

Land Reform Programmes and Development Trajectory of Selected African Countries: Issues and Implications

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Abstract

The fundamental intent of land reforms takes on protection and conservation of land resources, by means of wealth redistribution and development. Over the era in Africa and especially in Nigeria, empirical researchers play host to different epoch and attempts to land reforms in relation to ensuring sustainable, effective and efficient development. Consequently, the study is conducted to critically scrutinize the various land reform programmes, and implication in relation to land ownership and management; taking on accessibility for investment in agriculture and other sectors of the economy. This study embraces the synthesis method of data extraction and analyses. The gap in literature propels the recommendation on the need to provide better strategies through regular reforms that will make Land Administration work and also provide benefits to all Africans at all times.

Keywords: *Land reforms, Development, Ownership, Management, Investment, Solution*

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Background to the Study

Land reform is a phenomenon which has swept through the continent of Africa over the years, aimed at protecting and conserving land, land resources and the physical environment where it is practiced. This is always a social or political process which involves the arrangement governing the possession and use of land for development. The concept development takes on change embracing positive or negative. Development plays host to the provision of fundamental necessity for human progression. Development takes on the sustainability of the natural ecosystem towards human and economic continuity for it to be seen as being sustainable. Brundt land Report, (1987) instituted that, “development is tag sustainable when the fundamental needs for human development are provided in its right proration without compromising the ability of future generations to meet their own needs”. It contains within it two key concepts:

- a. The concept of 'needs', in particular, the essential needs of the world's poor, to which overriding priority should be given; and
- b. The idea of limitations imposed by the state of technology and social

Organization on the Environment's ability to meet present and Future Needs

The Brundt land Report of 1987, over time, change the application of sustainable development, moving beyond the frontiers of the intergenerational framework to "societal inclusiveness and environmentally economic growth". Inclusive sustainable development ensures non-marginalization and non-exclusion of stakeholders in developmental courses. Inclusive sustainable development, therefore, extends to take account of land reform processes and programmes.

In Africa, there have been several programmes of land reforms which have equally resulted in less than proportionate developmental imperatives to transform the continent. The key intent of this study takes land reforms examination in Africa with focus on East, (Kenya), west (Nigeria), and south of Africa (South Africa). The objective of this is to analyse the socio-political dynamics of the reforms to ascertain how land sector enhance or constrain proper land ownership and management, [land accessibility for investment and development](#). The synthesis method is adopted for data gathering and analyses. In this method, the author review, distill, and integrate existing empirical data on the theme for their generalizations and conclusions. Thus, the author sought for and merged heterogeneous data sets from multiple sources such as published reports of prior research and grey literature. The researcher first and foremost conceptualize the main concepts involved in the study, then the various programmes of land reform in the different case study African countries are analyzed. The research further explains issues and implications of these land reforms programmes in the respective African countries and proffer suggestions for the development of the continent.

Conceptual Illuminations

The term reform means, to change or change made to a system or organisation in order to improve it. It is a process of restructuring a system for something better. Reform may also be seen as a social activity which does or should improve conditions, remove conditions, remove unfairness in a society.

Consequently, land reform refers to the political principle of sharing farmland so that more people would own some of it. It is a system of restructuring land ownership in a way majority will have access/benefit from it. Mbadiwe, (1999) says that land reform in a broad technical sense means any process designed to change the arrangements by which land is held for the purpose of improving the social and economic position of those who actually use it. It should be taken to be the restructuring of the land tenure system usually in response to general and economic discontent resulting from a tenure system that facilitates the subordination of the majority of the people who do not own land, and to those of the minority who do. Accordingly, Manji, (2006) defined land reform as the process and associated actions of enactment, enforcement, and evaluation of land policies and pieces of legislation by which land right relations between people are restructured or reorganized. The key propeller of land reforms is that of liberalization of land occupancy and to facilitate the creation of markets in the land.

Land reform may take many forms. It could be a form of movement for the redistribution of property rights, either between the government and the landowner or between landowners. Sometimes, an owner's property rights are shifted from one parcel of land to another to give his neighbours a more rational distribution of rights and land (Mbadiwe, 1999). In other reforms, the larger landowner must surrender land to less well-endowed people, or to the landless. In some cases, land reform may not change the amount of land held by two or more parties, but it may alter the sharing of rights of property between them. Adams & Howell, (2001) equally define land reform to be an act of transfer from individual ownership, to government-owned, in other times and places, referred to the exact opposite: division of government-owned collective farms into small holdings

Land reforms, however, are herein established as [agrarian reform](#) taking in changes in laws, regulations or customs inconsonant to land ownership. Land reform resides in government-initiated or government-backed [property redistribution, primly for agriculture. Land reform equally played host to transfer of ownership from generation to generation or from family to family with \(full or token\) or without compensation](#) (Borras, 2006).

