The Significance of Descent-Based 'Customary' Land Management for Land Reform and Agricultural Futures in Africa

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Since the 1960s, land reform has been a key topic in Africa. Many land policies have been formulated and related programmes have been implemented - all in the name of improving agricultural investment and therefore, productivity, as well as bringing about general social and economic development. By doing so, many land policies and land reform interventions worked to do away with African landholding systems which were dubbed "static, rigid, insular, inflexible, incompatible, and insecure" due to the absence of clearly defined and enforceable property rights. It is these perceived weaknesses 'inherent' in African landholding system that prompted the need for land reform. Pauline E. Peters and many others have widely criticised these conventional premises of land policies and land reform interventions in Africa - and so she continues in

the chapter *The Significance of Descent- Based 'Customary' Land Management for Land Reform and Agricultural Futures in Africa* of the edited volume *Rethinking Land Reform in Africa: New Ideas, Opportunities and Challenges.*

Central to her formulation is her continued call for equity - that is the recognition of the distinctiveness of African landholding system and grating them legal protection in their own right. To do so, Peters defined general 'African landholdings systems. Key to these African landholding systems is - according to her - that they 'are based on descent' (p71). African landholding system offer a strong social support system - they are an 'invincible' or hidden structure of social support' (p72), that is central to people's livelihoods and buffer in times of crises. the trusteeship and/or 'nested system' as she borrows from Max Glickman comprises of entitlements and responsibilities. In other words, while someone may claim that 'this maize field is mine', they may also claim that 'this land is ours', reflecting the bundle of rights inherent in the African landholding systems. This different and complex way of social organisation 'flummoxed colonialists' (p72), and many land reform programmes have failed to seriously engage with these complex systems. Peters argues that land reforms that disrupt these support systems ultimately cause 'serious disruption to responsibility, obligation, and interdependence', which result in insecurity in access to land, and exacerbate competition and conflicts over land (p. 72). While there is no reasonable doubt, that any land reform has to be based on a deep understanding of the diversity of land right systems, there are three points that we feel are urgent to consider when doing so: the importance of historical and local contexts, a critical and emancipatory engagements with existing and past land systems, and finally despite being critical towards the so-called traditional land-rights, to not fall into the trap of seeing neoliberal commodification of land and land rights as the only other solution.

Towards the end of her contribution (p.76), Pauline E. Peters quotes Wolford and colleagues, stressing that "land deals need to be analysed in particular places and times in order to capture the way in which the deals shape - and are shaped by - the institutions, practices and discourses of the territory, sovereignty, authority and subjects " (Wolford et al. 2013, p.194). And one would add, of course, history. The importance of this demand cannot be overestimated when analysing land deals in particular and land reform in Africa in general. While Peters contribution repeatedly mentions the importance of the

local context, the broad topic of this edited volume did not allow for always taking these demands serious. This poses the question of how far "Africa" is a useful category for analysing such a complex and politically relevant topic like land reform. The historical contexts cannot be emphasisied enough as it is a key determinant of the land reform approaches for different African countries. Many local history-based examples show that when talking about how 'African' land-right systems work, we must be cautious not to re-enforce - in the worst case- stereotypes of de-individualised and timeless African societies whose landholding systems just 'flummoxed colonialists' (p.72). In many contexts of 'indirect rule, colonialists were not flummoxed by what they found, rather they - together with individual Africans, especially the to-become traditional political elite - encouraged and strengthened particular landholding systems for their own goal of finding inexpensive systems of control. In other cases, people actively changed certain 'African' landholding system (e.g. villagisation campaigns under Nyerere) and created new forms of land systems. Hence it is critical to see that what Peters described as 'hidden structures' and strong social support systems developed under particular historical, socio-political and environmental conditions that were not necessarily devoid of forms of exclusion and oppression, and hence have been and still are sites of constant struggles and negotiations - and are not necessarily a useful template to work with.

Peters rightly argues that large land deals or land reforms can disrupt the "central node of this 'hidden structure,'" and "cause serious disruption to responsibility, obligation and interdependence". This is, of course, problematic in many contexts, particularly when these disruptions are caused by extremely powerful colonial, or other capitalist actors. However, these hidden structures are not just there, there not only have a long pre-colonial history but for many people the 'hidden structure' in which they live or have lived has since been dramatically altered by the growing colonial capitalist pressures. Volker Winterfeldt, a sociologist in Namibia for example remind us that, "centuries old tradition of practicing and depending on agrarian economy [and land based systems] was and is not left unaffected by the exposure for more than a century to colonial capitalism and post-independence market-economy. As a result, the once 'stable' landholding system held together by descent is no longer intact. As a result, in as much as it is important to understand the historical context of the situation, a reaction to capitalist pressure on land does

not necessarily have to rely on referring 'back' to supposedly previously existing systems of landholdings - but rather lead towards new forms of landholding systems, that can resist pressure from old family ties, as well as from global capitalism. We need to look at land systems as a product of long lasting inequalities, exposure to global capitalism and colonialism and ask today how they can be of use for future land reform initiatives that aim for more equal land systems.

This said, it seems obvious that the solutions presented by the very organisations that caused the inequalities will not work. The justification given for land deals is often 'to give land for efficient use'. The social ills of poverty, unemployment, and the need for attaining food security are used as justification for approving land deals. To the dismay of many African land users whose lands have been dispossessed, these 'development gains' are not always achieved. For these developmental gains to be achieved, Peters argues that, ;the land question and agricultural production have to be paired with more equitably and based on existing flexible social organisation, including landholding, and on the skills, knowledge and vision of land users' (p74).

Another challenge that is prominent is the land markets (the illegal land markets) that can no longer be described as emerging, but it is embedded now in Africa's land relations. Sadly, Peters only mention this in her chapter briefly, although it is a process that requires deeper analysis as it is out to disrupt the very landholding system that have persisted for long. It is out to disrupt land relations and tenure system, and if discussions on the future of land reform do not centralise this, 'security of customary tenure [will be] jeopardised. Full commodification - that is full marketisation of access to land will create or exacerbate social differentiation and/or inequalities in access to land. Like in discussions about appropriation of communal lands for towns development, full marketisation of access to land has a serious implication that - many rural African population will not be able to subsist in a commodified space. However, being cautions of this should not prevent policy direction.

As a way to conclude, Peters touches on the land reform components that aim to extend legal protection to both customary, communal, or common land. She raises an important question of whether - extending legal protection prevents appropriation. Sadly, it does not. "Legal protection has not prevented appropriation" (p.80). Hence, it is a plea for land reforms in Africa, in their

different focus to be seriously considered.

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