations. As already noted, rights to use land are usually inherited in accordance with the general succession rules followed. Descent claims may follow matrilineal, patrilineal, or cognative lines. However, there are few African examples of primogeniture or other arrangements whereby the (landed) estate would be reserved for a single heir selected on the basis of his (or her) status or powers among his (or her) siblings. The only major exception to this would appear to be in Iboland where land is inherited by the first son or the eldest male sibling with an interest in farming. Even in this case, the inheritor is responsible for providing his siblings with a livelihood, even of providing them with land to farm.¹⁹

¹⁹See pp. 41-2 especially of W. P. Huth, "Traditional Institutions and Land Tenure as related to Agricultural Development among the Ibo of Eastern Nigeria," Research Paper no. 36, Land Tenure Center, University of Wisconsin, 1969.

Far more typically, where rights to use particular pieces of land are inherited along matrilineal or patrilineal lines, there is equal division between each of the sons/siblings, or equal parts to each wife with sons/siblings and subsequent equal division among these sons/siblings. Where cognative descent claims are recognized, actual division among claimants is likely to be far more fluid since the number of potential claimants is likely to increase geometrically with each successive generation back that ancestry is claimed.

In general, if land is inheritable and does not revert back to the older corporate descent group for redistribution, then the rights are divided so that all descendants of the deceased are provided the basis for subsistence. If a descendant (e.g., a wife) does not share directly in the allocation of land, then one or more of those who do (e.g., her sons) will have the specific obligation to ensure that his or her subsistence needs are cared for.

In creating security of at least a subsistence opportunity from the land for everyone, the possibility of one or more descendants consolidating sufficient land for agricultural investment and development purposes is limited. Even if co-owners can be persuaded to give up their land to those who intend to farm, there is little likelihood that both residual claims to the land itself and income derived from it at a later stage, can be extinguished. The inheritor faces either the insecurity of tenure of a later claim to share in the use of land or the obligation to provide for an extended family from the gains of his enterprise.

Where lineage is recognized both patrilineally and matrilineally, the number of interested claimants may well be related to the extent of

what is to be claimed. There is no point in pursuing a small claim if there are other claims on the basis of other branches of the family tree that might be pursued, particularly since pursuit of claims involves both time and energy in terms of participation in lineage affairs. Hence, excessive fragmentation of land holdings is less likely to occur in comparison with situations where siblings have claims on a single lineage. However, insecurity of tenure may be increased since the extended family may well become co-extensive with the corporate descent group and thus claims to a share in individually inherited land for subsistence purpose may come from any member of the corporate descent group. This seems to be quite a problem in Northern Ethiopia where demands to use land that are based on genealogical relationships may be recognized even if obscured by generations and complex sibling ties.²⁰

There are few countries or even regions in Africa where there is so general a shortage of cultivable land that the right of everyone to a subsistence livelihood based on the right to use land has been eroded. However, there are many land-holding corporate descent groups who have insufficient land to meet the subsistence needs of their particular members, while other such groups have cultivable but uncultivated land that has not been used at all or has been idle for long periods of time.

Most African land-holding corporate descent groups do permit allocation of land for use by "strangers"---where strangers are anyone

²⁰See Alemseged Tesfai, "Communal Land Ownership in Northern Ethiopia and its Implications for Government Development Policies" (forthcoming Land Tenure Center Paper). This paper indicates that in Northern Ethiopia both excessive fragmentation of holdings and insecurity of holding resulting from recognition of claims based on distant genealogical ties are evident.

participating in the economic (and/or social) activities of a descent group in which they have no claim or status by right of birth. In fact, the accommodation of strangers enhances the power and prestige of the group. It is a common practice to permit the heirs of strangers to inherit rights to the land and become ipso facto new members of the corporate descent group. However, at least the initial settler--"stranger"--is usually constrained in his use of land. He has to recognize that the land is indeed that of the grantee descent group. This is done by the payment of a tribute to the descent group. If he proves to be socially unacceptable, even unacceptable by his very economic success, he can be asked to leave after he has harvested his current crops or immediately if compensation for his current crops is paid. In order to prevent a stranger from being able to retain status in a community on the basis of land use of a long-standing nature, strangers may be constrained from growing permanent crops (e.g., Nigeria--cocoa). A stranger may also be limited in the amount of commercial cropping he can do since the granting group may believe (correctly) that compensation to a stranger would be prohibitive. Likewise, stranger participation in land improvement schemes, e.g., irrigation, may be prohibited.

In general, there are ways that the needs of strangers for land to use can be accommodated, but the process of acceptance and constraints to full status within a corporate descent group severely inhibits the major redistribution of rights to use land that would be necessary to rationalize land use on a national scale. Even more important is that the opportunity for strangers is primarily a subsistence opportunity. Agricultural investment opportunities and thus agricultural development have to be based on the particular members of corporate descent groups and their right to use the land of their group.

In summary, traditional land tenure systems in Africa do protect the interest of corporate descent group members to a subsistence livelihood by secure rights to use the land. In order to protect the group members' rights to this subsistence livelihood from group land, it is usually necessary to constrain the voluntary or involuntary alienation of land to strangers or stranger groups. In doing so, opportunities of entrepreneurial, innovative, and investment-oriented agricultural enterprise by the group are inhibited. To transform the system of institutional arrangements so that farmers or groups of farmers can participate in the agricultural development process of the nation-state, either the broad purposes and interests of the corporate group with respect to land will have to be accommodated to the wider development purposes of the nation-state, or the residual powers of the group will have to be extinguished and the security of opportunity for the individual user of land provided through the powers of the government in some other manner (it would have to be in some respects comparable to the present protection for such a change to be acceptable).

