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The Role of Land Policies, Land Laws and Agricultural Development in Challenges to Rural Livelihoods in Africa

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Introduction

Considering 'agrarian policies and rural transformation' in Africa¹ requires careful attention to land and landed resources. Investigating patterns of access to, use of, and authority over land today includes understanding colonial treatment of land whose legacy interacts with current processes of increasing scarcity of land, rising inequality and conflict over land, and the intertwining of such conflict with that over political authority at all levels of society (Berry 2002; Peters 2004, 2013; Lund 2008; Boone 2014). It is within these conditions that land reforms and programmes of agricultural development, usually in the name of a 'green revolution', as well as an accelerating trend towards land appropriation by both foreign and national agents must be understood.

I first consider how colonial and post-colonial states treated rural land, most of which is still held and managed through various forms of 'customary' practices, and then introduce the recent round of land law reforms. Second, I discuss policies aimed at improving African agriculture, especially contemporary programmes that target an 'African Green Revolution'. Third, I consider the current land rush for 'investing'

in African agriculture, paying particular attention to the implications for small-scale farming families.

While these three sets of processes entailed in land reform, interventions in the name of 'green revolution', and the land rush have to be described somewhat separately, their interactions pose a growing threat to small-scale productive use of land and landed resources and, most worrying, facilitate displacement and dispossession of small to medium scale users from land considered, whether legally or conventionally, as 'customary' and 'common'.

Land tenure

The colonial creation of two parallel legal systems, statutory and customary, continues to be of signal importance for understanding the current land situation across Africa. Colonial overrule fundamentally reshaped social relations around land, conceptions of property, links between land and authority and between place and identity, with effects that continue to reverberate today. Legal historian, Martin Chanock, concluded that "the models of customary law of land tenure were, to a significant extent, instruments of colonial land policies (...) produced in the circumstances of initial dispossession and confinement, and served both the colonial governments as a justification for these, and African communities as an apparent defence against further land loss" (Chanock 1991: 62). The critical elements to stress here are that customary rights to land were not considered rights of ownership but rights of use for members of recognised territorial units, and that the localised authority over land was devolved to 'customary authorities' or 'chiefs', while the state retained ultimate ownership rights.

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Denial of full ownership rights to holders of customary land had several key effects. One was to halt the development of a land market by ignoring or denying evidence of past transfers, and by declaring that land was inalienable 'according to tradition'. Another, by placing land management under the institution of chieftaincy and by fixing territorial boundaries within which chiefs were made 'trustees' over land, intensified competition among the various incumbents of 'traditional' leadership roles and centred that competition on land. Territorial fixing of political authority also emphasized the link between rights in land and group membership, with groups or 'communities' cast as 'tribal' and ethnic by colonial and succeeding governments. The intertwining of access and authority of land with ethnic identities has featured in many conflicts across the region, including in civil wars. Thus, Sara Berry concluded in her comparison of three West African countries, that in Côte d'Ivoire "tensions between autochthones and strangers over access to land in the closing cocoa frontiers converged with emerging lines of conflict over control of the state, helping to create a popular audience receptive to candidates' xenophobic appeals, and reinforcing the country's slide into civil war" (Berry 2009: 39; cf. Chauveau and Richards 2008).

After the end of colonial rule, most African governments retained these elements.

Even where governments sought to curtail or even abolish customary tenure and, sometimes, chieftaincies, in practice the rough assemblage of 'customary' patterns of landholding, land use and authority over land remained and/or was resuscitated as governments changed over time: examples are Tanzania and Mozambique (see Moore 1986; Gengenbach 1998). The critical elements that remained in many countries were that customary or traditional rights to land were not accorded the full ownership rights of statutory law, and that customary authorities exerted authority over land, subject to the needs and decisions of the state.

Some countries, such as Malawi, passed laws in the 1960s that explicitly gave the relevant government Minister the right to appropriate land if it was in the 'national interest' or for 'development'.² Such language, of course, gave considerable leeway for ruling regimes to appropriate land for urban development, forest, game or other reserves, as well as for roads, water reservoirs and mining. Since these laws often remain in place today - as in Malawi - the same leeway is seen in many current land deals. In some countries, customary land was also appropriated for the development of large estates, some owned by the state or parastatal bodies, some by private individuals (as in Malawi under Dr Hastings Banda).

The situation today, then, is that there has been a consistent legal denial of customary land interests as equivalent to real property, so turning most of the rural population of sub-Saharan Africa into "tenants of the state" (Alden Wily 2012: 765). Even where customary rights are recognised in law and/or the constitution, such as those managed through traditional authorities in Ghana, or the new laws in Mozambique and Tanzania, they appear not to be fully protected since land allocations against the wishes of current holders continue to be made (Ubink, Amanor 2008; Borras *et al.* 2011; McAuslan 2013). During the late 1960s into the 1970s, development agencies and African governments sought to institute various land 'reforms'. The premises of the land tenure interventions, which frequently repeated those of the late colonial years, were that the 'customary' status of landholdings did not provide the 'security' necessary for investing sufficiently in agricultural production, that it constituted an obstacle to modern agriculture, and that formalizing tenure through registration and titling would provide the necessary incentive and access to credit to jumpstart commercialization and modernization. A large well-documented body of research found that, in most cases, the projected outcomes did not materialize, that small farmers were not able to acquire credit even with a registered title, and that the process often exacerbated conflict (based on gender, age, ethnicity, and class) over land, encouraged speculation, and frequently ended by displacing precisely the people supposed to benefit from the titling (among others, see Okoth-Ogendo 1976; Pala 1980; Galaty *et al.* 1981; Peters 1984; Davison 1988; Downs and Reyna 1988; Shipton 1988; Haugerud 1989; Attwood 1990; Shipton and Goheen 1992). Moreover, longitudinal studies have shown that, rather than the form of tenure being an 'obstacle' to expanded production, the main hindrances were lack

of infrastructure, services and other conditions for small to medium scale agriculture (Linares 1992; Netting 1993; Guyer and Lambin 1993; Guyer 1997).