The Reason behind choosing these three African Countries as case studies

The land reform processes in the three case study countries share peculiar social, economic, and political variables. First, in the three countries, customary institutions tend to shape or have shaped land relations amidst statutory formal interventions. Second, current land reforms in these countries are pivoted on addressing weaknesses in the previous reforms to transform agriculture. Finally, all three have experienced positive economic growth in the past decades, and increasing access to world markets, including the trading of agricultural goods. But despite these commonalities, there are differences among these countries with regards to their political developments and periods of implementation of land reforms. These three countries are carefully and strategically selected to represent the entire continent in order to reflect on the issue of land reforms and its influence on ownership as well as management, land accessibility for investment and development.

Land Reforms in Case Study Countries

(i) Nigeria

The pre-colonial land system in Nigeria was characterised by seizure and decree by the might of warfare, occupation, and rulership in which princes and religious adventurers carved out dominions for their followers and communities. Community leaders and warlords had great influence in the administration of land for a communal living, farming and grazing purposes. In the northern part, the predominantly nomadic Fulanis rare their cattle over a large expanse of land and, they found settlements and markets (as they move) without defining boundaries for any group of communities or settlements (Mabogunje 2007; Adedeji, (2008). After the Fulani Jihad in the early 19th century, a quasi-feudal pattern developed with Emirs claiming ultimate title to land, being chief holders. In Southern Nigeria, the land was held by the community, village, or family. The land was owned by extended lineage, with individuals having only usufructuary rights by virtue of their membership of the group.

The Colonial Nigeria was divided into colonies and protectorates where a multiplicity of land tenure systems existed. The arrival of Europeans in Southern Nigeria in the later part of 19th Century drastically changed the landholding system. As soon as the European traders, (who were used to freehold) began to acquire land parcels in Lagos colony, they did so with the concept that the transactions conferred on them absolute ownership and the right of alienation. With the promulgation and subsequent implementation of the Land Use Act (1978), which came to unify the land tenure systems in the country vested all land within the territory of a state in the Governor of that state, and that within the Local Government, in Chairman of the Local Government for the use and common benefit Nigerians, except land owned by the Federal Government (section 1 of the Act). The Act reduced all freehold tenure into leases (Right of Occupancy; statutory or customary as the case may be) and provided for the consent of the Governor who gives statutory right of occupancy in the cases of land located in the urban centres, or the Local Government chairman for land in the rural areas to be sought and obtained before transactions are carried out on land. However, the Land Use Act (1978) with all its potentialities and promises to transform the land tenure system in the country has not worked as intended for various technical, institutional, social reasons and lack of sincerity and political will on the part of various governments to implement the Act.

(ii) Kenya

Land has been a contested resource in Kenya from the colonial era to the present. For instance, land access remains skewed, with a land Ginicoefficient at 0.64 (Beyers & Fay, 2015), the highest in this comparative review. The division of land based on customary inheritance laws was seen as an impediment to agricultural production and productivity. This and subsequent land reforms in the colonial period fell short of effectively increasing or even restoring Africans' access to land and also failed to increase agricultural productivity (Kariuki, 2004). Subsequently, land reform in Kenya in the postcolonial period has aimed to correct previous failures.

As asserted by O'Brien, (2011) Kenya in 1963, innate a vastly imbalanced configuration of entrance to land that destitute the African population in terms of ownership over productive agricultural land. Such unfairness in access to land can be better understood in the context of

land availability. In Kenya, productive agricultural land constitutes about 20% of all lands, from which 80% of Kenyans derive their livelihoods, mostly in rural areas. To supposedly address the challenges over unequal access to land, the state in independent Kenya from about 1963 has implemented, or is currently implementing, land reform programmes to redistribute land among Kenyans based on market principles. All the land reforms so far encourage the individualization of land rights, away from communal customary ownership (Coldham, 1982; Rutten, 1997).

(iii) South Africa:

The Natives' Land Act of 1913 prohibited the establishment of new farming operations, sharecropping or cash rentals by blacks outside of the reserve where they were forced to live. In 1991, after a long anti-apartheid struggle led by the African National Congress, the former President, F. W. De Klerk declared the repeal of several apartheid rules, particularly: the Population Registration Act, the Group Areas, and the Natives' Land Act.

