

AGENCY FOR INTERNATIONAL DEVELOPMENT WASHINGTON, D. C. 20523 BIBLIOGRAPHIC INPUT SHEET	FOR AID USE ONLY <i>Batch 62</i>
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1. SUBJECT CLASSIFICATION	A. PRIMARY Agriculture	AE10-0000-0000
	B. SECONDARY Agricultural economics	

2. TITLE AND SUBTITLE
Land reform regional surveys

3. AUTHOR(S)
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(101) FAO

4. DOCUMENT DATE 1970	5. NUMBER OF PAGES 78p.	6. ARC NUMBER ARC
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7. REFERENCE ORGANIZATION NAME AND ADDRESS
AID/PPC/EMS

8. SUPPLEMENTARY NOTES (Sponsoring Organization, Publisher, Availability)
(In AID Spring Review of Land Reform, 1970. V.10, SR/LR/C-32)

9. ABSTRACT

10. CONTROL NUMBER <i>PN-AAD-956</i>	11. PRICE OF DOCUMENT
12. DESCRIPTORS Africa Asia Europe Evaluation Land reform	13. PROJECT NUMBER
	14. CONTRACT NUMBER AID/PPC/EMS
	15. TYPE OF DOCUMENT

PN-AAD-956
AID/PR/EMS

AGENCY FOR INTERNATIONAL DEVELOPMENT

SPRING REVIEW

Country Reports
Vol. 10

LAND REFORM

REGIONAL SURVEYS

Introduction	by	E. B. Rice	PPC/AID/Washington	1970
EUROPE	by	Folke Dovring	University of Illinois	1970
LATIN AMERICA	by	Solon Barraclough	FAO, Santiago, Chile	1969 (reprint)
NEAR EAST and NORTH AFRICA	by	M. Riad El Ghonemy	FAO, Rome	1968 (reprint)
BLACK AFRICA	by	D. Christodoulou	FAO, Rome	1970
ASIA	by	FAO/ECAFE/ILO	FAO, Rome	1969

assembled
June 1970

Regional Surveys represent the views of their authors and are not generally intended as statements of policy of either A.I.D. or the author's parent institution.

SR/IR/C-32

INTRODUCTION

The regional surveys of land reform were scheduled for inclusion in the set of Country Papers for two reasons.

First, to provide a background against which the reader can better appreciate the distinctions and commonalities of each country study. The land reform issue varies considerably from continent to continent. So do the solutions. The recent initiative for redistribution in Peru is best understood in the framework of the geography and history of the Andes. It cannot be compared easily with tenancy reform in East Asia. Latifundias exist in Latin America. They do not exist in more densely populated regions, even by another name. The repatriation of European settlers from Kenya, Tunisia and Algeria gave the governments of those newly independent countries an easy opener for redistribution unavailable elsewhere. The dominance of communal tenure in Black Africa sets the stage for the development of land tenure bureaus in the Ministries of Agriculture there totally unlike — and probably less controversial than — land tenure bureaus in Latin America or Asia. The earlier creation by the British in the subcontinent of Asia of a class of quasi-owners responsible for the collection of property taxes gave the new governments of India and Pakistan a target for a quick strike against inequity that solved one set of problems and left other ones — the ones familiar in East Asia. Many similar examples can be found to demonstrate the parochial character of land reform programs. We thought it useful to offer the new students of land reform that perspective.

Second, the regional surveys were conceived as an instrument for briefing the reader of the set of Country Papers on what was left out. The "sample" of land reform experiences covered in the Spring Review study is so large as to include most of the important experiments. The outstanding exceptions are China and the Soviet Union, several East European countries, and a group of smaller developing countries such as Nepal, Burma, Syria, etc. We thought the regional surveys would serve a useful purpose by summarizing the land reform experiences of these other states, and perhaps indicating why it made sense to include some countries more than others in the study design.

Folke Doving accomplished this for Europe, writing a short paper according to specifications. All the other papers included in this volume, though prepared earlier for other purposes, provide the sort of perspective we were after, and the package ought to be a useful supplement. We owe these documents to the staff of the Land Tenure and Agrarian Reform Branch of FAO in Rome which has recently prepared and published them to serve comparable purposes, and made them available to us. Thanks go to M. Riad El Ghonemy for his assistance.

EUROPE

AID Spring Review 1970 - Land Reform

Summary Paper on Europe

Folke Dovring

Europe has more long-term experience with land reforms than any other major part of the world. Not all of this experience is directly relevant to the modern epoch with its accelerating tempo of development.

Continental thought and policy has favored the small, owner-operated family farm since the eighteenth century. The successes achieved in this direction, partly by reform and partly by evolutionary means, have not always been appreciated to their full merits. In public debate they have often been overshadowed by the seemingly contrary English experience which has been over-publicized and insufficiently understood.

The French Revolution has been somewhat overrated as to its land reform effects which were more symbolic than real, but concomitant events, drawing on the same ideological currents, have been more incisive: thus the Josephine reforms in the Austrian monarchy, the Danish rural reforms starting in the 1780's, and the Stein-Hardenberg reforms in parts of Prussia.

