

Global and Local Land Markets

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Scope of presentation

- The problem of defining the local since it is only made visible by the global and the urban
- The problem of defining the customary historically (the customary largely defined and codified by colonial rule and appeals to the past and precedence).
- The role of power, the market and social differentiation in defining the local
- The implications of institutionalising customary land administration for rural people and the peasantry.

The local as defined by policy

- Dominant policy is Neoliberalism
- It seeks to reorganise the world economy and redefine role of state
- Open up African economies to investment
- Promote efficient mechanisms for buying land, speedy transactions, binding ethical codes and contracts
- Lower transaction costs

Neoliberal solutions

- Institutional reform to create stable land rights
- Decentre administration away from state land cadastres
- Community-based solutions and community-based land management
- Cost effective ways of according recognition to community property rights
- Harmonising customary with state

Agricultural sector restructuring

- Removal of govt. subsidies for estate agriculture
- Smallholder farmers more efficient
- Promote linkages between smallholders and agribusiness
- Agribusiness firms provide large scale investment for agricultural processing, markets and infrastructure development and loans in cash and kind to farmers

Agribusiness interests in land reform

- Aims to gain access to products of the labour of farmers through contractual relations
- Contractual relations guarantee markets in return for loans in cash and inputs
- Relations with community can create moral coercion to enforce agreements

International capital and corporate interests in land reform

- Linkages with communities, and traditional authorities
 - Prevent middlemen capturing profits
 - Greater corporate control over production
 - Communities absorb transaction costs of exchange
 - Moral compliance – to ensure good image (“equity” concerns no child labour, environmentally friendly protection)

Who defines the local?

Local and customary are increasingly defined by market relations and international capital that recognise the local

Outside of this scenario the local has no identity and no platform

The customary in history

- The customary is historically defined by the colonial situation rather than the precolonial situation.
- The colonial powers sought to codify the customary as part of Native Administration (or association) – its alliance with existing ruling classes or the ruling classes it created.

The colonial alliance

- The chiefs were responsible for collecting tax, enforcing forced labour and migrant labour, organising export crop production and controlling land
- In return they gained control over natural resources and rights to communal labour

Characteristics of colonial tenure

- Chiefs recognised as owners of allodial rights
- Peasant farmers only had user rights to land
- Therefore customary tenure arose as the denial of individual rights of peasants in land

Characteristics of colonial tenure (cont)

- Land rights derived from the traditional authority and did not reside in the peasantry
- Land rights were “fragile and insecure” and could be appropriated by chiefs
- Land rights “may be extinguished by the action of a paramount power which assumes possession of the entire control of land (Lord Haldane, Privy Council)

Defining the customary under colonialism

- The customary was defined by European conceptions of communal rather than existing conditions or African historical development
- Precedents on customary tenure was established by empire-wide cases brought before the Privy Council in London

Customary land and land sales: The case of Lagos Colony

- In the 1928 case Of Amadu Tijanniya in Lagos Colony land sales in Lagos were treated as an aberration arising from European influence
- However, land sales go back to the early 18th century and before. Lagos was largely settled by migrants and by 1910 over half of the land in Lagos had been sold to migrants.

Customary tenure and land markets

- The colonial concept of customary tenure as communal land did not reflect the realities of rapid change and the rise of export crop production with its commodified labour, land and production relations
- It did not reflect the impact of appropriation of land by settler farmers and the development of labour reserves in East And Southern Africa and large scale migrations

Customary tenure and social differentiation

- The concept of customary tenure did not reflect the differences in precolonial societies between highly socially differentiated states with a subordinate peasantry (such as Hausa emirates) and acephalous societies (e.g. Tiv, Tallensi, Nuer, Kikuyu)

Political control over land

- The framework of customary land politicised land and enabled land markets to be constrained by the overriding design of colonial policy and its “moral protection” of the African from the forces of the world market.
- While it empowered chiefs, chiefs were ultimately accountable to colonial administration and not their citizens

Land sales in the colonial economy

- In West Africa, land sales occurred frequently in export producing areas (but not in labour reserves).
- Since citizens had rights to clear land most sales were to migrants
- Land sales to migrants by chiefs formed a process of commodification of land, which would result in increasing scarcity of land resulting in the further development of land markets to the benefit of chiefs
- As land becomes scarce this leads to conflicts between land hungry youth, land selling chiefs and migrants

