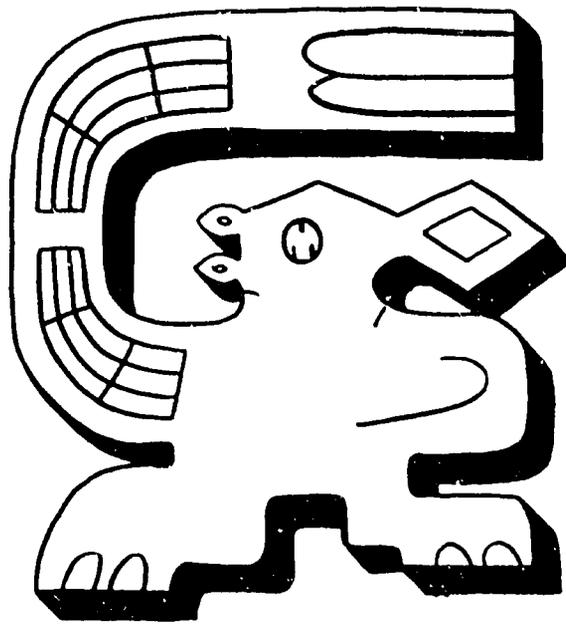


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The Customary Land Tenure;
Selected Problems of Agrarian Reforms and
Agricultural Development in Countries of Africa

South of the Sahara

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AGRARIAN REFORMS AND AGRICULTURAL DEVELOPMENT
IN COUNTRIES OF AFRICA SOUTH OF THE SAHARA

I

THE CUSTOMARY LAND TENURE

INTRODUCTION

Agriculture is the most important sector of the national economy in the majority of developing countries, especially in Africa south of the Sahara. It constitutes the principal source of the national income and of foreign currency reserves. From 60 up to 90% of the population of these countries is employed in agriculture, which is still characterized by a primitive shifting cultivation system. Millions of small landowners are faced with the lack of financial means for even the simplest farming equipment, and therefore the technology and techniques of production are backward. Consequently, yields per unit of area are also very low.

Customary land tenure and the specific approach of rural people of these countries to the land have been stemming mainly from the necessity of applying originally collective forms of work in clearing the forests and preparing the land for cultivation.

The shifting cultivation coupled with a tribal social structure and its system of land tenure are today among the main drawbacks hampering agricultural development in these countries. This state of affairs, which was universal in the past, is still today dominant in large areas of Black Africa.

The knowledge of the basic elements of the social-economic conditions under which the rural population lives is extremely important for understanding the problems of agricultural development of these countries.

The expression „social-economic conditions“ was used purposely since the lower the level of economic development and commercialization of agriculture of any given country, hence also backwardness of its agriculture, the nearer we are to placing an equal sign between the profession of farmer and his way of life. One can also assume that the more farming activities are determined by tradition and not market, the smaller is the influence of economic incentives on these activities, and the more complex and difficult are any efforts towards changing the existing situation.

Therefore, this paper is to deal with the system of customary land tenure, more specifically landownership rights and some information on land sale and purchase.

The system as a whole is complicated and highly variable even within the boundaries of one country. Variations coincide with the respective ecological areas and ethnic groups which have been arbitrarily subdivided by colonial powers. Numerous specialists fully agree that one of the most important conditions of agricultural development are profound changes in this customary system if not a breaking it down completely. Of course one must agree with the opinion given in one of the official statements of the British government underlining the danger of undertaking any reforms without a deep knowledge of the system and without taking into consideration the fact that land is not only an economic value but also forms the basis of social organization of the rural population.

Customary laws in this respect are most frequently based on the experience of the elders of the tribe and old customary rules. Their key aim is to defend the interests of the tribal community. These rules or laws are in general in an unwritten form; many are to be found in various regulations and traditional protocols of the local governing bodies. These collections are, however, highly incomplete. The statement by Bohannan, that probably no other subject dealing with Africa has awakened more interest; and probably no other subject is poorer in background literature, appears, therefore, to be justified*.

In the first place there is a lack of proper analysis and interpretation of the fairly extensive materials collected. There has not been enough

* Research workers and state administrative officials of various countries are convinced of the need to undertake far-reaching action on investigating and putting into some order the whole of this problem. Recommendations along this line were presented at various conferences, especially the African Conference on Customary Law held in 1963 in Dar es Salaam and the conference organized in the same year under the sponsorship of UNESCO in Venice. Reforming existing agrarian relations and changing the traditional structure of land tenure and agrarian reforms is of great interest to FAO. A special committee has recently been established for this purpose.

elaboration dealing with precise expressions, terminology and methods which would be of use in studies on the problem in Africa. European meaning of such expressions as „land“, „ownership“, „rights“, „leasehold“, „inheritance“ are often inadequate for African traditional rural communities, and, therefore, not to be copied and by no means directly applied there.

On the other hand such expressions as „first settler“, „newcomer“, „first owner“ are well known. Köbben (14) states, for example, that at times there is a lack of certainty as to whether landownership refers to the land as such, or to the crops on the land such as cola, oil palms, coffee, or other. Herskovits (11) claims that many African „farmers“ are more interested in plants and their crops rather than in the land as such. On the other hand it is a known fact that land is a subject of trade, and hence a source of profit or even a source of conflicts. The above facts make any generalization rules concerning landownership very difficult, as oversimplification of this complexed problem may be easily done. Hence, in view of the necessity to simplify the problem, one must limit oneself to only the most typical cases, and on this basis try to make a short review of the most important concepts and elements of the customary system of land tenure existing in Africa south of the Sahara.

LANDOWNERSHIP RIGHTS

Individuals or groups of people can have various rights to the same piece of land (for example the right of cultivation, hunting, herding after harvesting or the right to trees). It is even possible that one person has the right to the same piece of land during the dry season, and another person during the wet season of the year. There are also various rights with respect to different categories of land.

The process of economic development and the influence of external conditions has resulted in an increase in the number of rights and rules of customary land tenure. Hence among the peoples of Africa there is no land without an owner, and there is no exclusive right of ownership which, from European standpoint, is so important.

