



# The Political Economy of Land Governance in Africa

## [Short Course](#)

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## Pre-Colonial & Colonial Histories of Customary & Statutory Land Tenure in Africa

[Prof Kojo Amanor](#)  
University of Ghana



It is appropriate that we begin with history, exploring the legacies and politics of how we have arrived where we are today. When looking at contemporary land issues across Africa, history is important in revealing the origins of the conception of customary and community within colonial rule and their linkages to capitalist accumulation, the continuities in the colonial manipulation of the concept of the customary into independence for capitalist purposes, and the specific forms of social relations and processes of surplus extraction and accumulation that have historically emerged in specific African societies.

In the present phase of land administration in Africa, most governments have introduced reforms under the framework of good governance. These reforms have been carried out in the context of opening up land markets and investments, emphasising the recognition of customary rights of ownership rather than redistributing land. Dominant features of these reforms include; decentralising land administration

(to civil society and communities), bringing customary land tenure into administration (rolling back state administration of land), and creating linkages between formal and informal tenure management systems. This is part of a broader trend towards opening African societies to global market forces and is primarily concerned with the commodification of customary land and the recognition of customary land within the market.

In contemporary framings, customary land tenure is often depicted as equitable (more so than statutory), providing an inclusive framework in which smallholder farmers can be guaranteed access and rights to land. Customary tenure is also seen as dynamic and negotiable, adaptable to change and particularly changing factors of production. African customary land tenure is also viewed as communitarian, acting in the interests of the public/community. However, if we examine these conceptions from an historical perspective we run into a number of problems.

Firstly, there exists a diversity of historical political formations across Africa and therefore no unitary concept of African land tenure. Secondly, the stereotypical conception of African land tenure as communitarian draws from colonial misconceptions of African customary tenure and acts as an extension of colonial indirect rule. Thirdly, the fact that custom is adaptable is confusing when looking at history. Without historical changes, custom would be static, and without historic change, we would all be living within the traditions of the Stone Age. Thus, custom represents the norms that arise from change, reflecting people's attempts to make sense of changes that occur through the movements of history. To move away from an essentialist customary tenure it must be noted that **the dynamics of change lie in history, not in custom.**

In the 1950s, in the context of countries' struggles for independence against colonial rule, Africans began to demand that their history be accounted for and developed as an academic discipline. Walter Rodney, makes an important contribution, beginning an analysis from Europe's uneven development of Africa rather than an essential communalistic African tradition. Such an historical analysis accounts for the various types of colonial rule - indirect and settler colonialism - across the continent. In contrast with colonial frameworks, a wide range of African societies were accounted for, with different types of political formations and social relations, resulting in distinct class and caste formations and different conceptions of land among different groups of people. As articulated by Mamdani, the relationship between the colonial ruler and the peasantry were similar in that colonial rule sought to create an alliance with a class of african nobility to coerce the peasantry to export crop production, forced migrant labour or taxation, expropriate land for colonisers, and prevent development of local land markets. **There existed a complex relationship between claims on land and claims of labour** (including the appropriation of surplus labour). Under colonialism, an ideological framework for land admin was created which invented the concept of 'traditional customary communal land tenure in Africa'.

The range of land relations that exist today shows that customs is only a small example of social tenure that has existed in Africa. After independence, land reform was introduced in only a few areas, with most attempts at radical transformation being seen as dictatorial. In many independent nations, the new governments failed to address the injustices in the land tenure system. In "Citizen and Subject", Mamdani identifies three tasks for the nationalist transition to independence; deracialisation of civil society; detribalisation of the Native Authorities; and developing the economy in the context of unequal relations. However, in most states, only the first objective was achieved. **The questions of social justice in rural areas, including the dismantling of the colonial system of native authorities, were never fully addressed.** As a result, the footprints of

colonial trusteeship continued to define rural land relations and customary rulers continued to command and capture rents from land and natural resources in the name of privilege and custom, holding back the development of rural areas.