It is very difficult to formulate rational agricultural development policies for a nation-state when the institutional arrangements for use of land are founded on locally based corporate descent groups whose historical focus has been, and still is, the security of all members to a subsistence living through use of the land of the group.

The effects of pressures for change on indigenous African land tenure systems. Indigenous land tenure systems in Africa have come under pressure for change from three sources:

- (i) the effects of increasing agricultural population;
- (ii) the impact of European settlement and philosophy of administration during the colonial period;
- (iii) the expansion of agricultural markets and investment opportunities.

The effects of each of these factors vary from country to country, both in relation to their particular significance, and also according to the nature of the system of agriculture and the historical accidents that make up the past heritage, current situation, and future possibilities in each country. However, in this paper the impact of each source of pressure for change will be considered separately with a view to determining whether the changes in land tenure systems that result support or constrain opportunities for increased participation of rural people in the agricultural development process.

(i) The Effects of Increasing Agricultural Population on Indigenous Land Tenure Systems

As agricultural population increases, land is used more intensively. Such increased intensity of land use has to be reflected in the land tenure arrangements. When land is plentiful it can be used extensively, until soil fertility is depleted. Then the village or group would move in entirety to start afresh on a new site. With such a shifting cultivation system of farming, where a group might never return, or return only after a generation or two, there could be little possibility or reason for a land-holding group to claim, and try to protect its rights to, a particular area of land. Likewise, individual or family claims to use a particular piece of land and derive benefits from it could only have transitory significance, i.e., during the period that land has been prepared and/or crops are in the ground but not harvested.

Such shifting cultivation was once prevalent throughout the savannah zones of Africa and anywhere that clearing of land is not a major undertaking (as it is in the forest zones). True shifting cultivation practices are now found only in areas suitable for grazing where semi-nomadic peoples (e.g., the Masai of Kenya and Tanzania) move with their cattle but remain in one place long enough to grow a few crops for their own consumption.

Even in pre-colonial periods, shifting cultivation had been replaced in many areas with some form of recurrent cultivation as a way of meeting the need that land be more productive and thus support more people. Under recurrent cultivation land that is depleted is still abandoned and allowed to revert to bush or a state of natural vegetation; however, the land-holding group does not migrate but merely clears and farms some other areas of land accessible from the same village or settlement. Even though recurrent cultivation may involve leaving land fallow for many years until the bush fallow land is only distinguishable from uncleared land by a trained eye, it usually constitutes an increased intensity of land use because of the limitation of accessibility of fresh land from the existing village or settlement.

In time, with increased population and demand to use land, the land is likely to be used more intensively by reducing the period that land lies fallow to recuperate its fertility naturally, right up to the point where land lies fallow perhaps one year out of two or three--i.e., a rotational system of fallowing.²¹

²¹Ester Boserup, The Conditions of Agricultural Growth (Aldine Press, Chicago, 1965), describes the ways in which increased agricultural population leads to changes in the system, and increased intensity, of land use in situations relevant to tropical African conditions. She also relates systems of land use to the features of land tenure systems that support them.

The existence of a recurrent cultivation farming system based on settlement by a group in a specific location almost requires that the claims of that group to use the land, let it lie fallow, and then come back to use it again, be defended and recognized against competing claims of other land using groups. As land is used more intensively, or rather more frequently, it becomes both more important and easier on the grounds of recent use to substantiate the rights of a community to continued use of particular lands.

Just as descent group rights gain significance as permanent settlement and recurrent cultivation become more important, so may the rights of an individual or family within the descent group become more important as the period that land lies fallow declines. If land reverts completely to its original state before it is used again, and especially if land clearing is a communal task and obligation, an individual has little incentive to try to claim a particular piece of land for recurrent cultivation by himself and his heirs. As land returns to cultivation more frequently, so will the previous uses or abuses of land be reflected in the productivity of land upon renewed use. Thus it becomes important that an individual can claim a particular piece of land for his exclusive use. In fact, the right of a man to the fruits of his labor is generally recognized in most African indigenous land tenure systems. A man and his heirs will return to the same pieces of land which have been claimed by rights of initial clearing. The land will be theirs as long as it continues to be used. If it is abandoned, it will revert to the land-holding group from which came the original grant of land. Land that is lying fallow is not considered to be abandoned.

As land is used more intensively increasing significance attaches to the rights and obligations of both the land-holding groups to the control and defense of lands against others, and the rights of group members to claim use of land by virtue of birth. A corollary of the increased significance and value of usufructuary rights to land by virtue of birth is a hardening of attitudes towards, and terms under which, "strangers" acquire usufructuary rights to land.

If a land-holding group does not claim a specific piece of land (as under shifting cultivation), or there is much land that is claimed by the

group but will not be used in the foreseeable future, then strangers are likely to be granted rights to use land as long as they agree to recognize the status of the granting community and conform to its way of life. At this stage, a stranger represents an increase in the corporate strength and authority of the group in defending group claims to its crops and land.