According to Meek the African people have no conception of landownership in the European sense. The land belongs to God, whilst its utilization belongs to people who occupy and use it collectively. This conception is confirmed by the belief in the existence of a „lord of the land“, a mystic individual which assures a linkage between man and the land. Land is looked upon as an element such as air, water and fire, except that it has a specific property — the ability of plant growth.

Uchendu (23) quotes after Elias saying that land for the African peoples embodies the spirit of earth goddess, a revered mother who blesses

land with her bountiful gifts. Land is also the place of burial and the sacred inheritance of ancestors entrusted to the care of the great family of which many are dead, few are living and countless numbers are yet unborn.

The importance of land for peoples of Africa results from a variety of magic-religious premises no less important, or equally important, as economic or social and political factors. Thus, for example, the awareness that the land actually in use by contemporaries was lived upon by their ancestors adds to this land a special value. Hence, places of religious ceremonies and places of burial are not to be subject of trade. Emotional approach to such places is also one of the factors which frequently decide of the permanency of settlement. There exists an identification of concepts of kingdom, land and nation in some African tribes, as for example in the Lozi tribe.

However, it is obvious that this specific attitude of the African peoples to the land should not be overestimated. It frequently serves only as a basis to strive for a right to the land in question. An attachment to a given piece of land is not always as strong as one might be convinced of. This may be perhaps the result, among others, of the relatively frequent change of the cultivated piece of land as a consequence of shifting cultivation.

As long as low population density and abundance of land allowed this type of farming, the question of landownership was limited to free utilization to raise crops for consumption. Likewise, theoretically at least, all members of the rural community had equal rights in utilizing land and forests for hunting, fishing, picking fruits and settlement. An exception were societies with an organization having a feudal character, but also in these cases acquirement of the right of land utilization presented no difficulties. The problem of obtaining full ownership rights such as to safeguard a farmer against unfavourable decisions of state authorities or tribal elders was more complicated. With the increased density of population, the necessity arose for a more defining of the rights and obligations of individuals in this respect. What are then the most important features of the contemporary customary land tenure?

Most frequently land is now at the disposal of tribe members living within a defined area. Usually such a tribe consists of family groups derived from a common ancestor either of patrilineal or matrilineal. Those can also be groups of territorial communities inhabiting one or more villages. The interests of such groups are represented by tribal chiefs, tribal elders and/or various types of councils. An important characteristics of this system is the right of each member of the tribal society to land.

Rights are obtained either through the very fact of birth in a given family group, through marriage, friendship, and rarely through formal purchase.

The land constitutes group ownership; rights to its use are individual.

It should be noted that the above refers to cultivated land. According to De Wilde (8) and other authors pastures in general and non-arable lands are subject to collective utilization, although cases have been noted of arbitrary seizure and fencing by individuals.

The range of rights of an individual, limitations and types of obligations with respect to other members of the tribal community depend to a great extent on the status and importance of a given individual.

Thus, for example, the right of women to land is in general decided by their husbands, fathers, brothers and sons. This results from the fact that clearing of the land and its preparation for cultivation was traditionally a man's job. Under conditions of shifting cultivation this hard work must be performed every several years. In many of the societies women possessed the decisive right to domestic gardens and the produce from them. Refusal of these rights could constitute a justification for divorce. The right of women to individual decision as concerns produce from their gardens is observed by such societies as Nsaw, Tonga and amongst certain agricultural tribes in Ghana cultivating cocoa, as also amongst some tribes in Zambia. In the Kuba tribe women are the exclusive owners of their gardens and their produce, whilst men are obliged to share their products with women. As can be seen, various rights of landownership can function next to each other within one and the same group of people.

Stability and guaranties of the right to use the land by an individual normally depends on obedience to various customs existing in a given tribal community and also upon the type of soil fertility, ecological factors and frequency of moving of the people from place to place. The main features characterizing the African system of land tenure are: collective-tribal or family ownership of land and hierarchical rights in accordance with which for various individuals various rights to the same piece of land exist. Thus, for example, the chief who allots land, frequently supervises its use and collects tributes on the one hand, and the user who cultivates it and has a right to harvest the crop on the other hand. However, this opinion was not confirmed by the results of researches which were carried out by J. De Wilde (8) in Zambia. The author claims that he has not found the phenomenon of hierarchy, and that it is neither universal nor very common in Africa. Also according to Harvitz (11) chiefs of the Beriba and Tonda tribes do not have the right of land allotment to members of subordinate communities. However, the same author claims that chiefs of the Mambwe tribe in Zambia have much farther reaching authority in

this respect. They have the right and obligation of allocating land and the right of control over its utilization.

Also religious chiefs and other spiritual leaders in many cases may have far-reaching authority concerning land. Elias expresses a view stating that, for example, in Nigeria the right of ownership belongs in the first place to the family. An individual which is subject to this right takes full advantage of land allotment and participates in family decisions concerning land being a family property. This allows the individual to pledge the land on security, or to harvest crops for debts, or allot the land to third persons for temporary utilization without the family's permission. A member of the family cannot, however, give up the land permanently to a third person. Only descendants are allowed to take the land over from their parents, but do not become absolute owners either, as the title of ownership — as we have just stated — belongs to the family only, or to the group.

On the other hand Obi presents facts collected throughout the Nigeria region inhabited by the Ibo tribe where the individual has much broader rights as concerns land allotted to him, allowing to construct buildings, grow crops, plant trees according to individual's own preference and need (within the limits decided by tradition). An individual can also sell or give over his land under optional conditions and prohibit access by third persons to such a land.

Obi's findings in this respect are partially confirmed by studies carried out by De Wilde (8) who found that in a number of tribes in Zambia individual landownership dominates as well.

The rights of groups in various countries take into account individual interests to a various extent, but a distinct tendency can be observed to give priority to individual interests over interests of the group. This right of tribal interests over an individual appears to constitute the essential character of traditional land tenure in Africa south of the Sahara.

Another important characteristic is the fact that land is an expression of territorial sovereignty and constitutes an important political factor. This is confirmed by the African philosophy of not getting rid of the land. It is a known fact that some tribes have an excess of land in relation to the number of their people, whilst other feel land hunger. Land in the former case is not fully taken advantage of, in the latter — excessively exploited. This situation is best exemplified by Nigeria where peoples with an excess of land have a hostile reaction to new settlers. The same approach can be observed in the Ivory Coast inhabited by the Agni peoples, and in the Lulua area in the Congo.