Essentially the same conclusions are reached in a very recent systematic review, funded by the British Department of Foreign and International Development (DFID), of twenty cases of land titling over the past 30 years (Lawry *et al.* 2014). Hall and Lawry summarize the findings thus: "in Latin America and Asia, the studies show strongly positive gains to productivity ranging from 50-100% after tenure recognition, usually in the form of titling. In contrast, in Africa there were zero or modest gains to productivity ranging from 0-10%, and also weak impacts on investment and income. Across all regions, there was no evidence of discernible credit effects (...)". The authors suggest, as did those cited above from the 1970s on, that the "primary productivity constraint in Africa" was not 'tenure insecurity' but overall poverty and "the absence of complementary public investments in infrastructure and services" (Hall and Lawry 2014). I would argue that essentially the same situation holds today though with the added pressures of a globalized agro-food system and intensified competition over land within and from outside Africa, as will be described below.

During the 1990s, as a result partly of the failure of titling to lead to the expected outcomes, partly, perhaps, of the large body of critical research, there were some moves by World Bank researchers, as well as by bilateral donors, such as the British DFID, towards recognizing that 'customary' tenure did not necessarily reduce security and accepting that for titling to work, other economic and political conditions are necessary.³ Nevertheless, despite some nod to 'evolutionary' shifts in tenure, old premises about the need to push for registration and titling tended to be reproduced, and most of the actual interventions into land reform have repeated most of the older rationales and used the same strategies.⁴

Over the past 10 to 15 years another vigorous effort has been made by leading donor agencies and African governments to institute a new set of land reforms. Billed as 'pro-poor' and needed to improve 'governance', the land policies are heavily "technical and administrative (...) rather than a matter of democratizing access to and control over wealth and power", and the land policy process continues to be based on "the promotion of (usually individual) private property rights in land through mechanisms deemed to be financially and administratively efficient" (Borras and Franco 2010: 2-3). This old idea has marked land policies in Africa since colonial times, although in some of the accompanying rationales, one sees the older justifications in newer language, such as the capitalization of assets of the poor by Hernando de Soto (2000).

In addition, however, the earlier conclusion by many researchers that customary tenure was no obstacle to 'security' and effective productive use, and therefore did not need to be changed has been eroded over the past two decades. Increasing commoditization, especially of landholding, in many places effectively undermines customary systems and has led to many customary authorities becoming more like landlords than trustees

for 'their people' (for Ghana, see Ubink, Amanor 2008; Boamah 2014). In addition, increased pressure on land comes from rising populations in conditions of economic stress with severe reductions in average landholdings in many countries. Conditions for investment in land and agriculture have also deteriorated as policies of structural adjustment and market liberalization greatly reduced funds for agriculture, including many services and subsidies, and undermined public expenditures on necessary infrastructure and social services. The expectation that the private sector would fast replace the public role of the state for most of these services and expenditures proved unrealistic. The result has been a considerable neglect of agriculture and particularly of rural areas and small to medium scale agricultural production (Oya 2010; Bryceson 2000: 27; cf. Mkandawire, Soludo 1999).

It was in part a recognition of the failures of structural adjustment (even when particular agencies did not explicitly say so) that has led to the more recent return to land reform to restart economic growth. This again entails titling but now with a stronger emphasis on the need to encourage the development of land markets. The neoliberal emphasis on 'enabling institutions', such as legal systems, is directed to promoting markets of all types. Also, in light of rising concern about the challenge of 'feeding the world' as well as concerns about Africa lagging behind the rest of the world in terms of its poverty and other welfare indices, renewed attention to boosting agricultural production has produced numerous research and discussion papers that reassess the actual and potential role of agricultural production of food and non-food crops and of initiatives like the Millennium Challenge and the Alliance for a Green Revolution in Africa (AGRA), to which I turn below. At the same time, a new phenomenon of fundamental significance for all these concerns has arisen - the wave of land appropriation across the continent - this has been referred to by some as 'land investment' and 'land grabs' by others, but which I shall refer to as land deals or land rush. This wave is driven by two factors: first, the flows of capital from a wide range of foreign governments and private agents to acquire land for the purposes of food production (especially for those countries with insufficient well-watered and fertile land to produce their own food), oil crops (in light of the rising price and possibly declining supply of fossil fuels), and speculation. A second factor is the eagerness of African ruling regimes to tap into the foreign capital for reasons of national development and economic growth but, perhaps even more, for reasons of private gain by members of the ruling regimes and by rising, capital-short domestic elites. As I shall discuss later, this interest from foreigners coincides with a rising demand for land within African countries by national and local elites.⁵