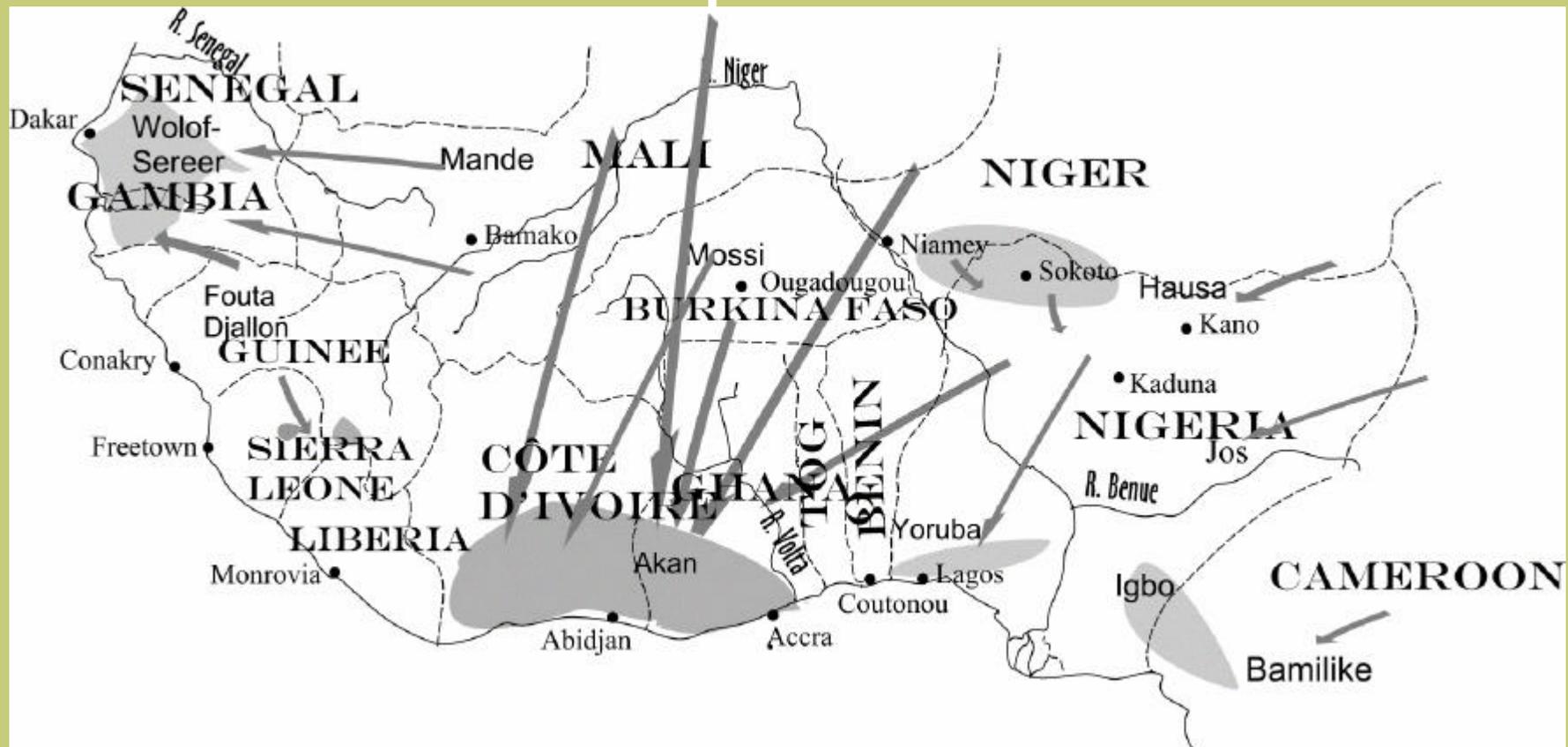
Sharecropping

- Sharecropping was another important land transaction, which originally was common between migrants and chiefs and migrants and landowners – in both Ghana and Cote d'Ivoire
- In one variant the tenant gets access to a percentage of the farm or plantation he makes.
- In a second variant the tenant gets access to a percentage of the proceeds of the farm
- In a third variant sharecropping is a labour arrangement in which the tenant works on an established plantation as a caretaker and gets a percentage of the proceeds for his labour