African tradition of treating land as an attribute of sovereignty constitutes one of the obstacles hampering introduction into countries of this

part of the continent of modern pattern of land tenure and, unfortunately, agricultural development as well.

Gaps in available sources referring to these problems allow only the above limited and brief review, which presents findings and opinions of few authors. It appears, however, that there are enough references illustrating some key features and also divergences of the tribal system of land tenure. Any effort for further generalization could probably result in too far-reaching simplification and wrong conclusions. It appears that each of the authors presents the results of studies which are true for the area in which they were carried out.

The problem of feudal and capitalist landownership in a number of African countries is an entirely different one and requires separate analysis. Large land estates were formed at various periods and in specific social-political and economic conditions in the countries involved. In some countries such as Uganda, Ethiopia, Senegal, Dahomey, large farms or plantations of the feudal type were formed a long time ago, whilst in other countries, for example Liberia, Ivory Coast, Kenya, Tanzania contemporary type of modern capitalist farming being property mostly of European, American, Arab or Indian nationals prevails. In contrast to the tribal system of land tenure, large land estates bring with it a considerable measure of class antagonism between their owners and the tribal rural population. This situation is further aggravated by the fact that the above estates are concentrated in the agricultural areas, heavily populated and with a great number of dwarf farms.

The large feudal possessions belonging to the local notables are slowly changing into a capitalist type of agricultural enterprises and become similar to existing large farms and plantations being a property of foreigners. Both groups are creating a separate class of large modern landowners in Africa.

A classical example of this phenomenon is the introduction in Uganda in 1900 of the individual law of landownership on the basis of which the land was divided among the local chiefs and leaders. As a result of this act three regents of Buganda (Uganda) received from around 100 to 150 km² of land as their own, twenty tribal chiefs around 50 km² or more each, and 150 notables from around 20 to 30 km² of land each. Less important tribal chiefs were given 5 km² of land each. A further land law issued by the British governor of Buganda „limited“ the possibility of purchasing land to maximum area of 74 km². This system, called Mailo, included the best arable lands located on a favourable, from a climatic and natural aspect, plateau along the north-western shore of Lake Victoria. A twice-yearly raining season allowed for two crops per year. A land aristocracy

was thus formed in this region, which also had ruling power along the lines of Great Britain patterns.

Great feudal estates were also formed in Senegal even before colonial time (prior to the 16th century). These were concentrated in the region of Lower Casamance known as the „bread-basket of Senegal“. A similar situation is to be noted in Dahomey where great estates were given to the Creols by the king of this country for services rendered. These estates have been maintained and are located in the fertile valley of the Ouémé River. Similarities to the above are also to be found in other countries such as Ethiopia, Kenya and Tanzania. However, we shall not go into further details of this problem as we have told it deserves a separate publication.

PURCHASE AND SALE

An integral part of the traditional customary system of land tenure is the problem of transferring ownership rights to third persons either through sale-purchase or as a result of other arrangements.

These acts are based on a variety of rules which are difficult to describe precisely, not to speak of generalizing, in view of their obscurity as concerns the type of transaction. It is often difficult to judge whether these acts mean a form of loan, grant, lease or sale in the European sense. As mentioned above it is frequently difficult to ascertain whether the land is transferred as such, or usufructuary rights are at stake, or whether certain entitlements, such as living on the land, are subject of an agreement, or perhaps only maintaining rights to carry on a ritual activity. It is often not clear whether land is transferred indefinitely or whether it will return to original owner after some time. Thus, for example, Köbben (14) states after Douglas that the following types of transactions can be distinguished in the Bete and Dida tribes of the Ivory Coast:

- a) granting of land for one year with a „gift“ after harvest;
- b) the same as under a) plus a fixed sum of money in addition to the harvest gift;
- c) granting of land for an indefinite term with „gifts“ after every harvest;
- d) the same as under c) plus a fixed sum of money;
- e) a definite land granting against a fixed sum.

However, it can be assumed that frequency of sale-purchase is in reverse proportion to the degree of dominance of natural agriculture and shifting cultivation in a given region and in direct proportion to the level of development of fully settled and commercialized agriculture. Numerous cases of trade in land can be observed on the Congo uplands and in similar areas in Zambia and Rhodesia, where introduction of the plow required

considerable labour inputs for forest clearance. The same can be observed amongst the Teso tribe in Uganda and in some areas in Ghana where cultivation of industrial crops, and especially of coffee, has developed. The sale and purchase of land is universal in the Luvale tribe in Zambia, which inhabits heavily populated narrow areas along the shores of the main rivers and where crop rotation is common; ground-nuts and cassava are here the main cash crops. A similar situation is noted amongst the Arusha, Sambaa and Chagga tribes in Tanzania.

On the other hand almost no sale of land takes place in the Ngoni tribe inhabiting over-populated regions where primitive shifting cultivation exists with no marked contacts and no use of the plow.

The above confirms only the well-known rule that the value of land increases with the amount of work and money invested in its improvement. Some tribes like, for example, the Kgatla in South Africa, do not approve sale of land at all, but practise its transfer usually to cousins and friends. In the Nupe tribe in Nigeria an outsider can only acquire the right of land ownership after being taken in by one of the village families, whilst some lands can never be transferred or given over.

Thus, for example, certain rare or especially valuable lands in Tanzania belong to this category. The Talensi tribe in Ghana considers all lands suitable for cultivation as such. These lands are considered as the property of ancestors, and constitute the trusteeship of those alive members.

According to M. Soret (17) similar customs are still prevalent among various tribes in the Congo, where the sale of collective property requires agreement of all the owners though such agreement is virtually impossible because of both the ancestors and the future holders being „absent“.

In general it can be stated that the rural peoples of Africa unwillingly renounce their rights to land, and do so only if faced with necessity such as, for example, payment of debts, payment for ceremonies or political obligation. Sale of land as such is still rare, and the concept of land alienation is not clear.