Land reform processes under economic reform stresses administrative reform rather than land redistributive reform. Under economic liberalisation, there has been a return to and strengthening of privilege, disguised as the recognition of customary rights. This has led to the consolidation of customary rights rather than the redistribution of customary land, resulting in the re-appropriation of land by privileged elites.

The recent resurgence of the customary hinders a critical historical assessment, freezes African society within traditional identities, and obstructs policies that promote social redistribution, justice, and agricultural modernization based on the aspirations and capabilities of rural people.

## Discussion & Spotlight

- *To what extent does the present concept of customary originate in colonial frameworks? Are there any new elements?*
- *Do present notions of customary land relations reflect the historical analysis of pre-colonial society?*
- *What are the implications of strengthening customary land tenure for social redistribution, social justice and progress?*

**Mariam Diakite (Mali):** States use traditional authority to control land, often ignoring social redistribution and gender equity.

**Rebecca Chepkemboi (Kenya):** The type of colonial rule experienced by African countries still affects the way land laws and reforms are developed today. When strengthening customary land tenure, we must be aware of the potential negative impacts on women accessing land, and emphasise the importance of kinship.

**Akibu Abdulai (Ghana):** the historical question of “who owns the land” remains unanswered.

## Quotable from Zoom Chat:

**Carolyn Tumuhimbise (Uganda):** “From your presentation I pick that the way land is held is as a result of our norms, cultures that are deeply rooted in our people. In Uganda I see many areas where people are getting Kings or establishing chiefdoms, the State looks at this customary land holding as one that needs to be registered or encouraging others to convert to freehold. **I think policy makers need to understand broadly why communities feel safer under this customary tenure despite the urbanisation or development**”.

**Samke Nqayi (South Africa):** “I think for me, this session has been an eye opener but also opened up a can of worms. It appears like power and control over land has been existing before colonialism. The customary has so much power hierarchy and further distinguish people or rather discriminate in terms of privilege, class and gender (Which with colonialism there is an additional layer of race etc). I am even mind blown with how the pre-colonial practice of decentralisation concept tends to embrace people centred but that still has hierarchical powers as it was chief e.g. Bakunga vs Kabaga controlling land while majority has no control”.

## An Introduction to the Political Economy of Land in Africa

[Prof Ruth Hall](#)

University of the Western Cape – Institute for Poverty, Land, and Agrarian Studies (PLAAS)



The origins of political economy emerged in the mid-18th century, bringing together two aspects often dealt with separately -

economic and politics. The notion of political economy has a unique origin in European debates and emerged as a reaction to mercantilism, which focused on trade as a primary mode of production and economic prosperity. Karl Marx introduced the political economy framework as a critique to the bourgeois economy (as articulated by Adam Smith, David Ricard, John Stuart Mill, etc) and argued for the adoption of historical materialism centred on ‘labour power as a source of all wealth’. He argued that wealth is fundamentally created through the extraction of labour power, taking into account the material base from which wealth emerges. The idea of a free market was challenged, as ultimately it is labour that pulls land and capital into the creation of wealth. Political economy is about, “[the] understanding of the economy, how capital is reproduced, how profitability is maintained, and how crises develop” (Gamble, 1999).

Henry Bernstein and Samir Amin are significant scholars in defining the shape of political economy both globally, and more specifically within Africa. The concept of political economy has its foundations in Henry Bernstein’s four questions of political economy; **Who owns what?** (to understand property relations); **Who does what?** (to understand labour relations); **Who gets what?** (to understand social divisions of income and wages); **What do they do with the created wealth and surplus?** (to understand class formation and differentiation). Employing a political economy approach, Samir Amin argues that the process of colonisation experienced by a particular area produces the distinct legacies of agrarian change and social differentiation in different regions of Africa. Here he refers to;

**Africa of trade economies:** where colonists didn’t aim to take over land but get small-holderers to produce commodities for the European market

**Africa of concessions:** that gave concessions to big companies to engage in mining and plantations.

**Africa of the labour reserves:** characterised by land dispossession and the creation of labour reserves to provide cheap labour to capitalist production systems for the benefit of colonial rule.