Improving African agriculture and Green Revolution models

Colonial officers and missionaries tended to misinterpret and denigrate African agriculture. In Nyasaland (now Malawi), African farmers were considered to be 'lacking in foresight' and unorganized, so that, as one agricultural officer said, official efforts

at 'improvement' ought to focus on the 'one in ten thousand' – the few 'progressive' or 'innovative' or 'intelligent' farmers found in the rural areas.⁶ Such attitudes may have been worse in countries of east and southern Africa where there were substantial settler populations. Alvord, an American missionary who became Chief Agriculturalist for the Instruction of Natives in Southern Rhodesia in 1926, and later Head of the Department of Native Areas and Reserves until his retirement in 1950 considered that Africans practised a "primitive agriculture that wastes and destroys" (cited in Page and Page 1992). As the latter authors show, nothing could have been further from the truth: more waste and destruction were caused by inappropriate agricultural policies forced on African farmers than by indigenous methods themselves.

Nevertheless, in most cases, colonial officers' fears of hired labour and labour migration disturbing 'order' inhibited the replacement of small-scale farming with plantations and large scale farms (Baglioni and Gibbon 2013: 1.572). These fears resembled the perceived threats of land privatization to indirect rule through 'traditional' authorities which had not allowed the negatively viewed 'communal' landholding to be fundamentally changed. This 'pro small-scale farming' stance (*ibid.*) and the spectacular disasters of large-scale projects, such as the Tanganyika groundnuts scheme, in the optimistic 'development' years of the 1950s, resulted in only a very small portion of Africa's agricultural land being cultivated on a large-scale up to c. 2004.⁷ This excludes the settler countries of eastern and southern Africa.

30 Yet the prejudice against small-scale African farming persisted and efforts to convert African farmers to commercial producers drove the programmes of 'improvement', while marketing boards and various regulations were used to control and direct small-scale farmers. Much of this continued after political independence. The aim remained to convert so-called 'subsistence' farmers to 'commercial' farmers who, with the extension of markets, would increase their scale of commercial production, acquire more land, and hire more labourers, while the competitive dynamics thereby set in motion would squeeze out the 'backward' or 'inefficient' farmers who would, in the fashion envisaged for centuries, 'migrate' to other areas and other jobs. As it turned out, of course, the long-awaited exodus of farming families from rural areas into manufacturing and industrial employment (in the mode of the British Agricultural and Industrial Revolutions) has not taken place, and the meagre manufacturing and industrial sectors are quite unable to absorb even the current crop of young people, let alone those of future generations. Hence, there is widespread unemployment among the young across the continent; 'oscillating' migration from rural areas has long been included in the livelihood strategies of rural families in many regions, particularly in southern Africa. But, now, even when more people looking for employment move fairly permanently into urban areas or to other countries, growing populations and few waged jobs have kept many in rural areas.

The agenda of creating commercial larger-scale farmers fuelled the post-independence

rural and agricultural policies, including the 'integrated rural development projects' of the 1960s–70s. The premise remained that farmers needed to be taught improved methods by experts, using the technologies and skills from the developed world. Even in such apparently revolutionary countries like Tanzania, Nyerere's *Ujamaa* villagisation or huge resettlement project, embodied the same ideas from 'high modernity' about insufficient skills and knowledge among farmers (Scott 1998). Despite the rhetoric of being pro-small farmer, some commentators at the time considered that the underlying model of market (capitalist) transformation would inevitably displace those same small farmers, as in the swingeing critique by Ernest Feder (1976). Later on, the discourse of neoliberalism would make the rationale of creating markets in land and other factors of production more explicit.

The oil price hike of the early 1970s, the subsequent economic downturn and then the donor-imposed structural adjustment and liberalization policies, along with a turn to donor concern with 'environmental conservation', hugely reduced the support to the agricultural sector in African countries. During this stressful period, there was widespread "deterioration of public input distribution and subsidy systems [while] agricultural policies were effectively subordinated to macroeconomic stability and the idea of a minimal role for the state, marking the end of broad-based 'modernist' nationalist strategies for agriculture at the service of industrialization" (Oya 2010: 8–9).

Creating a 'Green Revolution' – for whom?

The growing realisation of the problems caused by the neglect of agriculture in Africa – declining food security, a rise in poverty, growing competition over land and civil conflict related to these factors – as well as the shock of the global 'food crisis' of 2007–8 led to an increased emphasis on 'feeding the world' by donors, and in 2009 the G8 (Group of 8) countries committed themselves to reduce hunger in poor countries. In turn, the G8 set up the New Alliance for Food Security and Nutrition in 2012 to reduce hunger in Africa. On its website the New Alliance describes itself as "a shared commitment to achieve sustained inclusive, agriculture-led growth in Africa" and specifically to "help lift 50 million people out of poverty in Africa".⁸ Echoing the dominance of neoliberal policies, the New Alliance looked not to governments but to the private sector to lead the initiative.

In 2006 the Gates and Rockefeller Foundations formed AGRA. It describes itself as "a truly African organization that is closely involved in local partnerships and global networks, all of which are working to improve African food security, increase agricultural productivity, and reduce rural poverty. Our close ties to smallholder farmers across the continent and our intimate understanding of African agriculture make us a valuable partner. We strengthen and leverage the efforts of others to improve the lives and livelihoods of all Africans, fostering agricultural growth in environmentally sustainable ways".⁹ The New Alliance and AGRA both focus on agriculture (and on

landed resources) and describe each other as 'partners' along with selected African countries' governments, other donors and organizations. A third related organization established in 2004 is the US Millennium Challenge Corporation (MCC) which grants large five year grants (Millennium Challenge Accounts - MCA) or 'compacts' to selected countries among the 'poorest' countries, some in Africa. These grants can address agriculture but are not limited to that sector.