STATE AUTHORITY AND THE SYSTEM OF CUSTOMARY LAND TENURE

The great number of various principles and rules of the system under review has without any doubt rendered it difficult to carry out more significant agricultural development. It does contribute towards serious difficulties for state administration and especially judicial and financial authorities. This had previously led the former French and English colonial authorities to introduce some form of order in the respective rules and regulations. This is being continued by the present independent governments to much greater extent. The earliest legislative acts of the French

colonial authorities concerning land tenure are from the end of the 19th century, and were aimed at liquidating the traditional system of landownership and together with it the power of traditional tribal chiefs. It appears that this stemmed from the concept that the colonial power, as a result of the conquest, acquired the rights of tribal chiefs which at the time were identified with the position of a ferdal monarchy.

Further efforts of the colonial authorities, however, finally resulted in a more or less limited approval of the customary land tenure and progress towards its gradual individualization. Farmers actually utilizing the land were given, after certain formalities, temporary and limited ownership titles. A further stage of individualization of rights was then granting of permanent ownership titles, the acquirement of which was conditioned by the registration as a permanent cultivator of a piece of land in question and inhabitant of the buildings standing there.

As a result of the granting of titles of ownership, land was taken out from under the jurisdiction of traditional laws, which, however, remained obligatory with respect to inheritance. The registration formalities under discussion could be carried out either on one's own behalf, or on behalf of a group of persons.

The legislative acts of land individualization were not obligatory and were popular mainly in sub-urban areas.

Traditional landownership rights are today partly recognized by the governments of Ghana, Dahomey, The Congo (Brazzaville), Nigeria, Upper Volta, Central African Republic, and some other countries. It should be emphasized, however, that a tendency of state authorities in African countries prevails towards more and more limitation of rights and power of the traditional tribal chiefs and creation of modern land tenure system.

CONCLUDING REMARKS

In summing up it can be stated that the most important characteristic features of the classical traditional land tenure in Africa are the following:

- Collective ownership of land and individual utilization conditioned and controlled by the tribal community.
- Hierarchical tribal structure and a corresponding division of the rights of landownership and use.
- Integrity of the customary land tenure, of the social-religious life of the tribal communities, and of the shifting cultivation type of agriculture.

- Far-reaching variability of the various rules and regulations of customary land tenure resulting from the ethnic and ecological environment which are highly differentiated in the African countries.
- Considering land as a factor of territorial integrity and stemming thereof a definite reluctance of the sale of land.
- Lack of defined basic concepts relating, among others, to such expressions as „ownership“, „sale“, „purchase“.
- Unwritten character of the law resulting in difficulties of its application.
- Preponderance of mystic-religious premises within the traditional customary rules and regulations concerning land tenure in contrast to developed countries, where economic factors dominate.
- Customary land tenure means observing customs established in the past, it preserves this „past“ upgrading it to the main merits. Criteria of majority of decisions is copying solutions applied by ancestors both within the economic and social field of competence.
- The system discourages the cultivator of the land to undertake any investments indispensable for developing agricultural production and this is due to the lack of assurance against various rights of other members of the society to the piece of land in question, especially when its productivity increases as a result of the efforts of a given farmer.
- Furthermore, traditional law rather prevents than encourages a farmer to cultivate more land and produce more than it is indispensable for himself and his family.
- Finally, the system preserves the power of the respective tribes in extensive areas of rarely populated land making it impossible for many more qualified and full of initiative farmers of other tribes to improve productivity of these lands. This perhaps constitutes the factors contributing towards a highly unequal density of the population and tribal conflicts.
- One of the basic principles of the traditional system of land tenure is the right of every member of a given community to the land irrespective of how long one remained away from his permanent — that is tribal — place of living. This constitutes one more source of conflicts and a factor leading to an ever greater fragmentation of holdings.
- Apart from the many shortcomings of the traditional system of land use this system has also its merits. It assures the right of utilizing a given piece of land to each member of the tribal community and thus assures survival at least. It prevents land speculation on a broad scale, constitutes a basis and condition for eventual land nationalization and possible creation of cooperative or even classical collective form of farming. However, the merits of customary land tenure do not change

the fact that it is an anachronism hampering agricultural development.

The traditional land tenure system cannot be changed in African countries by any, even the best, legislative acts. This can be implemented by parallel and consequent, profound social and economic transformations of agriculture and, more specifically, liquidation of shifting cultivation and the gradual development of commercialized agriculture. Both these phenomena remain in a dialectic relationship to each other.

The independent countries of Africa have already made considerable advancement in changing customary land tenure system and agricultural development. However, tremendous tasks remain to be done. Not even precise concepts have yet been elaborated as concerns the complexed agrarian reforms, such as would reconcile some elements of the traditional system with the requirements of a more intensive and monetized agricultural development.

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II

SELECTED PROBLEMS OF AGRARIAN REFORMS AND AGRICULTURAL DEVELOPMENT

INTRODUCTION

During the last decade the range and the speed of changes in transformation of agriculture has been increasing in African countries. The changes are taking place both in production and in the socio-economic living conditions of the rural population. Although advancement in agricultural reforms and experiences of African countries in this respect vary and frequently are fairly advanced, one needs to state that they nevertheless continue to remain at a stage of searching ways, means and methods for their successful and country-wide-scale implementation.

A number of politicians and scientists, including some Africans, are of the opinion that it is still too early to undertake major agrarian reforms.

Hodder (13), for example, quotes the opinion of Lewis who feels that too much emphasis is being put on institutional factors such as the system of land tenure, whilst agrotechnical factors are underestimated. He has stated that even on the basis of the present system of land tenure, con-

siderable progress can be made in increasing agricultural production. One can agree with the above providing, however, that this concept of rather limited agricultural production increase which may be achieved this way, does not constitute an alternative for agrarian reforms. There is no doubt, on the other hand, that the very low level of development of non-agricultural sectors of the national economies, and the worsening terms of trade for developing countries, exert an adverse influence upon their economic ability to implement the programme of agrarian reforms on a country-wide scale. However, financial scarcity cannot be interpreted that it is too early to undertake such reforms. Pessimists do not admit perhaps that these reforms do create conditions contributing towards faster development of productional forces in agriculture. Possibly they do not see the complexity of reforms and a long period required for the process of agricultural transformation in countries of Africa south of the Sahara. This cannot be done without a great deal of experimentation in pilot areas and gradual expansion of agricultural reforms on as large scale as feasible.