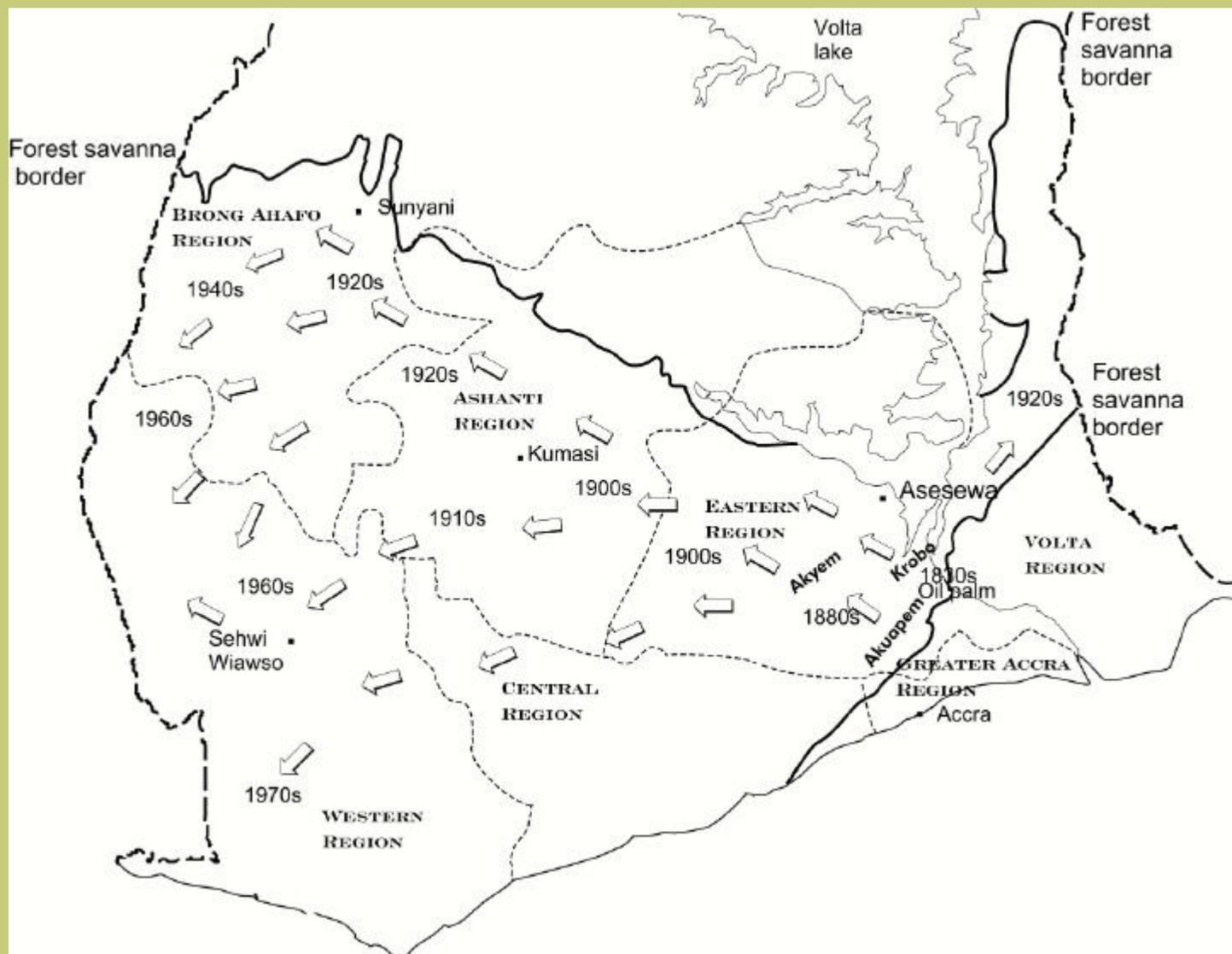
Implications of regional economies and migrations for the concept of the local