In recent time, planned and systematic change in the land tenure systems of western Europe have been concentrated on modifying the terms of tenancy, so as to give tenant farms more of the security which is supposed to be the essential merit of owner-operated farms. Tenancy protection was extended gradually over long periods in England, Sweden, and the Netherlands; in Ireland, this movement eventually shaded over into radical land-ownership redistribution under rather exceptional circumstances. In France, tenancy protection after 1945 was both more sudden and more far-reaching, creating a dual ownership situation sometimes referred to as propriété culturale because of the size of the tenant's ownership interest in farm improvements.

Eastern Europe was not reached by either the French Revolution or contemporary reform movements, except within the Austrian monarchy. Elsewhere, peasant serfdom was ended only around or after the middle of the 19th century. Peasant-scale farming, under one tenure arrangement or another, was however predominant in most parts of eastern Europe, including Russia, already before 1914. Apart from the U.S.S.R., land reforms in eastern Europe in the inter-war years were piecemeal and mainly of secondary importance. Among the more important reforms, dependent tenancy relations were converted into farm ownership in the former Turkish areas of western and southern Yugoslavia and Greece. The latter country also had a radical reform connected with large displacements of people in the 1920's. Large estates were subdivided in northern Yugoslavia, Finland, and the Baltic republics, to a lesser extent also in Rumania and Poland and to a still lesser extent in Hungary. Such estates survived the inter-war period mainly in Hungary and in eastern Germany.

After 1945, eastern Europe has seen a twofold land reform movement: subdivision of remaining estates and collectivization. The former happened foremost in Hungary, Poland, and eastern Germany. Collectivization on the Soviet pattern was promoted relatively soon after the end of the war in all these countries and is now complete or nearly so in all of them except two in which reversals proved decisive at least up to the present.

Somewhat outside these tendencies of both western and eastern Europe are the three countries of southwestern Europe where land problems were much older and until recently rather little had been done about them, even on a stage of economic development more advanced than that where most of the reforms were done elsewhere. All three countries had rather analogous sharp contrasts between

their northern and southern regions - the former dominated by small peasant farms, either owned by the peasants or in any event intensively farmed, and the southern regions characterized by latifundia and often very low intensive land use. Spain made a departure, in the 1930's, toward radical land reform (similar to those in eastern Europe in the inter-war period) but its results were largely abolished in the early years of the present regime. Since 1945, all three countries have made movements in the direction of subdividing the latifundia and introducing more intensive land use systems in those and other areas. Italy has endeavored to bring "integral reform" which ideally should have abolished all large estates except where they were either "model farms" or else seemed the only viable mode of farming. In Spain and Portugal, "internal colonization" has been used as the formula for a more restricted and selective version of the same objectives; in Spain the results are substantial but not dominant in the still rather traditional land tenure situation, and in Portugal the whole activity of "internal colonization" is on a pilot scale, carried out on the whole under unfavorable circumstances and attracting little attention.

When choosing countries to be treated in some detail in the AID Spring Review, the relevance of cases chosen for the low-income countries of today had to be considered. This is why west European experience is not included among the country studies, if occasionally cited in some of the general papers. The Danish experience could well be quoted as a model case for some underdeveloped countries: "revolution from the top" (as in Iran recently) followed by vigorous economic development drawing its strength, for a long time, from family-scale agriculture. Only the pace of development was the more leisurely one associated with relatively slow population growth and moderately rapid technological change. The Irish

reform took place in the unique setting of a country with declining population, those in Greece and in post-war Finland under the special hardships of large-scale population transfers. The Baltic republics would be instructive for the unusual case of low population pressure (high ratio of land to manpower), but their post-reform development was interrupted by Soviet collectivization in the 1940's. The recent changes in tenancy legislation in western Europe belongs to a stage in economic development which is still far in the future for most of the low-income countries.

Case material would thus have to be drawn from southern and eastern Europe. In the former group, Italy is clearly the most useful one for demonstration purposes, because of the scope of reform action. It is useful also as an instance of reform being initiated at a rather late stage in economic development - in fact on the eve of a breakthrough toward a full-fledged industrial economy. The significance of this is twofold: the accelerating pull from other sectors on rural manpower tends to make holdings created by the land reform prematurely obsolete, and at the same time industrial growth is hampered by lack of literacy and technical skills, a condition which is a consequence of long-standing neglect of the need for reform in the rural South.

In eastern Europe, interest nowadays is focused on the results of collectivization rather than those of the smallholding reforms which usually preceded it. Ruling out a study of the U.S.S.R. because of its uniqueness and other circumstances, the other Communist countries in eastern Europe are sufficiently similar in their pattern for the choice to be discussed. To begin with, there are two groups to consider:

a) Interrupted collectivization and still prevalent peasant farming, in Poland and Yugoslavia; and

b) Wholesale collectivization in the other six countries (East Germany, Czechoslovakia, Hungary, Rumania, Bulgaria, and Albania).

It appears logical to select one country from each group. As long as this is accepted, Yugoslavia stands out as the most interesting and the least ambiguous of the two countries in the former group, because of its more independent national policy outside the Soviet bloc.