TECHNICAL REASONS FOR RAPID AGRARIAN REFORMS IN AFRICA

- Continuous decline of soil fertility and worsening of soil structure followed by destructive processes of soil erosion resulting from the specific type of intensification of crop production which has taken place within the framework of the shifting cultivation. This generally means shortening of resting period which does not allow for the regeneration of the soil. Similar results are to be noted in nomadic areas where over-population of animals per unit of an area and lack of proper pasture management have been observed.
- Far-reaching fragmentation of farms and cultivated plots resulting from the traditional system of land tenure and the shifting cultivation. This is especially true for the south-eastern part of the continent.

SOCIO-ECONOMIC REASONS TO SPEED UP AGRARIAN REFORMS

- Continuous growth of demand for food products resulting from the 2.5% rate of population increase, and from the need for increasing exports of agricultural products — an important source of financial accumulation aimed at the development of non-agricultural sectors of the national economy.
- Loosening and weakening of tribal bonds and solidarity, gradual loss of the power of tribal authorities and general inadequacy of traditional customary rules for conditions where monetization in agriculture becomes a reality.

- Inter-group litigations and conflicts which begin to appear between farmers-members of traditional rural communities, between farmers on the one hand and tribal chiefs on the other, especially on the background of an abuse by the latter of their prerogatives for their own benefits at the cost of members of the tribe. Increasing number of conflicts can also be noted between tribal chiefs and representatives of state authorities on the background, among others, of landownership rights.
- A complexed agrarian reform would no doubt result in disappearing of a great number of dispersed centres of administrative power which to a considerable extent still rests in the hands of local tribal chiefs. This would undoubtedly strengthen the role of the state in planning and implementation of agricultural development.
- The conviction of the rural population of the increasing value of land is growing and spreading and there is a tendency among the farmers themselves for the need to establish an order in land tenure matters. This is especially true in Uganda, Kenya and the western region of Africa. The growing value of land is stemming mainly from the following factors:
 - a) an increase in population density and a decrease in the agricultural land per capita,
 - b) a growth of a specialized type of perennial cash crop production requiring considerable labour and financial inputs for its establishment.
- There is an increasing tendency toward settlement of young farmers outside of the tribal territories where customary rules and traditional way of life are obligatory.
- The need for liquidating of many negative results stemming from economic and social conditions created during the period of colonialism such as: establishment by governments of former colonial powers of conditions for the new big landowners class formation by means of favouring aristocracy and tribal chiefs, as well as by encouraging of farm settlement of their own citizens. This has resulted in some class antagonisms in certain rural areas. The big landowners have occupied the best agricultural lands and thereby created a second source of social and political conflicts within the rural population. This can be exemplified mainly by Uganda and also Kenya, Zambia, Rhodesia and some other countries.
- Foreign farm settlement resulted in some conflicts between the African native peoples. For example the Kikuyu tribes in East Africa as a result of expropriation of considerable areas of their pasture lands, were forced to move their herds on to areas traditionally owned by the

Masai tribe. Beside conflicts between these tribes this resulted in overgrazing, deterioration of soil fertility and soil erosion in considerable territories.

- The need for preventing a typical 19th-century capitalist way of agricultural development with its negative socio-economic effects which have been mentioned earlier. There is a chance of avoiding all those adverse phenomena in African countries. This chance appears to be in reverse proportion to the degree of:
 - a) advancement of social classes formation within the agricultural population,
 - and b) the economic strength and political position of the big landowners class.
- Establishment of conditions for the most justful share of all African farmers in the so-called „green revolution“ which requires a certain level of economic strength of farms and of agricultural education of peasants. Antagonistic classes formation within the rural population of the majority of peasants in India has proved that the „green revolution“ may result in a further intensification of the formation of these classes. This has resulted in an unequal, unjust wealth distribution and in a growth of political tensions in the country.

Agrarian reform is a prerequisite and integral part of the socio-economic programme of development of a country and as such it is an element of state superstructure: hence, to a great extent, a function of political and macroeconomic decisions. Therefore a more profound analysis of agrarian reforms, their successes and failures in developing countries in Africa south of the Sahara would require an elaboration reaching far beyond the frame of this brief paper.

AGRARIAN REFORM TRENDS AND POLICIES

The unequal level of economic development of African countries, variability of natural, socio-political and historical conditions resulted in the fact that the concepts of agrarian reforms are various, not always clear and consistent. Priorities of specific elements of such reforms and methods of their realization also differ. However, it appears that the main trend of agricultural transformation will most probably be based on creating conditions for the development of individual farms, with relatively high degree of cooperative activities and with various limitations of individual landownership.

At present, it would be possible to distinguish the following problems and tendencies in agrarian reforms in this part of the African continent:

- efforts to eliminate the traditional-tribal system of landownership and introduction of a modern one;
- gradual abandonment of the natural and semi-natural type of farming and shifting cultivation; an introduction of fully settled and monetized agriculture with special emphasis on various forms of cooperatives;
- establishment of legal bases for safeguarding the due authority of the state within the field of agricultural development;
- development of agricultural training and extension of advisory services;
- development and strengthening of agricultural state administration.

Prior to going into further elaboration of the subject under review it is worth to explain three questions:

1) As can be noticed, a very important (outside of Africa) element of land redistribution in agrarian reform has been omitted in the problems listed above. This important and significant omission can be explained by the specific and early stage of social-economic development of many of the African countries. The major part of the rural population in these countries still live in their traditional tribal communities. The process of class formation and differentiation among farmers is still in its initial stage. Illegal fencing, expropriation and expulsion from the land have not occurred and are not very important problems there. Consequently, the socially justified action consisting of expropriating native large landowners and redistribution of their land cannot be looked upon today as belonging to the main objectives of agrarian reform in Africa, with the exception, of course, of such countries as Uganda, Ethiopia, Dahomey and Senegal where large native landlords are to be found. However, the relatively small number of them in the above mentioned, and in certain other countries, are protected against the effects of eventual radical agrarian reform by the political system of these countries.