If most or all of the land under the corporate control of a land-holding descent group is used or claimed by members of the group, there is less likelihood that a stranger will be granted rights to use land. At this stage, the rights of one group in relation to the claims of another are likely to be well substantiated, and thus little benefited by increased numbers in the group. Also, there is unlikely to be much land that can indeed be allocated to strangers. Officials with the power to allocate, who are also regular members of the group, are likely to foresee the future needs of their own family and other descendants of members in the group. Hence, increased difficulty in acquiring land and restrictions on its use to prevent permanent claims to use (e.g., restrictions to use for annual food crops, or use for a specific limited period) are experienced by strangers as they approach groups with increased population in relation to land available for use.

Rationalization of land use between corporate descent groups by the assimilation and adoption of strangers into groups that have land to spare becomes more difficult to sustain as population increases and land use becomes more intensive.

In summary, as agricultural population increases, intensity of land use increases. Increased intensity of land use is based on permanent settlement and claims by corporate descent groups to particular areas of

land. The extent and authority of the claims of the land-holding group to land for the exclusive use by members of the group take on increasing significance in the face of growing agricultural population. Members of the land-holding group rely on the authoritative power of the group to protect their right to use land to the exclusion of strangers who might also hope to establish use-rights. As the area of group land that has not been claimed by individual members through initial clearance and use decreases, the importance of the authoritative powers of the group for the protection of the right to a subsistence livelihood increases further. This is reflected in a hardening of attitudes towards use of land by strangers. Once most or all of the land of the group has been allocated to individual users of the land, the importance of group authority and protection of the right to a subsistence livelihood by right of birth into the group is diminished. Individuals who have land to farm can support their claims to continued use directly by this use. New members of the group must look to inheritance of some share of family lands and not to the land-holding group in order to acquire rights to use land. Many of the restrictions on the alienation of group land designed to protect the rights of future group members to a share in the group land become redundant. The critical feature of the land tenure system then becomes how rights to use family land are allocated and inherited.

The problems of the exhaustion of group land and the subsequent erosion of the opportunity to a subsistence livelihood have been faced in few areas of Africa. This is fortunate because when this stage is reached it is exceedingly difficult to create opportunities for rural people to participate in the agricultural development process without at the same

time extinguishing the rights of others to use land that is the basis of their subsistence livelihood. As noted earlier, this is the situation that prevails in many South Asian and Southeast Asian countries. While there is still some unclaimed land available, there exists the potential for the transformation of the traditional land tenure system so that opportunities to participate in the agricultural development process exist side by side with agricultural subsistence opportunities.

The possibilities for such a transformation of agricultural opportunities will not last for long with the current rate of population growth and limited possibilities for the expansion of opportunities to participate in the development process of the non-agricultural sectors of the economy. The fact that young people are leaving the rural areas in search of industrial and commercial sector wage employment, often with the support and encouragement of their farming parents,²² is indicative of the fact that the likely erosion of agricultural subsistence opportunities in the near future has been anticipated.

(ii) The Consequences of Colonial Intervention and Administration

The history of European conquest and colonization of Africa is very complex. In the late nineteenth century just about every major European power was involved in the "Scramble for Africa." It is easier to enumerate those countries where there has been little or no significant European

²² The commitment of farmers and other rural people to the education of their children in many African countries is remarkable. Farmers will use windfall cash gains from sale of crops and even go into debt to pay for their childrens' education. However, if pressed to explain what they expect this investment in education to achieve for their children, the answer will frequently be of the form, "To give them an opportunity to get out of agriculture, so that their lives might be different from my own."

colonization (probably just Ethiopia and Liberia). It is impossible to consider the impact of all the different colonial powers on the land tenure systems of the countries colonized. Hence, in this paper, analysis is restricted to some comments as to the effect of British and French administrations on indigenous land tenure systems.

The consequences of colonization for the land tenure systems of various parts of Africa vary according to the different colonial power, its rationale for colonization, and its philosophy of colonial administration. There have been two major rationales for initial conquest with significantly different consequences for land tenure arrangements:

- (a) Colonization for purposes of colonial settlement. This occurred primarily in the cooler highlands of East Africa and temperate climates of Southern Africa. Even where settlement only followed initial failure to find exploitable mineral deposits, such settlement did involve the displacement of African peoples from some of their lands and the introduction of European concepts of land law and administration.
- (b) Colonization for purposes of stabilization and expansion of trade. Much of West Africa was considered unsuitable (largely for health reasons) for European settlement at the time that much of the African colonization occurred.

British administrative philosophy in its African colonies, both those of East and West Africa, was deeply influenced by the "indirect rule" philosophy of colonial administration articulated and put into practice by Lord Lugard.²³

²³ Lord Lugard was the first colonial governor of the Protectorate of Northern Nigeria. He articulated the indirect rule principle of his administration in Lord F. J. D. Lugard, The Dual Mandate in British Tropical Africa (W. Blackwood and Sons, London, 1922).

In West Africa, where conquest²⁴ and colonization was undertaken primarily for the purpose of stabilization of trade, the British saw few benefits in replacing preexistent internal administrative arrangements and considerable costs in terms of administrative and bureaucratic talent in trying to do so.