So far, the research findings on these programmes raise a number of critical points that cast doubt on the 'inclusive' character of the agriculture being promoted, and on the likelihood that a reduction of poverty will be achieved in the near future. In particular, I argue, on the basis of the research published so far, that rather than these multi-billion dollar funded programmes supporting small-scale family farming, they are making it more risky and difficult, and, whether intended or not, are facilitating the takeover of the land of small-scale land users.

The main points of critical commentary are the following:

(i) The dependence on expensive inputs (seeds, fertilizers, pesticides), most imported, results in high-cost production that is a major obstacle to small-scale farming, particularly in face of unpredictable prices for farmers' crops in local, national and international markets. In addition, the high-cost programmes are unlikely to be fundable for African governments when the current aid-funded projects end.

(ii) The concentration on hybrid and Genetically Modified (GM) seeds results in increased profits for multi-national corporations and increased difficulties for small scale farmers. Farmers are required to buy new seeds annually from the corporations who have patented seeds, so being forced to give up their longstanding practices of saving, exchanging and experimenting with seeds. Even worse, the seed companies, of whom three (Monsanto, DuPont, Syngenta) control almost 50% of the global proprietary seed market, draw on 'the genetic resources' developed by farmers "through centuries of anonymous effort and local knowledge" (McKeon 2015: 37, 127). Yet farmers receive no benefit from that history and are legally compelled to buy seed annually.

It is not surprising that considerable scepticism has been expressed by researchers about the claims of well-funded programmes to support small-scale rural producers, such as AGRA and Millenium Challenge, when they have very close working ties with the international companies who patent and sell seeds as well as fertilizers and insecticides. AGRA works closely with Monsanto and Cargill, and these, along with DuPont, Yara International, and Syngenta are included by the United States government as among its 'partners in development'. Moreover, as Carol Thompson points out: "AGRA finances research and production of private corporate seeds (many genetically modified) and expands their market delivery along with their necessary components of fertilisers and pesticides" (Thompson 2012: 345). Thompson adds that during the first Green Revolution (in Asia) the improved seeds remained in the public domain, whereas AGRA-sponsored seeds are mostly privatized by corporate seed breeders.¹⁰ Similar points are made with further cases in the new book by Nora McKeon (2015).

(iii) The concentration on hybrids and GM crops also has dangers for biodiversity. Already in 1996 the FAO reported that "[t]he chief cause of loss of genetic diversity (...) has been the spread of modern, commercial agriculture. The introduction of new, highly uniform varieties has resulted in the loss of traditional farmers' varieties" (FAO 1996: 13). This was repeated in a 2010 report: "[t]he introduction of modern varieties of staple crops appears to have resulted in an overall decrease in genetic diversity" (FAO 2010: xix), both cited in Thompson 2012: 349). Reactions by groups of African producers to these major programmes designed to transform African agriculture include a consortium of social organizations who issued a statement in 2007 headed "Africa's wealth of seed diversity and farmer knowledge - under threat from the Gates/Rockefeller 'Green Revolution' initiative".¹¹

(iv) These programmes bring intensified threats to small scale producers' land rights. The MCA grants are given to eligible countries only if they accept to adapt their land and other policies according to what is billed as 'good governance'. In practice, according to Jeanne Koopman, this means that the "grants (...) are conditioned on government acceptance of land tenure systems that take customarily owned land from peasant-pastoralist community control and make it into a commodity that can be sold or leased (...) to anyone who can 'invest' in it, including foreign agribusinesses" (Koopman 2012: 656). Peasant organizations and other civil society groups have mobilized against the taking of land for these projects and for elite Senegalese (including the former President Wade) under the rationale of 'improving agriculture'. In 2012 a new song emerged in the midst of public objections to land 'grabs' that declaimed, "*touche pas à ma terre - hands off my land!*" (Koopman 2012: 662).

But, as discussed above in the section on land reform, the major thrust of these large aid-funded programmes is to create markets in land - that is, to release land from the social ties that keep it from being fully marketable. Thus, the G8 Summit in June 2013 launched a Land Transparency Initiative to accelerate land governance reforms (Sulle, Hall 2014). This, in short, is to accelerate the transfer of land into markets and thus, disproportionately, into the hands of larger-scale investors.

(v) Just as the central thrust of land reform policies - in practice if not in rhetoric - is the priority given to privatization of land and creation of markets in land, so the 'pro-poor' and pro-food security rhetoric of the New Alliance programmes calls on the private sector. One well-known proponent is Bill Gates who spoke in the 2008 Davos meeting of 'creative capitalism' - an approach "where governments, businesses, and nonprofits work together to stretch the reach of market forces so that more people can make a profit, or gain recognition, doing work that eases the world's inequities".¹² As already noted, the leading private sector partners for the agricultural programmes, including AGRA, are the giant seed and fertilizer companies of Monsanto, Yara, Cargill and Syngenta, who have been seen to have their own interests that are not all compatible with those of the millions of small to medium-scale land users.