A large part of the market-oriented large private or semi-private farms consist of modern plantations of industrial crops produced for exports or for the local food processing industry. State and foreign private capital, are often invested in these undertakings. These land estates are not subject to land reforms; on the contrary, they are protected by the states due to economic reasons. This is true of such countries as the Ivory Coast, Cameroons, Kenya, Ghana.

The problem of land redistribution also exists in these and a number of other countries but rather in a specific form of resettlement of farmers from densely populated areas to uncultivated lands occupied in excess by certain tribes, or in a form of expropriation by the state in connection with various agricultural and industrial development programmes.

In some countries, for example in Kenya, redistribution of land owned by large European landowners was carried out as a result of the indepen-

dence war or a result of a more peaceful liquidation of colonial dependence.

2) There is a somewhat different meaning of the existing three forms of landownership in European socialist countries and in the African ones; likewise, different are inter-relations existing between these forms of land ownership and corresponding forms of farming.

Private, cooperative and state forms of landownership in our conditions correspond to a) individual family farming, b) collective farming and c) direct state farming. Private individual farming also in Africa means what it states, however, the major part of the land there does not constitute the property of individual farmers cultivating it. It may often belong either to tribes or to the state, the latter being the case of Tanzania.

The land under classical collective farms in Africa may be a collective property, but it can often be state or tribe property.

State-owned land is often farmed by individual farmers or collective farms or leased to tenants. It can also be partly state and partly private enterprise. Direct state farming on its own land is by no means the rule.

3) As already explained, within the majority of rural population at their present level of natural or semi-natural farming, antagonistic class conflicts have not developed yet. The form of landownership and of land redistribution is not — with a few exceptions — a carrier of significant socio-political tensions, nor one of the key elements of political struggle and decisions-making concerning future political and economic system. This is much more true of European, Asian or Latin American countries; therefore, one can risk an assumption — simplified of course — that the decisions of political parties or governments of African countries, as far as transformation of agriculture is concerned, are based more on socio-economic criteria rather than on political ones.

In view of the considerable variability of concepts, it is difficult to distinguish precisely and systematize logically the various directions of agrarian reforms in African countries. Efforts have recently been made by Parsons (25) in his work prepared for the Special FAO Committee on Agrarian Reforms. He distinguished the following six directions of such policies:

1. Private landownership and family form of farming, based on European and Japanese patterns (particularly in countries of East Africa).
2. Land nationalization and allocating it to farmers on the basis of long-term lease arrangement; cooperative or group form of farming (Tanzania),
3. State ownership in defined areas with state farming (Ghana, Nigeria),
4. Agricultural settlement; experimenting with various forms of ownership and farming systems (for example Nigeria),

5. Experimentation with various systems of farming, where the development was undertaken by irrigation (the „Gezira“ scheme in Sudan),

6. Cooperative landownership, collective farming (experiments in areas inhabited by the pastoral Masai tribe in Kenya, and in Nigeria).

As far as the above presented breakdown is concerned, some doubts may be raised whether it appears to be consistent enough. It looks as if several fairly different criteria were applied here, namely:

1. Landownership forms and corresponding forms of farming, without taking in due consideration the multivariance of these forms in African countries. Hence the following trends were omitted:

a) nationalization of land but an individual form of farming (Tanzania),
b) customary landownership but collective farming (Uganda).

2. Methods and means of implementation of various agrarian reforms. One of these is land settlement, unjustly classified as a separate policy direction of agrarian reforms.

3. Methods of farming, one of which is irrigated farming also unjustly classified by Parsons as a separate policy direction of agrarian reforms.

4. It is not clear why Parsons has applied here two different definitions for the same form of landownership such as „state owned land“ and „nationalized land“. Both of them mean the same.

It is a feeling of the author of this paper that more proper classification of the respective policy directions could perhaps be done if the following criteria are applied:

1. The degree to which a given policy of land tenure reform creates:
— conditions for safe and stable farming as well as for a social justice for masses of rural population,

— a basis for smooth implementation of government decisions concerning various aspects of land policy.

2. The level of financial inputs and the amount of production requisites necessary for implementation of a given reform.

If so, it would then be possible to distinguish the following policy directions in agrarian reforms being actually under way in these countries:

1. Semi-traditional agriculture. A customary system of landownership. A low level of development investments;

2. Individual farming with private but limited landownership rights. A relatively low level of development investments;

3. Non-typical individual farming. A state landownership, or land being at the disposal of the state authorities. A land allocation to farmers on long-term lease. A relatively high or very high level of development investments;

4. Collective farming. A collective landownership. A high level of development investments;

5 State farming. A state landownership. A high level of development investments.

Let us proceed to a more detailed analysis of the above mentioned directions.

1) Semi-traditional agriculture

„Minireforms“ typical for this first type of policy fulfil only a small part of the goals of agrarian reforms as such. The main characteristics of the traditional system of land tenure and tribal social relationships are maintained here. Farm settlement is of a special significance for this type of reforms. A certain increase in agricultural production is being usually the case due mainly to the settlement of hitherto uncultivated lands on which some improvements in agronomic techniques are applied by means of the simplest and mainly locally produced tools. Costs of implementation of this type of reforms are the lowest from amongst the other four policy directions mentioned above, but chances for achieving more considerable socio-economic effects are likewise lowest. The following could be classified under this policy direction:

1.1. The „paysannat indigene“ or „paysannat encadre“ or simply „paysannat“ method. According to Worthington (30) it was introduced for the first time around 1936 in the Belgian Congo by the agricultural research stations of INEAC. The programme was progressing up to the time of proclaiming of the Kinshasa Congo Republic and by that time there were settled about 200 thousand farm families. The system broke down after this period due, probably, to the departure of the Belgian agricultural technical staff involved in this programme. The method was introduced again around 1950 by some of the former French Tropical African countries. Kamarek (15) mentions Niari Valley in Congo Brazaville as one of the well-known settlement of this type. According to the authors of the FAO Indicative World Plan (33) the benefits of the „paysannat“ system are the following:

- achievement of an increase in agricultural crop production and a certain commercialization within the frame of a primitive but somewhat improved shifting cultivation type of farming,
- some development of agricultural services by means of agricultural cooperatives.