Amin argues that the nature of colonialism has lasting consequences for how land was, and is to be, governed across Africa, as a neo-colonial situation persists in a post-colonial era.

Articulating the differences among different regions of Africa, Archie Mafeje argued that there exists land question in Settler Africa as it relates to the labour reserves, whereas across the rest of the continent, the primary concern is more of an agrarian question. Sam Moyo argues this by noting that since independence, inequality across the continent has continued to rise, pointing to a growing land question across the continent as post-colonial dynamics have themselves generated inequalities in land ownership.

Feminist political economists, taking Marxism seriously, note how the legacy of colonialism has created and entrenched patriarchal systems of land tenure, and the gendered division of labour has been obscured, making intra-household relations important. These scholars urge for the move away from treating women as a homogenous group. Dzodzi Tsikata is an important theorist, who adapts Bernstein's questions to posit five analytical questions to differentiate the gendered dynamics of who holds land, produces labour, and gains the benefits.

There is a lively debate regarding the set of assumptions in how societies are moving and changing the role of agrarian livelihoods. The topic of de- and re-agrarianisation are at the core, Sam Moyo and Paris Yeros introduce 'semi-proletariat' - those not fully agrarian or proletarianised - as people across Africa are caught between precarious livelihoods in the countryside and the city. This is a critique of Bernstein's 'fragmented classes of labour', arguing that there are "no peasants" as rural survival increasingly depends on the sale of labour. Issa Shivji builds on these arguments proposing the term 'working people' to account for the various ways people are having to exploit themselves and combine and create livelihoods, displacing agriculture from being at the centre of why people need land. **In this context, within an increasingly**

**globalised world, people are caught between the rural and the urban.**

Political economy is a perspective which aims to denaturalise the distribution of power and resources. It is an analytical perspective that draws attention to the historical process of the creation of regimes of property and the distinction between who holds the land, how capital is accumulated, and who controls labour. All policy interventions create 'winners' and 'losers', with political economy focused on understanding these competing interests. Today, the dispossession of land continues through a variety of means including: the market, commodification, investment, processes of land administration (even if appearing neutral or inclusive), with current land grabs appearing as the new scramble for Africa. A crisis of social reproduction has emerged in contemporary political economy, as surplus classes of labour are struggling to survive.

## Discussion & Spotlight

- *Question of Understanding: how do you make sense of concepts of pol eco?*
- *Question of Relevance: what ideas and arguments are useful in this context?*
- *Question of Debate: what do you agree and disagree with?*

**Bulus Sunday (Nigeria):** The concepts of political economy make sense even though they may not always be directly applicable to Africa. Climate change has caused a new wave of land grabbing and changes in land uses (particularly among pastoralists). Land should not only be looked at as a commodity to be sold for money - we must look beyond this. If land is properly harnessed it will go a long way in eradicating poverty in Africa.

**Lassana Kone (Cote d'Ivoire):** Land is not only a commodity but also has cultural value. A solution to the land question needs to look at structural factors affecting access to land.

**Akibu Abdulai (Ghana):** Colonial systems entrenched patriarchal land administration across Africa. While patriarchal systems were not necessarily created during the colonial era, women's rights were greatly eroded.

**Owen Dhlwayo (Zimbabwe):** The land question is about correcting colonial imbalances, including patriarchy, and should be based on a broader agrarian question looking at dynamics of agriculture and rural development. It is also very important for the youth to be able to access land and to ease the tensions between culture and laws, specifically when discussing women owning and having access to land.

### Quotable from Zoom Chat:

**James Kai Maker Duol (South Sudan):** "In terms of working people, pastoralists have caused conflicts, especially between farmers and cattle herders. This is because of natural resource issues where cattle need to graze and drink water. This reflects struggles for access to land/natural resources availability. This is the issue in South Sudan, I don't know about other African countries in this regard".

**Abdihakim Osman Ali (Somalia):** "Looking at land governance within the context of political economy perspective gives me a deeper understanding of why land is contentious in Africa".