The particular framing is 'Public-Private' Partnerships (PPP), often combined with a model of agricultural growth through 'growth corridors', as in Tanzania (see Sulle this issue). A number of studies provide critical assessment of some of these programmes. A recent OXFAM report on Mega-Public-Private Partnerships in Agriculture investigated PPPs in three countries (Burkina Faso, Malawi and Tanzania), asking: "[w]ho primarily benefits from these initiatives? Who shoulders the burden of risk? Who holds power in decision making?" (Oxfam 2014: 2). Their key findings were "the poorest people are all too often likely to lose out or be bypassed, while the priorities of women are left unmet. Mega agricultural PPPs are by and large unproven and risky, and appear likely to skew the benefits of investments towards the privileged and the more powerful, while the risks fall to the poorest and most vulnerable" (Oxfam 2014: 2). While the OXFAM report accepts a role for large-scale agriculture and for private sector investment, it insists these can be truly 'pro-poor' *only* if there is "recognition of tenure rights for local communities, (...) transparent, responsive and judicious land governance, strong labour and women's rights legislation and the application of human rights standards" (Oxfam 2014: 2).¹³

Sulle and Hall conclude that, so far, New Alliance programmes, "instead of reversing [the] chronic under-investment in smallholder agriculture, [appear to lead to] the adoption of corporate agriculture, either turning smallholder farmers into wage workers and hooking them into value chains in which they have to compete with MNCs, or expelling them to search for alternative livelihoods in the growing cities. Although tempered by promotion of 'outgrower' schemes, in practice this agenda promotes large-scale commercialisation" (Sulle, Hall 2013: 2). In this, they agree with the 2014 Oxfam report just cited as well as a number of other published works. Their further conclusion is one that is echoed by many others (including myself): that, instead of promoting public-private and similar interventions, "[w]e argue that African countries engaging with the New Alliance should focus instead on securing citizens' access to land, water and improved governance. African countries have a better chance of addressing the root causes behind rural poverty and low agricultural productivity by investing *directly* in smallholder farmers themselves" (Sulle and Hall 2013: 1-2; emphasis added).

Alternatives to conventional green revolution approaches

In parallel, and sometimes in dialogue, with the critiques presented by research to date on The New Alliance, MCA, AGRA and other 'Green Revolution' themed programmes, an old debate about the present and possible futures of small-scale farming has been taken up and intensified. Although AGRA and the Millennium Village programmes target food staples, thus apparently supporting small-scale farming, the underlying model is that of converting small farmers into larger-scale, more commercial producers. Yet a growing literature not only documents the environmental and ecological costs of agro-industrial agriculture (Weis 2010), so providing a new type of critique of the posited inevitability

of such a future, but shows that alternatives already exist. Some of this literature also draws on older, relevant agro-ecological research on forms of agricultural practice that have shown success at maintaining and increasing productivity on small farms. For example, the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) issued a report that, based on a four year consultation with over 400 scientists, warned against relying on genetic engineering 'fixes' for food production, and emphasized the importance of locally based, agro-ecological approaches to farming (Holt-Gimenez 2008: 469). Other studies also present data on successful, locally adapted methods to improve yields in numerous African locales, many of which also include improved varieties from local research stations, which provide clear alternatives to the Green Revolution programmes. One example is the method of rotating maize with semi-perennial legumes (pigeon pea and/or velvet bean):¹⁴ with 'modest fertilizer intensification' on the maize, it doubled the yield compared with monoculture maize; at half-fertilizer rates it produced "equivalent quantities of grain, on a more stable basis (...) compared with monoculture"; and the biodiversity "improved ecosystem function further" (Snapp and Blackie 2010: 1).¹⁵

The land rush and investing in African agriculture

Over the past decade, large tracts of land, significantly always watered land, have been acquired by foreign governments, corporations and investment companies in generally poor countries, especially in sub-Saharan Africa. These have been acquired for production of food crops, especially by countries with land and water shortages worried by the price spike in world food prices of 2007-8; for the production of biofuels in light of the rising price and fears of dwindling supplies of oil; and for exploitation of land-based resources of timber and minerals (Borras and Franco 2010; Palmer 2010; Hall 2011; McMichael 2010; Von Braun 2007; Deininger 2011; Deininger and Byerlee 2011). In addition, mobile capital has seen new markets in land and water as 'a promising way to secure assets' (De Schutter 2011). As Campanale explains, "[t]he ascendancy of agriculture as an asset class (...) is predicated on long-term projections of a global supply and demand imbalance for food. (...) [T]his promise of prices increases (...) is attracting the private investment industry" (Campanale 2013: 135). I would emphasise that another attraction is the absurdly low price for land and an expected fast rise in its value.¹⁶

Some see this wave of foreign acquisitions as a 'new scramble for Africa' (Carmody 2011). As more information has become available, writers have pointed to the central role of national and sub-national levels of government in managing the allocation of land and associated investments of infrastructure as well as, critically, the removal, sometimes involving compensation, sometimes not, of existing users of the allocated lands.¹⁷ The interests of African governments and other national players in facilitating the land deals include the loan and aid packages that often accompany land leasing,

private returns in the form of fees or more indirect benefits from foreign investments, and political gains for the different authority figures claiming the right to allocate land, as well as a policy determination that progress in agriculture, including food production, depends on a sharp increase in commercialization and large-scale production.

