

The Political Economy of Land Governance in Africa

[Short course](#)

Daily Newsletter #2

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Land reform law, policy and governance in West Africa

[Prof Mamadou Goita](#)

Institute for Research and Promotion of Alternatives in Development, Mali

West Africa comprises 15 countries (Mauritania is outside but still collaborates), making it one of the largest areas on the continent. This session started by exploring its existing land reform frameworks and challenges.



“Tenure” is a set of rules that defines the rights of people over land and natural resources. Land reforms refer to the nature, distribution, guarantee, and administration of these rights. Land is crucial for the development of an area, country, and region, and is inseparable from natural resources (both underneath and above). Land therefore serves as a critical access point to other resources and studies on it require a multi-disciplinary approach. Land reform processes should collectively address and define the nature of these rights and the political context in which they operate. **How can we redistribute land and ensure guarantees in this reform program?**

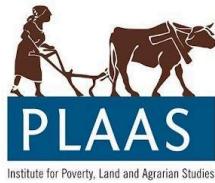
There are many stakes in the land issue including social peace and human rights, food security, sustainable natural resources management and

economic development of territories, etcetera. It is essential that land reform processes consider these specificities, rather than simply applying rules from one context to another. Land should be a key factor of sustainable development and not a source of social instability, which it often is.

In the context of West Africa, there is a conflict in the way land is being used. Its multiple uses include urban, rural, agricultural, pastoral (critical for the movement of people and animals), forestry, environmental, mining, tourism, and industrial. Land reform means changing the rules of the game to make it more relevant to people and outline the duties and responsibilities of people. Land is not just to look at, but to be used in a responsible way. The system needs to be reorganised to protect those most vulnerable and marginalised. Agrarian reform goes a step further, asserting that the whole system needs to be changed.

In West Africa, most areas are villages and organisation of lineages, with clusters of authorities. There is a coexistence of collective and individual rights, and managing these two sets of rights makes the customary tenure system incredibly complex. This is further complicated by a diversity of communities accessing their rights through this system including: pastoralists, fisherpeople, and indigenous groups. There is a constant change being experienced in West Africa through the superposition of changing rights over times and spaces (agriculture, cattle, forestry, fishing, etc). There is an inalienable heritage linked to the privatisation/individualisation of rights, monetisation of land transactions, and the commodification of land markets.

The policies in the past were based on dominality - the idea that all land belongs to the state. In many countries there was a negation of customary rights and they weren't recognised. Land policy was the



missing piece of the puzzle - many countries had land acts (outlining legal procedures), but comprehensive policies were missing. These policies should give a vision of general land management.

Now we are facing alternative land reforms (ALR) that bring new aspects on board. Dominality is being totally or partly abandoned as new actors become involved (local authorities), and customary laws are being recognised across West Africa. New tools are being implemented to secure and access customary detentions/possessions and land transactions. There is a decentralisation of land management systems and the creation of land commissions. There are also provisions for vulnerable groups, including women, youth, people with disabilities, and migrants. Most of these processes have been participatory. New threats include extensive land acquisition by private and elite interests, the undermining of decentralisation, increasing land speculation, and the rise of contestative movements by non-state actors, particularly CSOs and social movements.

In most countries across West Africa, more than 95% of rural producers do not have "official" land rights and formal documentation. As a result, land governance has been heavily criticised. Prof Mamadou Goita provided a useful table and historical explanation, outlining the state of reform and land policy across West African countries.

There are innovations in new legal instruments and frameworks, and a progressive end of state ownership on all land as new players enter the board. New tools are emerging to recognise and secure individual and collective customary rights and land transactions. The recognition of customary laws is challenging due to widespread practices across the country. Local land management rules are being clarified, with provisions for specific vulnerable groups.