## Land Reform Law and Policy in Southern Africa

[Dr Phillan Zamchiya](#)

University of the Western Cape  
– Institute for Poverty, Land,  
and Agrarian Studies (PLAAS)



This session looked at the practicalities on-the-ground in Southern Africa, exploring Zimbabwe, Namibia, South Africa, Mozambique, and Zambia, to paint a regional picture of land reform law and policy in post-colonial Africa.

It is important to understand how the historical nature of colonial rule has defined the different agrarian systems in different states across contemporary Southern Africa. To understand land reform policies that exist today, it is also important to investigate the histories of various liberation struggles that happened and the timing of political independence in relation to the global politics at that juncture. The context of the Cold War and the subsequent global turn to neoliberalism are significant historical moments in these processes. Whether a country's transition to democracy was a negotiation or absolute-victory also has significant consequences on leeway for radical reform. African countries differ in their approaches to land reform, but share many commonalities, particularly in the shared histories of colonialism and dispossession.

Land reform has long been at the centre of rural development, dominated by a redistributive approach since the early 1980s. This was in an effort to redress past inequalities and stimulate small-holder agriculture and self-sufficiency. From the 1980s onwards, however, market-based approaches to land reform have dominated. These initiatives aim to reverse colonial legacies shaped by the nature of colonialism that have produced different agrarian systems. For instance, Zimbabwe, South Africa and Namibia became settler colonies while Mozambique, Malawi and Lesotho are migrant economies.

Zimbabwe underwent British colonisation in the 1890s, leading to entrenched racialized and segregationist land and agricultural politics. In 1979, negotiations for independence resulted in a "willing buyer, willing seller" policy at full market value in foreign currency, with technocratic models of resettlement being implemented. However, few white farmers owned the prime agricultural land, with the majority of the population in poor communal areas. From 1980-1990, Zimbabwe implemented a pro-poor land reform (not often spoken about) targeting the vulnerable through four clear models, resulting in significant success and

transformative impacts for resettled people (comparatively on the continent). The 1990s saw the rise of neoliberalism and Structural Adjustment Programs, pushing land reform to the margins as states tried to create a capitalist class of farmers. This was a moment of great economic hardships and increased land hunger. A massive land redistribution program in 1999 led to violent farm occupations in the 2000s, with black farm workers being the hardest hit. Mugabe aimed to resolve the colonial question “once and for all”, using ideology to frame the fast-track land reform as anti-colonial and anti-imperial, transforming rural Zimbabwe from a dual to a trimodal agrarian structure dominated. Fast-Track Land Reform was the most radical land reform since the end of the Cold War. Applying a political economy lens reveals debates on land allocation, usage, and benefits, with questions about whether fast-track resolved the redistributive land issue.

Namibia gained independence in 1990 and also adopted a ‘willing buyer, willing seller’ approach as well as pursuing processes of expropriation (compulsory land acquisition in the public interest at market related compensations). Markt-led Affirmative Action Loan Schemes were pro-elite, aiming to create a middle-class of black capitalist farmers. On the other hand, the state-led Resettlement Scheme was aimed at alleviating poverty and redressing landlessness. Much like in Zimbabwe, the pace of reform was very slow largely due to exorbitant land prices, a lack of government capacity, legislative impediments (time-consuming), and elite capture. In its land reform approach, Namibia initially set aside restitution, focusing on tenure reform and redistribution. However, since 2018 there has been a move towards restitution.

The South African government adopted a market based land reform approach in line with neo-liberal policies. South Africa’s land reform framework included land redistribution, land restitution, and tenure reform.

The period from 1994-1999 was defined as ‘pro-poor’, 2000-2004 moving towards commercial orientated black farmers (much like in Zimbabwe and Namibia), and from 2005 onwards there was a greater turn to commercialisation through the Proactive Land Acquisition Strategy (PLAS). Unlike Zimbabwe and Namibia, South Africa incorporated restitution within its land reform framework, but this process has been very problematic and slow. While tenure reform is provided for in the constitution through the 1996 Interim Protection of Informal Land Rights Act (IPILRA), this was meant to be temporary but is still used today. A big debate in South Africa today concerns expropriation without compensation, and whether to implement nationalisation (whereby there is a transfer of ownership to the state), or custodianship (whereby the state acquires land rights on behalf of others and then facilitates their access).