As long as indigenous populations responded to the metropolitan vent for surplus, stabilized political conditions, and provision of transportation infrastructure to evacuate export products, there was little reason to upset traditional or preexistent social and political arrangements. Sovereignty was claimed for the British crown but the judicial, executive, and administrative powers that would make such sovereignty operative were delegated to traditional authorities. For example, in both Northern Nigeria and Southern Nigeria, the customary rights in land were recognized, the rights of traditional rulers and delegates of such rights were reaffirmed and even strengthened by explicit British recognition of their often cloudy authority, and traditional judicial authority, philosophy, and procedures left untouched in matters concerning land, the family, and the community.²⁵

²⁴In the Gold Coast (now Ghana) the rights of sovereignty established by conquest (or its fiction) were never followed through because of a treaty agreement made with the Ashanti in 1844. This had the interesting consequence of making the British administration powerless in matters of land and thus unable to take on the task of defending customary land law and institutional arrangements as they did in Nigeria and elsewhere.

²⁵This worked reasonably well in Northern Nigeria and elsewhere where there were traditional authorities in whom authoritative power was customarily vested. It did not work so well in Southern Nigeria where chiefs and elders have roles as trustees and advisors rather than as sovereign authorities of the community. The creation of "Warrant Chiefs" in Iboland, who were given judicial authority by the British in matters of local government, was bitterly opposed because the powers of these chiefs were quite alien to Ibo customary procedures. In Iboland, there had been no single recognized judicial authority.

One consequence of the application of this indirect rule philosophy of administration was the reinforcement of the existing system of land tenure that resulted from the recognition and freezing of the systems of rights in land that existed at the time of colonization. At the time, this had the advantage of preventing the alienation of customary rights in land to non-native people. It has had the subsequent disadvantage of removing the initiative for the change in systems of land tenure from the nation-state and leaving this power with traditional authorities, where conceptions of development must, at least, be local. It will need the initiative and powers of government to modify land tenure systems so as to serve the needs of development of the nation-state. The independent governments of former British West Africa have found it difficult, and are often reluctant, to assert the powers of government over those of traditional local authorities in matters pertaining to land administration.

In British colonies of East and Southern Africa, where there was extensive European settlement, the indirect rule philosophy was applied only to the indigenous populations. The consequences have been very different because this philosophy was supplemented by a philosophy of "non-competing groups." In order to retain the attractiveness of opportunities for European settlement, the indigenous populations were not encouraged to take advantage of the new markets. In fact, they were discouraged from doing so by the colonial and trading company practices of allocating reserve areas for indigenous populations that were either not suitable for intensive cash crop production and/or were isolated from transportation facilities for evacuation of products. The limitation of opportunities of the indigenous population to become cash crop farmers provided the possibility

of a cheap and eager labor supply for European enterprises--both agricultural and mining.

Hence, although indigenous tenure systems and land administration arrangements were protected in the reserve areas, the expectation was that the indigenous population would not participate in the agricultural development process. The philosophy, or rather rationalization, behind this position was that indigenous populations could not compete, i.e., that the cultural and social organization and the aspirations of these peoples were such that they would not respond to economic incentives and technological opportunities inherent in a cash crop economy.²⁶

The difference between British West Africa and East Africa in the handling of indigenous land tenure systems is not merely that a lot of the best land was expropriated for settler use in East Africa. More important is that the indigenous land tenure systems were retained in West Africa with the assumption that the indigenous peoples could, and would, respond to agricultural development opportunities, whereas in East Africa they were retained with the assumption that the indigenous population was incapable of competing effectively with Europeans, and, therefore, the basis of subsistence opportunities should be retained and protected.

In practice, British colonial governments in both East and West Africa found it difficult to take the initiative to modify the land tenure systems for agricultural development purposes. The very existence of land reserved for colonial settlement, usually subject to British law and conceptions

²⁶ A good, if depressing, account of the rationalization of this position by successive colonial governments in Rhodesia is given in M. Yudelman, Africans on the Land (Harvard University Press, Cambridge, Mass., 1964).

of land tenure, in East Africa seems to have led to some changes in, or at least changes in conceptions of, indigenous land tenure systems. By the 1950s the Kikuyu of Kenya had already developed practices for the sale and purchase of land in order to help land consolidation. These practices were incorporated into the Swynnerton Plan²⁷ that included a recognition of individualized land tenure rights, where formerly the government had felt obliged to recognize the existing communal land tenure system.

In East Africa, the end of British colonial rule and the departure of many settlers provided further opportunity for the establishment of new systems of land tenure for purposes of agricultural development on the land that became vacant. The practice was to either convert the former estates into government-managed settlements or distribute the land on the basis of traditional egalitarian principles and need among indigenous groups (e.g., both these elements were included in the Million Acre Resettlement scheme in Kenya).

Most of the French colonies in Africa were in West Africa (Madagascar is the principal exception). As a result, there has been little French colonial settlement in Africa. As with the British, the aim of colonization was to stabilize and expand trade in primary commodities. French colonial administrative philosophy is often characterized as "direct rule," but this may be misleading as it has been used primarily to contrast the French colonial philosophy with British "indirect rule" philosophy in

²⁷Kenya, A Plan to Intensify the Development of African Agriculture in Kenya (Government Printer, Nairobi, 1955). Full details of the Plan and its consequences are to be found in B. K. Herz, Land Reform in Kenya, A.I.D. Spring Review of Land Reform, 2nd edition, Vol. IX (Washington, D.C., 1970).