This system has proved to be very difficult to implement because many owners do not actually see the land they are purchasing and are not involved in the important decisions made at the beginning of the purchase and negotiation (World Resources Institute, 2005). In 2000 the South African Government decided to review and change the redistribution and tenure process to a more decentralized and area-based planning process. The idea is to have local integrated development plans in 47 districts. This will hopefully mean more community participation and more redistribution taking place, but there are also various concerns and challenges with this system too (Drimie, 2007). These include the use of third parties, agents accredited by the state, and who are held accountable to the government. The result has been local landholding elites dominating the system in many of these areas. The government still hopes that with 'improved identification and selection of beneficiaries, better planning of land and ultimately greater productivity of the land acquired...' (Lahiff, 2008) the land reform process will begin moving faster (Hall, 2008).

As of early 2006, the ANC government announced that it will start expropriating the land, although according to the country's chief land-claims commissioner, unlike Zimbabwe there will be compensation to those whose land is expropriated, "but it must be a just amount, not inflated sums" (Mail & Guardian Online, 2006).

In South Africa, the main model of Land Reforms that was implemented was based on the Market-led Agrarian Reform (MLAR) approach. Within the MLAR, the strategic partnership (SP) model was implemented in seven claimant communities in Levubu, in the Limpopo province. The SP model was implemented from 2005 to 2008 that ended up in a fiasco leading to the creation of conflict between several interested parties (Basu, 2016).

Issues and Implications

In Nigeria, since the last reform in 1978 through the Land Use Act which vested all land within a state in the Country in the Governor of the state for the use and common benefit of Nigerian, land are still bought and sold by private individuals and communities. The so called reform

only added more set back to the country's development as an investor must go into double deal in order to succeed in any envisaged land development. What is meant here is that an investor has to buy the land first from the private owner or community before obtaining title (Statutory of Occupancy in an urban area, or Customary Right of Occupancy in a rural area, as the case may be) on the same land from the government. This situation often times might thwart or stifle the general economic development of a country.

In Kenya, with its characteristic 'Monarchical Democracy', where a family and a few other elites rule for decades after Independence till date, land reform in the country seems to be only an advocacy rather than anything to be felt and experienced. The selected few in the ruling class only own land, while the majority of the citizenry hardly have access to land for development. The above scenario in Kenya is hardly different from what operates in South Africa, except that land ownership here in recent past has moved from the White to the Blacks, but majorly to the Blacks of the ruling echelon too. For instance, the real farmers who could have cultivated the land or at least use it to secure a facility for their development and the overall economic development of the country are denied access. The Market Led Agrarian Reform (MLAR) of 2016 in the country remains a fiction.

Conclusion and Suggestions

The inadequacies of the current land tenure systems in most African countries have informed the agitation for reviews by many stakeholders. In the case of Nigeria, as embodied in the Land Use Act, (1978), apart from the need to overhaul the land tenure system, the former administration headed by President Goodluck Ebele Jonathan in the country was made to realize that there could be no true development without the economic empowerment of the rural dwellers through the conversion of their natural asset, land, to capital by granting them titles to their land holding and creating an open land market economy.

However, land ownership whether of a leasehold or freehold type is crucial for promoting the capabilities of rural producers, enhancing their access to credit, enabling them to invest in farm infrastructure and improved input, and generally improving their productivity and development. The forgoing view is aptly illustrated by a writer, Hernando De Soto (2000) in his work – 'The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else'. He remarked thus '...in the West every parcel of land, every building, every piece of equipment or store of inventory is represented in a property document that is the visible sign of a vast hidden process that connects all these assets to the rest of the economy. Thanks to this representational process, assets can live an invisible, parallel life alongside their serial existence. They can be used as collateral for credit. The single most important source of funds in the United States is a mortgage on the entrepreneur's house. ...by this process, the West injects life into assets and makes them generate capital. Third World and former communist nations do not have this representational process.

As a result, most of them are undercapitalized, in the same way, a firm is undercapitalized when fewer securities are issued than its income and asset would justify'. At present this natural asset of the majority of Africans is locked up as 'dead capital' as various interests in them does

not possess titles to raise capital. Only about 3%, according to research, of the land in Nigeria for instance, is covered by title deeds. It is this low level of land titling that accounts for the high level of poverty in the land as it is not possible to harness the potentialities in a land without title deeds. The philosophy of the Land Use Act that all land belongs to the state and should be held in trust by the governor for the people, and that undeveloped land has no value, constitute a great obstacle to the development of a dynamic land market economy and therefore needs a surgical review for the current initiatives of unlocking the commercial potentials of land in Nigeria in particular and Africa in general to be realised. It is the current dysfunctional nature of land administration dynamics in Africa, and concerns arising from its unproductive nature, as noted herein, that informs the need to provide a better strategy through a more thoughtful, effective, efficient and sustainable land reform programmes that will make Land administration cum development work and also provide benefits to all Africans.

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