Moreover, recent research suggests the domestic land rush is at least as important as that by foreign entities.¹⁸ Those acquiring land are frequently businessmen and/or men who are or were employed and able to use their savings to obtain land.¹⁹ Some of these new investors want the land for agricultural production, some for speculation in view of the rising value of land across the continent. It is obvious that there is a chicken and egg aspect to this phenomenon - the demand for land within countries has been rising and now is influenced by the demand coming from foreign interests which increases the perceived value of land; also, the thrust in most land reforms - in practice if not in principle - towards facilitating land transfers, as well as government and donor discourse about the need to draw value from land... all contribute to the desire and the ability to obtain land.

A sometimes contentious debate is generating a large literature on trying to assess the wave of land acquisition. From the early investigations into land acquisitions, a question posed was 'do the land acquisitions produce needed investment in African land and agriculture or are they land grabs?'. As more have engaged in the debate and as more information - still quite thin - is collected, more specific questions can be asked. An example was given above from the 2014 OXFAM report on public-private partnerships which was guided by the questions "who primarily benefits from these initiatives? Who shoulders the burden of risk? Who holds power in decision making?" (OXFAM 2014: 2). A central issue is the scale of farming favoured, and in particular, what is the role of small-scale farming, understood as that which is currently pervasive across the continent, in the schemes of 'investment' and 'improvement'. Aspects of the debate over different scales of production include the relative effectiveness in achieving higher productivity from the land; the contribution to national and household food security; the contribution to income and welfare of farmers; the environmental and ecological effects; and the implications for land rights.

These questions can be posed in light of a re-assessment of the trajectory of African agriculture in which an FAO report concluded that "over the last 40 year period and especially since the mid-1990s both domestic production and imports increased on aggregate" and "food imports (...) did not compete or displace domestic production (with exceptions like rice in Senegal and meat in Côte d'Ivoire)" (Kidane *et al.* 2006: 9 cited in Oya 2010: 4). Although such findings indicate that the 'disaster' of African agriculture has been exaggerated, there is certainly need for increased productivity not only for food production but as an important part of livelihood support for millions of Africans, and a channel for reduction of poverty. Small farmers have had considerable success in the past in the production of major cash crops like cocoa, coffee, cotton,

oil palm alongside the production of food crops, some of which goes to supply the burgeoning urban areas (Guyer 1997). While production of some valuable export crops has now been overtaken by countries in Asia and Latin America, "Africa's family farmers are responsible for up to 90% of all agricultural production in some countries [Livingston *et al.* 2011: 13] and meet up to 80% of the food needs of the population" (McKeon 2015: 55). Rising inequality as well as growing populations add to the urgency to support an intensification of African agriculture. The challenge is in *how* that should be achieved. Many inside and outside Africa believe that this must include small-scale producers as a critical element.

Numerous authors have pointed to the dangers of the wave of land acquisitions for small-scale farming families, especially in light of the continuing influence of the modernization paradigm positing a necessary transition from small to large scale production. As Jayne *et al.* conclude "(...) in spite of rhetorical support for small-scale farmers, there are increasing concerns that *de facto* agricultural and land policies have encouraged, and are continuing to encourage, the transfer of land to large-scale foreign interests without due cognizance of how this is affecting land access by future generations of indigenous rural communities" (Jayne *et al.* 2014a: 13). The already rising inequality in landholdings due to the search for more land by both farmers and businessmen and the subsequent increase in a number of countries of medium-scale farms at the cost of small farms (Jayne *et al.* 2014a) are exacerbated by the land rush by foreign interests. Similarly, Cotula says that "the land rush (...) signals a shift away from family farming, which has long constituted the backbone of agricultural systems in (...) much of Africa, and towards large-scale, mechanized agriculture" (Cotula 2012: 673). Yet rhetoric of pro-smallholder and pro-poor persists in all major donor stances towards 'improving' African agriculture.

The rhetorical intent to benefit 'smallholders' or small-scale farming is clear in influential reports like the *World Development Report 2008 on Agriculture for Development* (World Bank 2007) but careful analyses show the almost 'schizophrenic' split between that support and the representation of smallholders as subsistence-oriented and as inefficient "compared to larger-scale commercial farming".²⁰ Critics see the *World Development Report* as advocating "the rapid development of contract and corporate farming" and the conversion of "non-competitive smallholders (...) into large-scale contract farmers or workers for corporate farms" (quoted in Carmody 2013: 125, cf. Akram-Lodhi 2008).

Such attitudes have been documented for many years and help explain why the effects of land laws and agricultural policies are very different from the rhetorical claims to be 'pro-poor' or 'pro smallholder'. A detailed documentation of this disjuncture for land laws for countries in eastern Africa is found in the recent book by the legal expert, Patrick McAuslan (2013), who spent decades studying and facilitating land law reform, especially in countries of eastern Africa. He concludes, with reference to Tanzania, that

"the lure for the political and administrative elites of benefiting financially from land deals with foreign investors is leading them to ignore the Act and grab village land either for themselves or in partnerships with foreign investors" (*Ibid*: 115), a situation he finds in most of the other countries he reviewed. He adds that even where legal recognition is given to non-formal or 'customary' rights to land, it fails to "really provide any protection against the inroads of statutory tenure" (*Ibid*: 230). His sad conclusion is that "[t]he optimistic hopes which I and others involved in the land law reform process in the 1990s harboured have not been realised and the trend seems to be against their being realised" (*Ibid*: 238). Other writers point out that lack of enforcement of recognised customary rights or the political decision to over-ride such rights in the name of 'development' or 'the national interest' result in loss of land rights and often loss of land itself for many (see Alden Wily 2012).