West Africa. Just as was done in most of British Africa, the French recognized traditional administrative and executive authorities with respect to internal matters, including land administration. Traditional rights in land of the indigenous populations were affirmed, and alien settlement discouraged. The principal difference between British and French philosophy lay in the French imposition of juristic and administrative concepts, standards, and procedures on the indigenous systems. The French codified system of law does not have provision for incorporating customary arrangements of the people into the law. Hence, European concepts of "land," "title to land," and entailed "rights in land" were imposed on the customary concepts. It was thus inevitable that France had to become more directly involved in the administration of her colonies. The necessary reinterpretation of traditional concepts and the establishment of judicial and administrative institutions to implement them led France to deeper and more comprehensive involvement in her colonies. Even after independence, French West African countries at their administrative centers still appear to be European in a way that is not true of ex-British colonies.²⁸

Even though rights in land are frequently a little confused in former French colonies, one advantage of their using French concepts with respect to land is that it led to the emergence of public domain and private domain lands. Where customary land law is valid it is difficult for the state to assert its powers, but in the public and private domain areas,

²⁸ This may be because the French colonies have always been considered more of an extension of the metropolitan country than is the case of the British colonies. Even in the nineteenth century, it was possible for educated Africans to attain French citizenship.

subject to French law, it is possible for the state to assert its interests directly without having to confront traditional authorities on land matters. Whether this will prove to be a significant advantage in instigating land reform measures for the purpose of increasing participation of rural peoples in the development process remains to be seen.

In summary, the general impact of colonial intervention on indigenous land tenure systems of Africa has been minimal. In most independent African nations traditional egalitarian distribution of rights to use land of indigenous groups has remained intact, or has been sufficiently restored, to protect the rights of the existing populations to at least a subsistence livelihood by mixing their labor with the land. Colonial administrations did little, if anything, to modify the indigenous systems of tenure to make them more suitable for agricultural development, or the increased participation of rural people in the agricultural development process. In British Africa, the recognition of customary authorities with respect to indigenous land use may well have created extra difficulties for the assertion of the states' powers over land for purposes of promoting agricultural development.

(iii) The Effect of Market and Investment Opportunities in Agriculture on Land Tenure Arrangements

An argument that is frequently cited in opposition to the case for land reform in African countries is that whenever new market and investment opportunities for indigenous agricultural enterprises arise, then customary institutional arrangements and land tenure systems will be

modified so that farmers can take advantage of these opportunities.²⁹

Two issues have to be considered here: whether modifications of land tenure arrangements do evolve so that farmers can take advantage of new opportunities for agricultural enterprises, and if so, are the consequences desirable in the context of the need for increased participation in the agricultural development process?

In general, indigenous land tenure systems have been modified so that those farmers with rights to claim use of land can take advantage of new cash crop market opportunities. For members of land-holding groups which have land that has not been claimed and used for subsistence purposes, it only requires that extra land be allocated beyond that which would normally meet individual needs. An additional, more significant change in land tenure arrangements is needed if the cash crop to be planted is also a permanent crop. The market opportunities provided by permanent tree crops tend to reinforce the claim of the individual farmer who is using the land as opposed to the corporate descent group from whom he has secured the rights to use the land. First, the land does not periodically fall into non-use status every three or four years. While fallow land is typically regarded as occupied and not abandoned, land that lies fallow for longer than is strictly necessary for the soil to recoup its natural fertility is surely vulnerable to reclaim by the land-holding group, especially if other members of the group wish to assert their rights to use the land. Once established, tree crops, especially cocoa, require little

²⁹ For a statement and defense of this position with respect to Nigeria, see Consortium for Study of Nigerian Rural Development, Strategies and Recommendations for Nigerian Rural Development, 1969-85, C.S.N.R.D. Report No. 33 (East Lansing, Mich., 1969), pp. 28-31.

care beyond periodic weeding for an individual to get some yield from the trees. Further, the trees themselves provide clear evidence for thirty years or more that the land has not been abandoned.

A more critical test of evolution of land tenure arrangements, so that farmers can take advantage of new market opportunities, is whether strangers can acquire land use rights to grow cash crops, and if so, under what conditions. There is no unequivocal answer to this, for the treatment of requests by strangers for land to grow cash crops differs greatly with the situation and the circumstances. At one extreme, some land-holding groups in Yorubaland of Western Nigeria restrict strangers, particularly if the strangers are not Yoruba, to growing food crops, thus preventing strangers from establishing long-term holds over the use of land. At the other extreme, in Ghana, early in the twentieth century, small family groups were able to migrate from their own lands (unsuitable for cocoa) and, as strangers, purchase from sub-paramount chiefs and others with control over land allocation sufficient land suitable for cocoa to cover the settlers' needs and capabilities to plant cocoa then, and to expand their holdings in the future.³⁰

Migrants from one part of Yorubaland to another have been an important element in the expansion of cocoa production in Western Nigeria.³¹ However, in this case the "stranger" cocoa farmers remain tenants-at-will

³⁰Polly Hill, Migrant Cocoa-Farmers of Southern Ghana: A Study in Rural Capitalism (Cambridge University Press, Cambridge, England, 1963).