- Export crop frontiers have been associated with regional migrations across borders

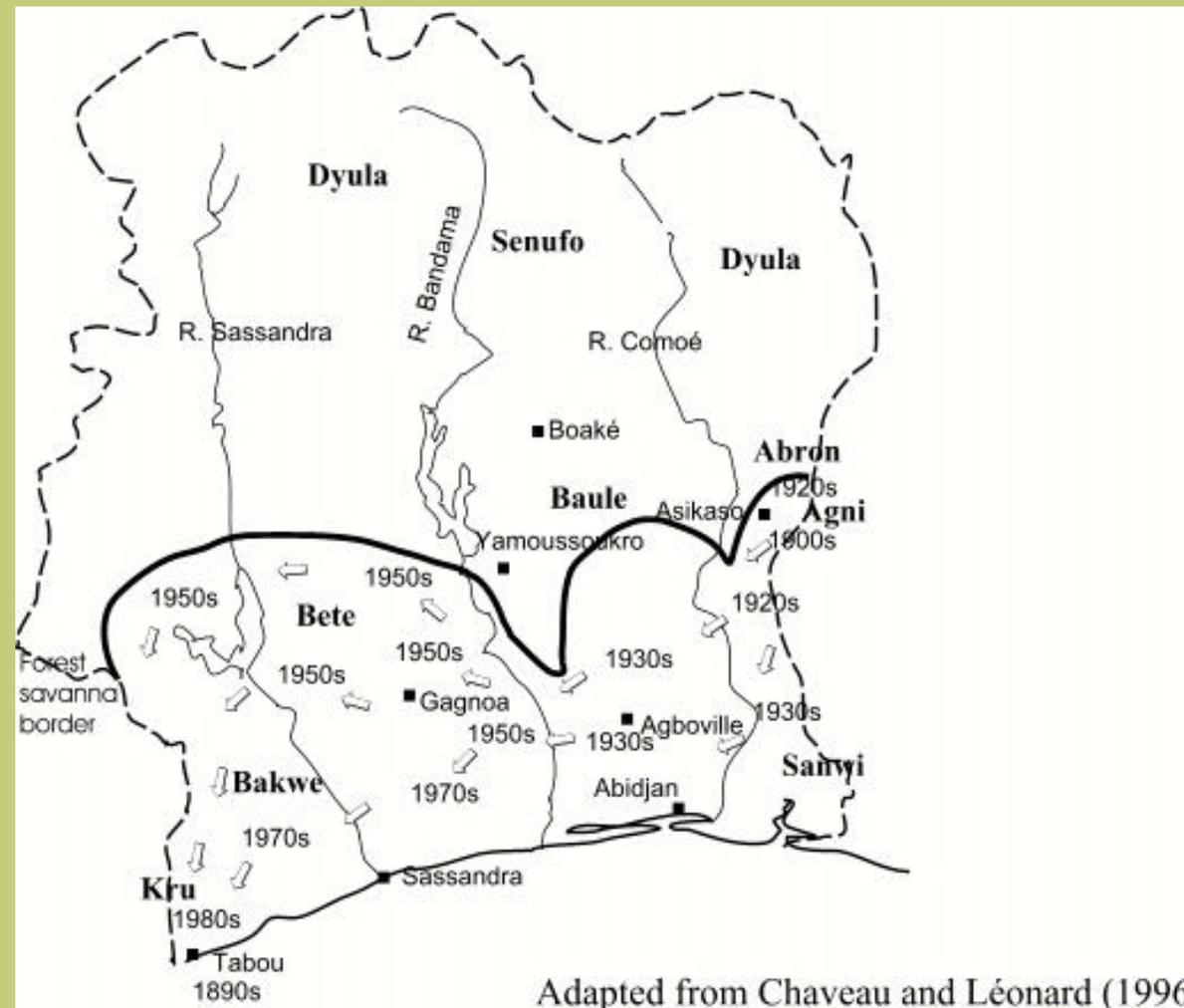
Migrations in West Africa to export crop areas



The export crop frontier in Ghana



Côte d'Ivoire frontier



Migrant labour and conflicts

- The presence of sharecropping labour has resulted in conflicts
- Sharecropping markets allow those who control land to gain labour outside the family circuit and play off family labour against sharecropping and hired labour
- Use of sharecropping by family controllers of land has resulted in alienation of land from local youth and women

Migrant labour and conflict (cont.)