Prof Mamadou Goita dispelled myths about Africa including the notion that African farming is archaic, highlighting that family farming feeds most of the population. He refuted the myth of land availability, noting that "marginalised" lands are either protected or used by pastoralists. He also challenged the evolutionary theory of property rights, pointing out that land titles often don't guarantee access and are frequently used for speculation. Lastly, he criticised land registration as a colonial tool still used in West Africa, arguing for the need for a more flexible system.

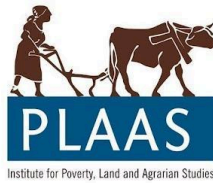
He concluded by powerfully articulating, "Land belongs to three groups of people: those who have died [they preserved it for us], those who are living today [and rely on the land], and those who are not yet born [it must be kept for the future]."

Discussion and spotlight

- *What are the key challenges concerning land governance in your respective countries that need to be addressed urgently on regional perspectives (RECs)? Why is it urgent to address them collectively?*
- *How can the issue of effective implementation of customary laws in the global governance of lands in Africa be sorted out?*
- *How to promote women, youth, and migrants access to secured land for better land governance in Africa?*

Sylvie Ngadi Edjienguele (Cameroon): There needs to be an allocation of specific percentages of land for marginalised groups, improved education, and a better process of beneficiary identification, to create a system of accountability and transparency.

Godiramang Motlhagodi (Botswana): It is urgent to address challenges collectively as when there is instability in one country, the whole region can be



affected. Challenges in land governance require a holistic approach, with all sectors being involved in reforms.

Linda Ruben (Namibia): To raise awareness about land rights and issues, we need to be using language that people at a local level can understand.

Michael Mutale (Zambia): Governments need to play a major role to promote women and youths' access to land. There also needs to be a normalisation of women's participation in all aspects of land governance.

Quotable from Zoom chat:

Abdihakim Osman Ali (Somalia): Land has become more competitive than ever. Urban affluents tending to annex nearby rural and agro-pastoral communities land may at times lead to conflicts. It is also driving the spatial growth and urbanization Africa is struggling now.

Land reform law and policy in East Africa

[Prof Patricia Kameri-Mbote](#)

Law Division, UNEP



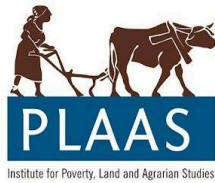
Prof Patricia Kameri-Mbote explained how it is almost overwhelming to think about how **land is in everything that we work on**. The session began by conceptualising land tenure in pre-colonial Africa. You can't look at land without conceptualising it in history. In pre-colonial Africa, there is an intrinsic character to land based on ideology and culture. Often when people are talking about land, they are speaking about soil.

The way land is held has been a significant issue in East Africa since pre-colonial times, when the region

had diverse tenure systems. The spatial position of spirituality is also vital when discussing land. **Land is at the soul of communities**, particularly for rural communities. Although we think our land issues are different, they all come from the same colonial stork. Commonalities in land tenure include kinship as a central political system holding land, with differentiated rights aligning with members' responsibilities, leading to overlapping claims. Equitable access is essential based on needs and power, while communal rights are favoured over individual rights.

In independent East Africa, land reforms have struggled between Western land concepts and pre-colonial customary systems. Post-independence efforts aimed to modernise and integrate customary systems with modern production rules, restore rights (especially for women), and were driven by political and economic reasons. Emerging issues, such as climate change, are prompting a rethinking of land reforms.

Western land tenure is significantly different from African customary systems. Western land systems emphasise individual ownership, tradability, formal laws, fixed rights, and exclusivity, with a focus on economic use. In contrast, African systems prioritise communal ownership, heritage, customary practices, flexible use rights, access for all, and a balanced approach to economic and ecological use. Colonialism imposed alien land tenure systems, disrupting customary practices, introducing dual systems, and centralising control, thereby displacing equitable land principles. Prof Kameri-Mbote contextualised and explained the emergent tenure systems in colonial Kenya, Tanzania, and Uganda. Despite being colonised by Britain, the resultant land tenure systems in Kenya, Tanzania, and Uganda differed significantly based on the political formations in each region and the needs of different imperial authorities. The question of who colonised a



country has important implications for how land is held (example of Tanzania).