The following shortcomings of this method are listed as well:

- limitation of this method to areas scarcely populated with an excess of land suitable for cultivation,
- possibility of exploiting farmers by private trading and agricultural processing firms due to the lack of development of the agricultural cooperative movement strong enough to cope with increased cash crops production and marketing,

— the need of supervision by agricultural advisory services, the shortage of which is acutely felt by many of the developing countries.

1.2. The development of the land (declared by the state as free) — through settling on it rural population from over-populated areas. Similarly as with the „paysannat“ method, the newly settled farmers retain the rights of the traditional system of landownership. Resettlement in this case means land redistribution among the respective tribes. East Cameroon may serve as an example. Population density is especially unequal there. Thus, for example, the Bamileke tribe cultivates 55% of the land they possess, while a number of other tribes take advantage of only 1% of their possessions. In order to avoid or appease intertribal conflicts which may result from this type of settlement, it has been preceded by legislative order which distinguishes four various categories of land:

- a) lands remaining under the jurisdiction of current tribal societies in accordance with tribal customs,
- b) private, individually owned land,
- c) state lands either under the direct administration of the state or the so-called public lands,
- d) lands being classified as the so-called national patrimonium to which belong lands totally free or insufficiently cultivated, or in other words land held in excess by the respective tribes and therefore being subject to settlement.

If farm settlement involves land reclamation, clearance or road construction, then the costs of such operations are covered by the state. The state authorities assist the settlers in development of more progressive, monetized farming by assuring markets for their products. Settlers, on the other hand, are obliged to apply improved agrotechniques.

To sum up, the possibility to meet goals of a full programme of agrarian reforms in this case is also rather low. Costs of settlement are likewise relatively low.

1.3. A third example of the type of agrarian reform under review is the one concerning pastoral agriculture. Basically this type of a reform does not change the tribal system of landownership. It is limited to economic changes involving low financial outlays on the part of the state.

Since from amongst the pastoralist tribes one can distinguish:

- a) the classical nomads without any stable place of living,
- b) partially settled nomads with relatively permanent areas of herding who live in settlements, and finally,
- c) partially settled nomads who already raise some crops as a sideline, then the scope and content of agrarian reforms are varied and limited mainly to regulation concerning relationships among nomads themselves and between them and settled peoples, for example owners of date palms

and irrigated farms. The reforms here have to deal also with a wide range of activities of a technical nature such as rational animal husbandry in pastoral conditions, increasing productivity of pastures with special consideration to soil conservation, water supplies, and so on. Gradual elimination of traditional customs and introduction of progressive farming technology is effected by means of the so-called Grazing Associations, as for example in Tanzania, to which belong tribe members who live in any given territory. Such associations are carriers of progress and are instruments which may substitute the state authorities to a certain degree.

It should be noted that no large-scale agrarian reform programmes are envisaged for pastoral areas for a relatively long time to come.

2) Individual private farming

The development of the typical private farming in the European sense has not been fully successful in African countries for the reasons already known, notwithstanding its ideological support by a number of politicians and economists. The largest number of such farms was established in Kenya after independence, principally as a result of the redistribution of land belonging to British landowners. A considerable number of individual farms can also be found in Uganda and Malawi.

A considerable number of individual farms can be found in the so-called „Development Areas“ or „Aires de Mise en Valeur Rurale — AMVR“ which were established in Upper Volta, Togo and the Malagasy Republic. These areas consist of selected lands on which a number of public works have been carried out at the cost of the government, such as clearance of trees, land levelling, water-irrigation works, road construction and land surveying, after which the land is allotted to farmers, which in practice is tantamount to a new settlement. In areas under AMVR farmers are given individual ownership rights for a period of ten years, and are obliged to apply progressive methods of farming outlined by the due authorities. Subdivision of land is forbidden. In all cases the authorities are extremely careful in giving final ownership titles. Parsons (25) and Baldwin (2) mention a number of conditions which are to be fulfilled in order to obtain such a full title of ownership. They emphasize, among others, that the ownership granting act should actually be sanctioned by already existing individual private farming with cash crops production where there is a feeling of need on the part of the farmers themselves for the final confirmation of the individual landownership.

The unsuccessful reform aimed at land individualization carried out in Malawi can serve as an example of premature departure from the traditional system of land use and primitive farming without proper consideration of economic and sociological factors involved.

3) Non-typical individual farming

The type of reforms aimed at creation of such farms appears to be the most avant-garde. Its pilot projects although not all successful, are those of the best known in Africa and are considered, with some measure of exaggeration, as a new form of cooperative farming in agriculture. The characteristic trait of this trend is the fact that the land is owned by the state or remains at the state authorities disposal, and it is the state that allocates it to farmers for utilization, under precise conditions of long-term lease. Farming is clearly individual but coupled with well developed cooperative services, first of all supply, sale, credit, and some production services as well. An important role is played by supervision, technical instruction and agricultural extension rendered by the local state authorities.

This type of agrarian reform means far-reaching changes in the techniques and organization of agricultural production, and also in the social and living conditions of the rural population. Therefore, it is an expensive undertaking, and it is doubtful whether in its present form it will find early and universal application in many African countries.

3.1. The largest and best known example of this trend could be the „Gezira“ scheme in the Sudan, located south of Khartoum within the triangle of the White and Blue Nile Rivers. Its area exceeds 600 thousand hectares. It was established in 1925 and based originally on private capital. New progressive social-economic objectives in line with true agrarian reform were introduced after its being taken over by the state in 1950.

The total area is divided into 77 settlement blocks for some 62 thousand farmers. Intensive agricultural production under irrigation has been introduced with cotton as the main cash crop. The whole scheme is supervised by the state and self-governing tenants' councils at various levels. Farm income is divided according to the following scheme: 44 per cent directly to the farmer and 2 per cent for a reserve fund, 40 per cent for the state and 10 per cent to cover the cost of agricultural extension and advisory services, 2 per cent for social security, and the remaining 2 per cent to cover the costs of the self-governing tenants' council.