³¹For an account of this migration and its significance for land tenure systems, see Sara Berry, "Migrant Farmers and Land Tenure in the Nigerian Cocoa Belt," Land Tenure Center Paper No. 79 (University of Wisconsin, Madison, 1972).

of the group that granted them the rights to use the land. The claims of strangers to continued use of the land are not in danger (it would cost the land owning group too much in compensation to extinguish the claims to the land by the strangers), but the tribute (ishakole) that strangers are asked to pay in recognition that the land used is not their own but that of the granting group is taking on the characteristics of rent. Rather than being a token amount or gift, the ishakole is increased to reflect the value of the crops grown on the land. Payment may even be in terms of physical amounts of the crops grown (e.g., one or two bags of cocoa), or their monetary equivalent. These payments are frequently adjustable according to a farmer's success and changing values of crops from year to year. The farmer is paying a "rent" in the sense that payment reflects current use-value of the land, but this rent does not give him the security that a fixed payment decided in advance, perhaps contractually, would provide. Land is still used by strangers by right of privilege from the land-holding group rather than by right of demand upon fulfillment of fixed contractual obligations. Furthermore, these privileges are still personal to the grantee. They cannot generally be transferred to another person or stranger. Only if what is to be charged as rent is specified, the legality of the contract is recognized by some authority, and the rights and duties of the parties to the agreement are sufficiently impersonal to permit transfer of them to third parties, could one legitimately speak of a market in usufructuary rights to land. However, the very transformation of tribute payments to reflect value of crops that can be grown on the land, and the occasional odd instances where customary courts do set limits to what can be reasonably demanded of

strangers in way of rent, suggest the beginnings of a formalized market in land.

It is apparent that some changes in land tenure arrangements do occur as a result of pressures for change so that at least some farmers can take advantage of new agricultural market opportunities. What is less certain is the desirability of these changes in customary land tenure systems. For example, whether it is desirable that there should be a market in land, i.e., that land should be alienable to individuals, depends on who has the means to buy land, what they are likely to do with the land, and what rights to use land might be extinguished by the alienation of rights in land to individuals on the basis of sale. Where the state has little or no authority over land matters, a market in land is likely to create a situation where the most powerful members of a land-holding group (powerful by right of income generated in agriculture, or perhaps in an urban business, or from a civil service position) will buy up whatever land the land-holding group is willing, or feels obliged, to sell to him. It is probable that, unless there is much unused land held by the group, such an alienation of land will adversely affect at least the subsistence opportunities of other group members. Those most likely to be affected are the young people who will join the potential claimants to land in the future, and those who are already in the potential land use claimants of the group but who have deferred claiming their rights while they look for a job in the urban areas. It may well be argued that most young people will be, or are, unwilling to claim their rights to a subsistence livelihood, and regard the loss of such rights as not serious. However, if there was a possibility of participating in the development process in

agriculture as a result of land reform or agrarian reform measures, then there might be less willingness to accept the loss of those rights to use land acquired by right of birth into a land-holding group.

The only possible way that most of the population can become participants in the development process is if opportunities to participate can be created in the agricultural sector. The task of transforming existing land tenure systems to support increased participation in the agricultural development process becomes more difficult if the land tenure system has already changed, so that a few landed people with large holdings may benefit, while many people have lost their right to use land and have become landless laborers. A laissez-faire attitude towards land tenure changes by African governments could, in time, well lead to the creation in African countries of inequities in land holding now thought to be typical of Latin America. This should not be allowed to happen, but it is always a possibility until the governments of African countries are prepared to assert their powers over land matters and to limit the use of power by individuals for private purposes not consistent with the public purpose of creating rights for all to participate in the development process of the nation-state.

The Case for Land Reform to Increase Participation in the Development
Process of African Countries

The case for land reform and agrarian reform to increase participation of the poor in the development process of African countries has been made. By itself, however, the case neither specifies what would constitute desirable features of land reform programs for particular African countries, nor does it directly permit the evaluation of current land reform programs and proposals. However, some of the principles as to the nature of "participation" and "development," and the ways in which transformation of institutional arrangements facilitated the creation of an agricultural commonwealths in presently developed countries (discussed at the beginning of the paper) may provide some insights as to what might be generally desirable features of land and other agrarian reform measures proposed for the purpose of increasing opportunities to participate in the agricultural development process:

- (1) As has been shown, participation in the development process of the nation-state of an individual or a group with a common purpose requires that the individual or group have both vested political and economic interests in the development purposes of the nation-state. Few land reform programs or proposals adopted in African countries have included a recognition of the need for political participation by right of citizenship as well as the need for economic participation by right to use land. The limited political powers and citizenship afforded to indigenous peoples in most African countries prior to independence made this a particular shortcoming

of colonial attempts to reform indigenous land tenure systems. The registration of individual titles to the "mailo" lands of the Buganda region of Uganda,³² and the recognition of individual titles to land that had reverted to the state as vacant lands in French West African countries³³ could not create the rights of citizenship for those who were privileged to receive these economic rights in land. Even where customary land tenure arrangements were followed as closely as possible, as in Rhodesia where an attempt was made, under the Native Land Husbandry Act of 1951,³⁴ to establish a market in land use-rights for the indigenous people based on the then current pattern of such rights, the inability of people to demand the full rights of citizenship compromised any possible success of the reform program in expanding the number of willing participants in the agricultural development process.

In those African countries where governments have encountered difficulty in reasserting the public interest and thus their authoritative powers over land, or where the governments are reluctant to challenge the customary local authoritative power over land issues, the creation of

³²C. K. Meek, Land Law and Custom in the Colonies (Oxford University Press, London, 1946), pp. 131-137.