Conclusion: taking the part of small-scale producers

Conclusions emerging from the now very large literature on the interconnections of land reforms, land deals and agriculture are that, first, the social and economic effects remain difficult to assess as yet because many of the interventions are new and information remains thin; second, it is injudicious to posit an either/or between large-scale and small-scale production. As Woodhouse says, "the effects of large-scale as compared with small-scale farming are likely to be highly context-specific". Thus, while he agrees with others that "large-scale, export-oriented agriculture" should not be assumed to be the 'inevitable direction' of agricultural development, he emphasises that "[t]he type of crop, effects on labour productivity and wage rates as well as the generation of public goods are all aspects of large-scale investment that need context-specific evaluation" (2012: 719). One can agree with this judicious assessment.

Nonetheless, many continue to worry about the millions of small-scale farming families in light of the processes of displacement discussed above. It is now widely agreed that many to most of these families do not live only from farming but increasingly receive a varying amount of their overall income from 'off-farm' employment. So another conclusion that can be drawn from current debates is that it is just as mistaken to assume a necessary 'transition' to large-scale farming as to privilege small-scale farming in agricultural programmes. But to raise concerns about small-scale farming families is not to fall into the fallacy of 'small is beautiful' or a romantic image of peasant life (Bernstein 2006: 458; Baglioni, Gibbon 2013). Rather, it is to put forward arguments about the critical importance of supporting small-scale farming for economic, social and political reasons. I briefly outline arguments in favour of including small-scale farming in the overall vision of agricultural improvement, that is, to see the way forward as a combination of large, medium and small-scale farming and other land use that will vary according to a wide range of factors.

A recent IIED blog introducing new papers on the theme of "Family Farming: Feeding the

World, Caring for the Earth", said "There is general agreement that family farming plays important roles in eradicating hunger and poverty, providing food security and nutrition, improving livelihoods, managing natural resources, protecting the environment, and achieving sustainable development".²¹ This echoes many similar opinions, such as that smallholder agriculture is 'one of the main ways to reduce poverty' as well as being able, at least in some dynamic areas, to contribute significantly to economic growth (Hazell *et al.* 2007). Others emphasise that these positive outcomes are possible only if the small-scale production sector receives considerable and systematic (rather than *ad hoc*) support with input supply, infrastructure such as roads, market organization, extension and research (Dorward, Kydd 2004; Cousins, Scoones 2010; Jayne *et al.* 2010; Oya 2010). Röling, a supporter of small-scale farmers, says that a large amount of research and experience shows that "African smallholders are dynamically adaptive and innovative in making the best of their circumstances", and gives examples that can be multiplied from many other research documents (Röling 2010: 2). He pinpoints the obstacle to their greater success in production and livelihood levels as systematic institutional obstacles both national and international.

The stress on the overall political, economic and social contexts is a common one in assessing the roles of different scales of production in Africa. This is particularly so since, despite the pro-small farmer and pro-poor rhetoric noted in many donor and programme positions, very different practices in the implementation of such programmes have been identified by researchers. For instance, after citing studies showing that a range of scale-neutral investments in roads and other infrastructure, and basic public goods could boost small-scale agriculture as well as other forms of production, Gollin states that, "[i]n recent years... concerns have emerged that many African governments seem to be opening the door to policies that would explicitly favour large farms. The most apparent support for large farms has come in the form of government support for land purchases by large-scale producers" (2014: 12). Gollin also echoes the misgivings about 'growth corridors' which, despite their claiming to be "enthusiastic about supporting smallholders, there is an undeniable emphasis on larger-scale commercially oriented ventures (...)" (*Ibid.*). As noted earlier, there are already many expressions of scepticism about the potential benefits to small-scale, let alone 'poor', farming families from projects based on large land deals managed through labourers, public-private partnerships or contract farming.

A generally agreed conclusion about the excision or neglect of small-scale farming is the failure of other development, both rural and urban, to generate sufficient employment to 'absorb' even the current flow of job-seekers. A recent assessment of 'Africa's evolving food systems' concludes that "the creation of new jobs in the non-farm economy is unlikely to grow fast enough to absorb the rapidly growing young labour force. Because of this, smallholder agriculture will remain a fundamental safety valve for absorbing much of the new labour force into gainful employment for several

decades" (Jayne *et al.* 2014b: 4). A parallel paper on 'the scramble for land in Africa' by both national and international agents concludes that we face "[t]he challenge of using agricultural development to address the massive rural poverty and hunger which require recognition of the growing land constraints faced by much of Africa's rural population (...) [and] to enable them to contribute to Africa's economic growth processes rather than be marginalized by more powerful actors seeking land" (Jayne *et al.* 2014a: 18). A similar conclusion was reached for a group of authors debating 'the future of small farms': "small farm development is not just desirable for poverty reduction, but also feasible, even in changing circumstances and particularly those of more concentrated supply chains with more demanding buyers", although the authors also stressed the need for proactive policies for "a favorable rural investment climate, provision of public goods, institutional development [which] are largely the same as those for agricultural development as well" (Wiggins *et al.* 2010: 1341).