3.2. A similar type of scheme is the *Office du Niger* in Mali with irrigated agriculture. Cotton and rice are the main cash crops there. Also in this case the farmers were settled in areas especially prepared for this purpose by the state authorities. However, this scheme cannot be looked upon as being fully successful. Mismanagement has occurred there, among others, in the following: lack of efficient organization and supervision; some agrotechnical errors as the cropping system and the concept of mechanization of field operations were subject to frequent changes.

3.3. Towards the end of the fifties a programme of model agricultural settlements was initiated throughout all of the regions of Nigeria. They

are rather dispersed in areas with a typical traditional shifting cultivation. To date over 3,000 farmers have been settled in the western part of the country in the area of 20 thousand hectares, and some 4,000 farmers in the eastern region on 22 thousand hectares.

The farm settlements in Nigeria have proved to be costly undertakings and they differ from the two schemes mentioned above in greater dispersion and in their similarity to a general mixed type of peasant farming.

3.4. Finally, the last example of the type of agrarian reforms under review is the one which only partially was implemented in Tanzania during the years 1946 to 1969. This programme consisted of 74 settlements similar to those in Nigeria. According to Neviger (22) it was unsuccessful mainly due to the lack of qualified agricultural personnel, relative over-investment and mismanagement.

4) Collective farming

The typical collective farming, with traditional tribal or collective land ownership according to available sources has found so far only few supporters. Examples of the existence of such a farming are few. Recently around ten collective farms of this type have been established in Zambia, and since 1963 experiments are being conducted in Busogo and Buganda in Uganda. According to official reports 32 collective farms with 3,000 members have been established there since 1965. These farms have been established mostly in areas with favourable natural economic conditions suitable for raising of cotton and sugar cane, products which were to facilitate reimbursement of credits granted by the state to the members of collective farms.

4.1. In connection with over-population and farms fragmentation in southern and central Dahomey, an order was issued in 1961 allowing for the designation of selected areas as the so-called „Planning Zones“. Surveying and necessary investment works have been carried out there by the state, followed by legal establishment of collective farms. Funds necessary for further development of these farms have been covered from long-term state credits. Apart from legally established cooperatives, farms of the type can be voluntarily organized, but must be approved by the authorities. Only several such experimental cooperative-farms of this type have been established, and it does not appear that the economic conditions of this country can create a favourable situation for larger scale development of this policy direction of agrarian reforms. There is, unfortunately, a lack of information allowing for an objective and more adequate evaluation of successes and drawbacks of this policy direction, or its development possibilities in countries of Africa south of the Sahara.

5) State farms

On the basis of present trends of establishing purely state and mixed

state-private agricultural enterprises, as well as on the basis of the role foreseen for this type of farms in African countries south of the Sahara, one can assume that state farming does not and probably will not be of any major importance in agricultural development. State farms are in the first place agricultural experimental stations, training centres or centres of agricultural extension service, most of them supplying local farmers with qualified seed, pedigree animals, and demonstrating progressive plant production and animal husbandry. Examples may be mentioned such as West Cameroon and Ghana.

The typical state farms and/or plantations raising industrial crops for foreign markets with no other terms of reference are also known. Some of them are quite successful, but there are still more failures. According to Christodoulou (5) the obstacles hampering development of state farms in the Somali Republic consisted in the lack of qualified staff and mismanagement of product already harvested.

Regression in state farming in Ghana has occurred mainly due to political factors, although state farms in this country have undoubtedly proved to be extremely costly undertakings, similarly as in the Awash River Valley in Ethiopia as well as in Tanzania.

Apart from the lack of qualified farm managers failure in the above mentioned countries seems to be due in the first place to the following: over-investment and high production inputs and administrative costs. Somewhat better results were shown by about twenty state plantations of industrial crops in Nigeria. Eicher (11) is of the opinion that an increase in the number of these plantations can be envisaged. This will probably happen due to withdrawal of foreign capital directly engaged in the agricultural production in this country.

There is no doubt that the opinion expressed by Dumont (10) that state farms in Africa could play a much greater role than hitherto both in agricultural commodity production of industrial crops and as being centres of agricultural development, appears to be fully justified, provided, however, that such farms are properly organized and managed.

It appears that this sector in Africa is still too narrow and its existence too short-lasting to undertake their more detailed analysis and evaluation.

FINAL REMARKS

1. One of the basic conditions for the success of agrarian reforms (besides, of course, a government will) is their approval by rural people. The implementation of reforms must, therefore, take into consideration the various degrees of acceptability of external influences by tribal rural

population, variability of their customs, the general low reaction to economic incentives, the necessity for broad application of non-economic premises and motivations, maximum utilization of group habits and tribal solidarity. It is likewise important to be aware of the factors which form and maintain customary land tenure system, the primitive shifting cultivation and the tribal social relationships.

2. Agrarian reforms undertaken on a country-wide scale, though even limited to land redistribution, require a high cost of overall development investments, high costs of farm settlements, land surveying, setting up of land registries, etc. This necessitates qualified personnel in the various branches of agriculture. Potential possibilities of the implementation of agrarian reforms must, therefore, be measured by the level of development of non-agricultural sectors of national economy, and by the level of agricultural education, and extension of advisory services for agriculture.

3. The increases in agricultural production which are to be achieved as a result of agrarian reforms require a specialization of the various African countries in this respect both in view of their own food and raw materials requirements, and also in view of the structure and absorptive power of foreign markets for agricultural products from these countries.

4. Early undertaking of complexed agrarian reforms on country-wide scale in countries of Africa south of the Sahara could prevent following of typically 19th-century type of capitalist patterns of agricultural and social development in these countries.

5. The low level of economic and social development so typical of the traditional rural tribal communities in Africa has not yet resulted in any significant advancement of antagonistic classes formation in the countries under review. Consequently, no major conflicts of this kind in rural areas have occurred such as known in other continents, including countries of North Africa.

In view of the above, copying of foreign patterns of agrarian reforms goals and methods in Africa south of the Sahara could be undesirable and harmful.

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