³³René Demont, False Start in Africa, 2nd Revised Edition (Praeger, New York, 1969), pp. 125-131, includes a discussion of the implications of French encouragement of individual property ownership in her colonies.

³⁴Yudelman, Africans on the Land, pp. 115-131, is a discussion of the rationale, progress, and implications of the Native Land Husbandry Act up to 1963.

opportunities for political participation is still a serious problem. While the corporate descent group and the local customary authorities uphold and defend the right to use land for members of the group, the subsistence farmer can only look to citizenship in the group. The right to vote in national elections, if the farmer has it, does not constitute the foundation of citizenship in the nation-state. Tanzania is the one country where major attempts have been made to increase participation of people in rural development programs, both politically and economically. The "ujamaa vijijini" is not just a widespread rural development scheme based on the establishment of socialist cooperative (or collective) villages, but is an attempt to establish a self-reliant rural development process based on the willing economic and political participation of the people.³⁵ An elaborate structure of political officials extending down from the highest levels of national leadership to the district, division, village, and finally the cell leader for every ten-house grouping in the village has been established.³⁶ This chain of command is not merely for the purpose of passing down political directives to the villages.

³⁵The basic idea of the cooperative villages is outlined in, J. K. Nyerere, "Socialism and Rural Development," in Freedom and Socialism (Oxford University Press, Dar es Salaam, 1968), pp. 337-66.

³⁶C. R. Ingle, From Village to State in Tanzania (Cornell University Press, Ithaca, New York, 1972), discusses the political linkages and their operation for rural development in Tanzania. Pages 146-147 include a chart of the political organization from the division to the ten-house cell in the village.

At least in theory, village rural development program leaders can enlist the support of the powers of government in development schemes and proposals. As yet, just how successful this is in creating the opportunities for the political and economic participation of the people in the rural development of the nation-state is uncertain. It is clear that, in marked contrast with most African countries, development is seen as a process that must involve the economic and political participation of the masses of rural people.

- (2) For the development process of the nation-state to be sustained it is important that the process include only willing participants. In practice this means that the role of the government is to create opportunities to participate that people will find attractive, rather than to enlist participants directly. Creating opportunities to participate is a question of providing the possibility for an individual or group to acquire sufficient economic property assets supported and protected by the government. The willing participant must be prepared to forgo those private purposes that are not in the public purpose.

The urgent imperatives for development felt by many African leaders and intellectuals in the period since independence have created some bias towards the pursuit of development projects in spite of the apparent disinterest or unwillingness of the potential participants to go along with the particular scheme. There is an assumption that rural people do not realize the potential beneficial consequences of successful

agricultural development schemes in the way that the proposers of the schemes, committed government officials, and academics, understand them. This rationale is the basis of required participation. Many of the issues of whether compulsion or some form of social or economic coercion should be used to ensure the success of an agricultural development scheme are not stated in such stark terms as "required participation." However, the man who reluctantly takes up wage employment on a government agricultural plantation because there is no opportunity for him to participate in the development process in any other way, may prove as non-productive as his counterpart required to join a village cooperative against what he regards as his own interests (e.g., the establishment in Dahomey of cooperatives in areas where improved oil palm production is considered feasible; membership in these is compulsory if the users of the land wish to retain their customary rights of continued use³⁷). Just how far government initiative should go in trying to get the agricultural development process moving, when met by either the opposition of the local population to the scheme, or their reluctance to participate in it, is difficult to determine. Even in Tanzania communication from the top down to the village level as to what is required for rural development to be achieved is far more effective than communication

³⁷D. Christodoulou, Report of the Development Center on Land Policy for West African Countries, Freetown, Sierra Leon (F.A.O., Rome, 1964), pp. 20-21.

from the potential rural participants in the development process up to the public officials.

- (3) Whether willing participation in the development process is forthcoming may well depend on the nature of the land or agrarian reform proposed by the government in relation to the customary working rules and institutional arrangements that are presently operative in the society. The existing land tenure system and institutional arrangements in most African societies have the merit of being understood, recognized, and accepted as the bases of one man's dealing with another in matters pertaining to rights in land, even though they may discriminate between men and inhibit their opportunities to participate in the agricultural development process. For land or agrarian reform measures to create opportunities for participation in the development process for the majority of rural people there must be a close resemblance between the new ways men are to deal with each other on a day-to-day basis and the customary ways of doing this. There are just too many complex transactions, even in a rural society where production is primarily to meet subsistence needs, for any land reform to specify a completely new set of institutional arrangements for those customarily followed. Every extra change in customary working rules incorporated into land reform measures increases the risk of non-acceptance or misunderstanding of the significant purpose of the proposed reform.

It is for this reason that schemes proposed to replace a traditional subsistence-oriented agriculture with a modern investment-oriented agriculture yield such disappointing results. A good example of this is the failure of the Farm Settlement schemes in Nigeria. Irrespective of the high per settler costs of establishment, there has been considerable difficulty in recruiting and keeping settlers on the settlement scheme. In theory, the settlers are to engage in cooperative production activities on individually allotted holdings of land in a manner similar to that used in Israeli moshav settlements. For the young school leavers recruited as settlers, not only were there new farming and agricultural practices to adopt, there were also features of the social and economic organization of the settlements to be accepted. Settlers were not necessarily related to each other, yet they were expected to live in the same village. It was expected that each settler would provide needed labor from the immediate family, who would be unpaid, rather than from the wider extended family, who normally receive either remuneration for their services or at least obligations from the farmer to help the laborer establish his own farm. The settler is expected to live in a house either on his land holding or in the settlement, and to maintain just one residence. All these working rules are alien to those customarily practiced and accepted by farmers in rural villages of Western Nigeria.