- In Ghana during Aliens Complaince Act in 1969 many farming youth ejected migrant Sahelian labour
- The migrant Sahelian labour relocated to Cote d'Ivoire
- But in the 1990s the Sahelian migrant labour and their descendants were once more ejected, resulting in serious conflict and civil war

Recent developments in land relations in Ghana

- In land scarce areas with commercial farm sectors sharecropping is becoming a dominant relation. In some areas of southern Ghana over 50% of land under sharecropping
- Family heads often prefer to allocate land to sharecropping since this will provide an income or developed plantation (where the plantation is shared)
- Increasingly youth have to get land on a sharecropping basis or work on family land under sharecropping arrangements
- Land for tree crops is usually given out on sharecrop basis or purchased

Sharecropping as a market and a political relation of inequality

- Sharecropping is not only a market transaction between individuals or between autochthones and migrants
- It can embody power relations based on conquest, caste, or subjugation, enslavement

Is customary land a useful concept?

- The role of land in the economy in many areas in Africa is at variance with the legalistic and communitarian concept of customary land

Customary land administration

- A number of approaches have been developed to strengthen customary tenure and their linkages to formal land administration
- Some approaches focus on creating institutions that manage customary rights and norms
- Other focus on strengthening the management of land by traditional authorities

Rural Land Plans

- Attempts to make customary land more secure by creating local institutions that document existing land relations and use them in land administration.
- Location: Cote d'Ivoire, Benin, Burkina Faso, and Guinea
- Main rights recorded are primary right holders who control and appropriate of land. This excludes groups with derived or secondary rights, including youth, women and migrants.

Côte D'Ivoire

- In Côte d'Ivoire the rights of migrants who acquired rights earlier on the basis of land to the tiller have been challenged and many migrants expelled

Guinea

- In Guinea, Djallonke agriculturalist who were enslaved by Fulani in eighteenth century and were bonded labour only won rights to land in the independence period. During the colonial period the French colonial administration colluded with slave owners to gain forced labour for public works and Djallonke were forced to work as sharecrop tenants providing rent and labour services. With independence the Djallonke gained rights to land with reform based on land to the tiller. With recent approaches to land based on strengthening customary rights the land has re-appropriated by the Fulani, resulting in conflicts and insecurity of holdings.

Tanzania

- Land administration devolved to Village Councils.
- But customary rights not clearly defined and powerful sections within community are able to impose their definitions of the customary in accordance with their interests
- Unused and unoccupied land is defined as General Land and can be given to investors
- Accompanying a reform process that recognises customary rights is the appropriation of significant areas of land
- Pastoralists have lost out

Mozambique

- 1997 Land Law creates procedures for communities to register land.
- Chiefs are given an important role in land administration
- Chiefs are able to negotiate community contracts with foreign investors
- In some areas large concessions have been released to investors. What are the implications for future access to land for community members and for the present day youth?

Ghana

- Main approach is to build the capacity of traditional authorities to manage land.
- However, chiefs in some areas are attempting to redefine customary land rights
- In some periurban areas chiefs are appropriating land from farmers for real estate development, claiming that farmers only have user rights and claiming it as their stool land
- Since the purchasers of the land are the wealthy and politically well connected, periurban cultivators have few channels through which they can protest.
- Chiefs are also appropriating land for allocation to foreign investors in the “national interest”

Conclusion

- Where the emphasis is on building institutions to establishing customary rights and norms powerful interests come to the fore to dominate the organisation and impose their own version of customary norms and ensure it meets their interest
- Where the emphasis of reform is on building traditional authorities, they manipulate what constitutes the customary to meet their narrow interests and those of their business allies

Conclusion (continued)

- Where the local is socially differentiated, and involves a diversity of different groups interacting together, the definition of the local and the customary is likely to be politically constructed to meet the needs of a narrow section of society and their interests in the market and capital accumulation.