Mozambique gained independence in 1975 and adopted a nationalisation of land. Inspired by the Ujamaa system in Tanzania, socialist large-scale state-run farms and communal and cooperative farming replaced the settlers and company plantations. The 1990s saw a transition away from socialism towards a market economy focusing on promoting private investment in rural areas and protecting the rights of customary occupiers on communal land. Mozambique’s land law of 1997 is considered one of the best land laws on the continent in striking a balance between these interests, however much like Zimbabwe, Namibia, and South Africa, implementation has been slow. Subsequently, the state has come under great pressure from investors to revise and retreat from its 1975 position.

Zambia gained independence in 1964 and underwent three broad land reforms; the 1970’s Land Acquisition Act that aimed to nationalise land held by absentee landlords; the 1975 Land Act that ultimately converted all land to statutory leasehold; and the 1995 Land Act that was significantly more market friendly and upholding a dual land tenure system. In the process of converting customary land

to state land, there has been a massive displacement of people in Zambia.

The current moment in history is significant in determining the possibilities of land reform. Rural livelihoods across Southern Africa are under severe stress, as neoliberal policies, which are often favoured by Southern African governments, have largely failed to substantively transform the lives of ordinary people or address poverty and inequality. Market-led land reforms are painfully slow, prompting calls for stronger interventions to support smallholder producers. Land restitution has been particularly messy in South Africa, highlighting that context matters. Rural populations have shown impatience but haven't been adequately galvanised into social movements, raising questions about the role of land reforms in the region and the key social actors involved. This problem won't be solved without strong social movements from below. The challenge is to rethink what works best for communities and to understand land reform within broader agrarian reform.

## Discussion & Spotlight

- *Expropriation without compensation or market-based approach to redistributive land reform? Discuss.*
- *What do you consider to be the best forms of land tenure in Southern Africa and why?*
- *Should countries in Southern Africa consider restitution as a land reform program and why?*

**Eiltruder Makupa (Tanzania):** Some in our group said a market based approach would be better, and others think expropriation would be better. Expropriation without compensation would need to be very carefully managed and monitored. Customary ways of owning land are best because it allows for communal forms of ownership and decision-making and prevents commodification. Restitution is important as it addresses historical suffering.

**Hazel Tariro Chimbiro (Zimbabwe):** Customary land tenure is more practical and appropriate in an African framework. While freeholder offers security of tenure, it is still a European standard of tenure imposed on Africa. Restitution is important as it restores land and dignity to those previously disadvantaged, but in an African context there needs to be strong processes of transparency and accountability to prevent elite capture and corruption.

**Mpho Lebelo (South Africa):** Expropriation needs to be guided by strong principles so it goes to the right people - we know the issue of corruption and political will. Administration and implementation is often a big problem that needs to be addressed. There needs to be restitution through expropriation without compensation and our custodians need to operate within proper systems to manage the land on behalf of people.

**Ikanyeng Gaodirelwe (Botswana):** We had polarised views as the market approach ensures there is equity but we are also cognizant of the fact that it is often captured by elites. Expropriation may be the only way for governments to get hold of land in these markets.

## Quotable from Zoom Chat:

**Petit Patrick Ahishakiye (Burundi):** "This market-based approach is a no-go zone because it encourages inequalities, and poverty in our communities which we need to avoid under the concept of good governance and rule of law (justice). I think that things die in the development of policies and giving less consideration to the legal nature of acquiring land to determine whether compensation is accepted or not. Again, I can't be happy to lose rights to my land because of not having the capacity to use it to farm because there are other activities than farming".

*Please note that this newsletter is not an official or approved record of the lectures or discussion in the course. It is compiled by a PLAAS team.*