The powers and initiatives of the government have to be used to fashion land reform measures that increase opportunities

to participate in the development process in such a way that only those elements of the customary arrangements that constrain opportunities to participate in the development process are transformed.

- (4) For there to be opportunities for willing participation in the development process that, as far as possible, incorporate existing customary institutional arrangements, land reform must be based on the requirement that other men avoid infringing the property rights of new participants which are recognized by the state. Direct specification of performance needed for participation in the agricultural development process is likely to create neither opportunities for willing participation, nor the incorporation of sufficient existing customary institutional arrangements for the proposed reforms to be understood and acceptable to the potential participants.

Specifying avoidances for others that the government will enforce, provides property owners a discretionary zone where they are free to pursue their private purposes in so far as such actions avoid the discretionary zone of other property owners. This is the key to opportunities for willing participation in the development process.

The identification of the appropriate avoidances that should be established with respect to rights in land, by a land reform, are difficult to determine except in the context of a given rural economy, an existing land tenure system, and its customary institutional arrangements.

Although confused by piecemeal and sometimes contradictory legislation, the intervention of the state into the land tenure system in Tanzania may be described as an attempt to create opportunities for willing participation in the land development process by specifying avoidances.³⁸ A series of legislative measures have reduced the rights of ownership in individual free holdings created for colonial settlement purposes (first established under the German administration by the Imperial Ordinance, 1895, and reaffirmed by the British-instigated Land Ordinance, 1923) to rights of occupancy that are substantiated by the productive use of the land consistent with the agricultural development purposes of Tanzania. Another set of legislation, applicable to land held by corporate descent groups for the individual use of members of the group as the basis of their subsistence livelihoods, has been enacted. This legislation provides collective or cooperative associations that wish to establish cooperative villages and thus participate in the agricultural development process with superior claims to land use by individual group members for subsistence purposes.

- (5) Increasing the number of opportunities to participate in the development process also depends on the expansion of economic resources as a result of new techniques and technology. One problem that did not arise, or cannot be identified in the

³⁸For a detailed discussion of land tenure legislation and policy in Tanzania see R. W. James, Land Tenure and Policy in Tanzania East African Literature Bureau, Dar es Salaam, 1971).

agricultural development process of presently developed countries, but may become a problem in African countries, is that technological advances may result in increased production but the corresponding potential for the absorption of more participants in the development process does not materialize. Green revolution technology may increase productivity but only those farmers with sufficient land holdings, financial backing to purchase the new inputs and ancillary capital equipment, and enough of a going concern to be considered among those who have opportunities to participate in the agricultural development process already, are the principal beneficiaries. As yet there have been few green revolution successes in Africa.³⁹ When, or even before, the technological breakthroughs are made there may be grounds to instigate agrarian reform measures to ensure that the increased productivity is used to provide the economic basis for increased participation in the agricultural development process.

An even more serious problem may be faced by tenants-at-will where continued use of land depends on the minimal interest of the property owner in his land. Technological advances in agriculture that increase the attractiveness of agricultural enterprise may increase an owner's interest in farming his own lands sufficiently for him to dispossess the tenants. The

³⁹See René Dumont, "Notes sur les Implications Sociales de la 'Révolution Verte' en Quelques Pays d'Afrique," UNRISD Report No. 71.5 (Geneva, 1971), for an account of the social problems created by improved riziculture in Mali.

only place in Africa where true landlord-tenant arrangements are to be found on a wide scale is in Southern Ethiopia. Agricultural development schemes there which are located in areas of high incidence of landlord-tenant and sharecropping agreements (e.g., the Chilalo Agricultural Development Unit, a scheme that includes the introduction of agricultural mechanization to the area) have led to the displacement of former tenants by their landlords.

Demands for land reform in Ethiopia have a long history. There have been serious initiatives mounted by the Ethiopian government to initiate agrarian reform measures. There is even a separate Ministry of Land Reform. In spite of these efforts, as yet, it has not been possible to legislate and make effective reforms in the tenancy laws that would limit tenant's exposure to unreasonable demands from landlords for a large part of his crop.

It is extremely difficult to initiate land and agrarian reforms for the purposes of increasing participation of the rural poor in the development process of the poor, either individually or as a group, have no customary and inalienable rights to use some land. Any reforms proposed in such situations are likely to be contrary to the interests of landlords or others who control the land and who usually have the power to veto the legislation or make sure it does not become effective.

Landlord-tenant arrangements and other landed-landless laborer divisions are likely to become more prevalent in many African countries

if customary land tenure systems are allowed to evolve without government intervention. Since land reform and agrarian reform programs are so difficult to make effective where landlord-tenant arrangements prevail or where a landless laborer class has emerged, there is some reason for urgency in the initiation of land reforms to increase the opportunities for the rural poor to participate in the development process of the nation-state in which they reside.

Furthermore, if there is land reform before increasing population necessitates the use of most rural land and other resources for subsistence purposes, in many African countries it may be possible to create opportunities to participate in the agricultural development process for most rural peoples without extinguishing the subsistence opportunities of others.