Over roughly 70 years, colonial land tenure systems entrenched the state's role as the ultimate authority, replacing pre-colonial systems and generating significant contempt for customary land rights. Post-independence land challenges include the state's dominant role in land allocation, continued subjugation of customary land rights, and issues of equitable access for marginalised groups. Conflicts persist between historical and modern land claims, private and community land rights, and there is a need to adapt tenure systems to current global issues. We then explored notable land reforms in Tanzania, Uganda, and Kenya.

In Tanzania, Uganda, and Kenya, reforms aimed at economic development and social equity face persistent issues such as land grabbing, inequitable access, and weak enforcement of rights. Climate change further exacerbates land conflicts and threatens livelihoods, while large-scale acquisitions frequently disregard community rights, leading to social unrest. There is a conflict of interest in conceptualisations of land, on the one hand a socio-cultural link, and on the other a purely economic asset.

Contemporary land issues in East Africa include the impact of climate change on cultural, social, and political land uses, increased conflicts between grazing rights and individual land titles due to droughts and strains on market mechanisms from just transition projects, especially on community land. There are also challenges in equitably distributing benefits from these projects, increased issues with women's land rights due to their frontline role in addressing climate change, and a renewed focus on the "trust doctrine" from pre-colonial times to address future generations' entitlements.

Prof Kameri-Mbote reiterated the three important owners of land, as discussed by Prof Goita. She emphasised the need to prioritise the needs of vulnerable communities, particularly in regard to climate issues, calling for participatory governance. "The more things change, the more they stay the same - land continues to be a very important resource, and it has many implications for local, national, sub-regional, regional, and also global development."

Discussion and spotlight

- *Reflect on the lecture and pose questions*

Shumirai Guzha (Zimbabwe): Soil is spiritual, and land is not only about economics. When understanding land through the soil, it balances its economic and ecological value.

Q: What are people doing about the sustainability of the land?

A: There is an increased realisation that when land is sustainability managed there are wide-spread positive consequences. This requires interventions at different levels (local, national, regional)

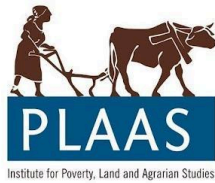
Adelaide Auma Ombudo (Kenya): There are currently changes happening in women's land rights, particularly around inheritance laws and practices and decision-making processes.

Q: How do we ensure a greater percentage of women are involved in land governance?

A: By raising awareness and drawing on the skills and knowledge of land champions

Ronald Murungi (Uganda): Challenges to women's inclusion in land registration processes are inherent in post-colonial land reform across the region.

Q: How do we reverse the past injustices in the post-colonial region, without infringing on individual rights?



A: This will require a strong hand - there are different mechanisms that can be used, but this is not for the faint-hearted

Quotable from Zoom chat:

Owen Dhliwayo (Zimbabwe): Thank you, Prof Kameri - Mbote, for mentioning spirituality to land. In my work, I have come to the realisation that communities tend to have territorial spirituality that cultivates a sense of responsibility towards a specific area in Chipinge district, Zimbabwe, thereby recognising the sacredness and uniqueness of their locality. This has created the basis of their resistance against eviction.”

Land reform law and policy in North Africa

[Prof Yasmine Moataz Ahmed](#)

American University in Cairo



MENA countries consist of: Algeria, Bahrain, Egypt, Iran, Iraq, Palestine, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, and Yemen. The MENA region is extremely diverse in terms of its ecological characteristics, historical trajectories, social organisation, political leadership and population features, yet shares a dominant concern - high and growing dependence on international markets for key staple food products as arable land and water become scarcer (OECD FAO 2018).