The concern about 'surplus labour' and the consequent dislocation, dispossession and probable immiseration of millions of people squeezed off the land is exacerbated by the lack of sufficient and/or sufficiently supported labour on large farms. A recent study of increases in large-scale land investment in 28 countries, 15 of them from sub-Saharan Africa concluded: "[b]ecause land investors frequently export crops without providing adequate employment, this represents an effective income loss for local communities" (Davis *et al.* 2014: 1). The authors go on to quote research that shows very low employment resulting from large-scale land deals "due to transitions to plantation style agriculture preferring mechanization and wage laborers. In most cases, the opportunities for employment are low-quality and limited or nonexistent (Deininger and Byerlee 2011; Cotula *et al.* 2009; Li 2011)" (*Ibid*: 8-9).

In sum, then, there are considerable arguments for ensuring that small-scale farming is considered a necessary part of the overall approach to agricultural development. 'Taking the part' of small-scale land users²² is not equivalent to harking back to a romanticized 'peasant' past, nor does it deny a place for larger-scale production forms by "ravidly" prioritizing the small farmer "over the bigger picture" (Riddell 2013: 175). It is merely to insist on proper attention to the present and near-future fate of millions of land users across Africa who have proved, more than once, that they are able to contribute towards more secure food supplies at local and national levels and towards export crops. One is not looking to all land users being self-sufficient in food or other ways - that is an absurd vision - but to their being included in the future in positive and productive ways. It is obvious that since average landholdings are declining in size, some will become non-viable as an important part of a family's income or as a contributor to local and national crop markets, and that landless and near-landless people are those most likely to become the workers in large-scale production and processing units. Nevertheless, the fact that small-scale to medium-scale farming is thoroughly productive, given the kinds of support services already mentioned, it needs

to be actively part of efforts to 'improve' African agriculture and not mere rhetoric covering means that lead to its displacement and to people's dispossession.

The single most important point to make in this context is to insist on the need to give full recognition to the entitlements of current land users (cf. Sulle, Hall 2013). It is clear that the ability of governments and others to cast 'customary' land rights as equivalent to tenancy at the will of the state, whether the law actually provides that basis for decision or not, is enabling a widespread actual and potential dispossession of millions.

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NOTES:

1 - This was the focus of the conference "The New Harvest. Agrarian Policies and Rural Transformation in Southern Africa" (Department of Political and Social Sciences, University of Bologna, 13 March 2015) at which this paper and others in the journal issue were presented.

2 - Paul Kishindo, "*Land reform and development*", draft chapter for edited book *Malawi and Development*, nd., pp. 6, 9 (cited with permission).

3 - A classic source is a World Bank study by Bruce and Migot-Adholla (1994).

4 - See Peters (2004) for more detail on these issues.

5 - I do not discuss here other aspects of land appropriation for reserves, parks, eco-tourism, etc., which have been referred to as "green grabbing" (cf. Fairhead *et al.* 2012).

6 - Peters' research in Malawi agricultural archives.

7 - "[T]he share of [sub-Saharan Africa] cultivated under PF/LSF [plantation/large-scale farming] apparently remained broadly constant at 5% to 7.5% for almost a century up to the commodity boom beginning in 2004" (Baglioni and Gibbon 2013: 1564).

8 - www.new-alliance.org

9 - www.agra.org.

10 - This is in contravention of the International Treaty for Plant Genetic Resources for Food and Agriculture which protects "farmers' rights to save, breed, and exchange seeds" but which remains unsanctioned. One example of the perverse outcomes is that Zimbabwe ICRISAT (International Crops Research Institute for the Semi-Arid Tropics), after receiving funds from AGRA, changed its practice of sharing seeds with local farmers from whom they had received the initial germplasm (either directly or from the International Agricultural Research Centres [IARCs]) - since 2010 they sell the foundation seed to commercial seed companies (Thompson 2012). Also see Falcon and Fowler (2002).

11 - African Civil Society Organisations, Nairobi, Kenya cited in Thompson (2012: 349). Also see McKeon 2015 for other similar groups.

12 - www.agra.org.

13 - Cf. Sulle and Hall (2013) for Tanzania.

14 - Annual grain legumes such as soybean and groundnut were less effective than the semi-perennial legumes in raising yields.

15 - Also see Snapp *et al.* (2003), Scoones and Thompson (2011), Mayet (2007).

16 - Consider the CEO of an investment company who said "African farmland prices are the lowest in the world", making Africa "the last frontier" (Palmer 2010: 5); or the Brazilian investor who felt the cost of 1 US dollar per hectare offered by the Government of Mozambique "too good to ignore" when the going price in Brazil was between 2,000 and 15,000 US dollars per hectare (OXFAM 2014: 17).

17 - Deininger (2011); Alden Wily (2010, 2012); Palmer (2010). Figures for amounts of acquired land vary enormously: for recent discussion, see the special issue of the Journal of Peasant Studies 2013, vol. 40, n. 3.

18 - Jayne *et al.* (2014a) re Ghana, Zambia and Kenya; Hilhorst, Nelen (2013) re countries in West Africa; also see Cotula (2012).

- 19 - There are very few examples of women leasing or purchasing substantial pieces of land.
 20 - See Patel (2013: 13) for a stimulating discussion.
 21 - IIED (2014) Blog 15 October, Food and agriculture: Seven papers unpick debates on African agriculture and rural development. www.iied.org/blogs.
 22 - The phrase is taken from Gavin Williams (1976) and is inspired by Harriss-White (2012).

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