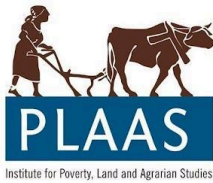
The MENA region, with its predominantly rural population and important agricultural sector, faces significant challenges. Despite agriculture's importance in countries like Iraq, Yemen, Egypt, and Tunisia, a small percentage of large producers control

most of the land, leading to severe rural inequality. The region is heavily reliant on food imports, making it extremely vulnerable and dependent on global pressures. Meanwhile, just a few countries, including the United States, France, Russia, Canada, and Australia, dominate global wheat exports (in a region that largely depends on bread), creating a significant food dependency for many countries in the Global South.

The lecture focused on the case study of Yemen, providing extensive historical context. One of the characteristics that is usually used to justify the crisis in land and food security in the area concerns the case of war, often not accounting for historical contexts. The humanitarian and food crisis we see today has historical roots - **we cannot understand contemporary issues without contextualising an area's historical trajectory.** During war, agricultural land was the most frequent target of bombing, despite its already small geographical area.

We then moved on to the case of Egypt, which is interesting because it is not a typical war-zone like Yemen but is currently experiencing a similar crisis of food security. There is widespread malnutrition and poverty, despite Egypt having some of the most fertile land in the world, with incredibly advanced agricultural skills. Current policy trends show a decline in government support for farmers over the past decade, with Egypt often described as having “an agricultural strategy, with no farmers”. There has been increased expropriation of land by the government, particularly by the military, which plays a significant role in these policies. Additionally, most financing is directed toward water projects for new urban centers, neglecting rural areas and has a severe impact on their food security and livelihoods.

Prof Ahmed also presented the case of Tunisia, explaining the two processes that shaped its food and agriculture sector. The first is an increased



structural food dependence (exceeding 50% of the country's needs), worsened post-independence. The second is the systematic impoverishment of the peasantry, largely unable to produce their own food for survival and security.

How did we end up here? MENA faces food insecurity not because of over-population or food shortages (often claimed in normative discourses) but mainly due to the region's adverse incorporation into the global economy. Land rights, encompassing access to land, water, and resources, have become highly politicised. The agricultural sector has been distorted, failing to meet food needs despite abundant natural resources and skilled labour. Historical agricultural policies reveal capitalist dynamics of "accumulation by dispossession" contributing to prevailing land inequalities. The MENA region is a classic case study for understanding colonial core-periphery interactions and the controlling of resources.

After briefly discussing the history of the region post-independence, Prof Ahmed invited participants to watch the documentary entitled "Fellahin", which explores how access to resources was negotiated post-uprising in Egypt and Tunisia.

Food sovereignty was posed as an alternative reality for the MENA region. Unlike food security, which sees the idea of feeding the hungry mouth as the ultimate goal for food and land policy, food sovereignty is about how to challenge and fight capitalism. It prioritises long-term visions and a return to the seed, with the goal being a more sustainable food system.

Discussion and spotlight

- *What kind of critical agrarian studies question can we ask in war contexts? Is Yemen comparable to other parts of the world?*

- *Is food sovereignty a viable alternative to the situation in the MENA region?*
- *What is the role of foreign investment (in the case of tourism) in debates about access to land?*

Samantha Chimombe (Zimbabwe): We focused on gender dynamics and how these shape the different experiences of rural women, both during and after war. Food sovereignty is a good alternative for the MENA region as it is part of a decolonising framework.

Joseph Sarpong (Ghana): War greatly affects the movement of people and disrupts labour and livelihoods.

Q: Is there political will in the MENA region for food sovereignty?

A: Making an argument about political will is challenging because the state is not a unified entity, with various factions within it. Instead, the focus should be on learning from one another despite political differences.

Mercy Masanga (Tanzania): When there is war there will be the issue of food security, which can then be weaponised (as we see happening in Gaza now). Food sovereignty is possible in MENA and offers important incentives for local agriculture.

Elvis Munetsi (Zimbabwe): We need to start where farmers are, even if this means starting in the backyard so they can feed themselves. Then we can upscale as time goes on.

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