In the second group, the choice is more problematic. We can rule out Albania because of its small size and poor documentation. Of the other countries, East Germany and Czechoslovakia were so highly developed before the Communist period that it is too readily argued that collectivization is a drawback; thus no lesson for low-income countries would emerge. Of the remaining three, Hungary is the easiest to approach, both because of the homogeneity of its conditions and because we have better information than is readily available from Rumania or Bulgaria. Hungary's double experience of smallholding reform (1920 and 1945) before collectivization also offers more comparisons between stages in the same country than is the case with the other countries.

LATIN AMERICA

LAND REFORM

LAND SETTLEMENT AND COOPERATIVES

1969 - No. 2

Agrarian Reform in Latin America: Actual Situation and Problems	
S. Barraclough, part (pages 1-9).....	1

A R T I C L E S

**AGRARIAN REFORM IN LATIN AMERICA:
ACTUAL SITUATION AND PROBLEMS**

by

Solon Barraclough *

I. INTRODUCTION

This paper attempts to summarize information about the present situation in regard to agrarian reform in Latin America and to discuss some of the principal problems that have arisen. Before doing this, however, it is pertinent to review in very general terms the urgency of the agrarian reform problem.

Latin America's rural poor - its "campesinos" and their dependents - will soon total nearly 100 million making up over one-third of the region's population. For the most part they are landless labourers, small tenants and small holders (minifundistas). Today, many of the region's political leaders and students of Latin American development problems recognize that profound agrarian reforms may be essential not only to improve the opportunities and incomes of these rural poor but also to speed national economic, social and political progress. The traditional land systems based upon large estates (latifundia) and dwarf holdings (minifundia) are becoming increasingly obsolete; they constitute a crucial obstacle to more rapid self-sustaining economic growth and to the participation of the rural masses in the development process.

In common usage, land reform means giving the landless and nearly landless rights to good farm lands now held in large estates. The underprivileged agricultural groups benefit from reform by greater security of tenure, improved access to land and other farm inputs, greater incentives to produce on their own farms and by improved terms of employment when they are working for others. In essence, agrarian reform implies an increase in the economic and political power and the social status of the "campesinos" in relation to that of the traditional landed elites.

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The importance of agrarian reform for Latin America has been reiterated in the resolutions of several recent FAO regional conferences, by the Economic and Social Council of the Organization of American States, by reports of the Economic Commission for Latin America and in various United Nations resolutions and documents. The Latin American governments' concern with agrarian reform was summarized in "Objective 6, Title I" of the "Charter of Punta del Este" which read as follows:

"To encourage, in accordance with the characteristics of each country, programs of comprehensive agrarian reform leading to the effective transformation, where required, of unjust structures and systems of land tenure and use, with a view to replacing latifundia and dwarf holdings by an equitable system of land tenure so that, with the help of timely and adequate credit, technical assistance and facilities for the marketing and distribution of products, the land will become for the man who works it the basis of his economic stability, the foundation of his increasing welfare, and the guarantee of his freedom and dignity".

Agrarian problems have become even more acute in many Latin American countries than they were in 1961 when the Charter of Punta del Este was signed. The number of landless labourers, and "minifundistas" has increased almost everywhere. About three-quarters of the region's good agricultural land continues to be held in large estates (latifundia) and much of it is used only very extensively. Agricultural production follows the trends of the last two or three decades of increasing on the average at only about the same rate as population while food imports continue to mount. The distribution of income has not been substantially modified in most countries. The vast majority of "campesinos" have as little participation as before in national economic, social and political life. Except in a very few countries, agrarian reforms have not been sufficiently far-reaching to succeed in diminishing these agrarian problems.

In 1962 the Interamerican Committee for Agricultural Development initiated a series of studies of land tenure and agrarian reform problems in seven Latin American countries. ^{1/} These "first stage" ICAD land tenure studies were completed and published during 1965 and 1966. ^{2/}

^{1/} ICAD (The Interamerican Committee for Agricultural Development) was established in 1961 by the principal international agencies with responsibilities to aid in Latin American agricultural development; The Food and Agricultural Organization of the United Nations (FAO), The United Nations Economic Commission for Latin America (ECLA), The Organization of American States (OAS), The Interamerican Development Bank (IBD), and The Interamerican Institute for Agricultural Sciences (IICA).

^{2/} See Tenencia de la Tierra y Desarrollo Socio-Economico del Sector Agrícola: Argentina, Brazil, Colombia, Chile, Ecuador, Guatemala, and Peru, Committee Interamerican de Desarrollo Agrícola, O.A.S., Washington, D.C. 1965.

A regional summary based on these country reports analysed data for the seven countries concerning the distribution of the farms by size class, the economic and social status of the rural populations, some indices of agricultural productivity by farm size class and land-use in relation to farm size. These comparative data are presented below in Tables 1, 2, 3, and 4. They are indicative of the land tenure situation not only in the seven countries studied but in much of the rest of Latin America as well. The ICAD studies also attempted to calculate the numbers of potential agrarian reform beneficiaries there were in each country and how many would have to be benefited annually to meet the implicit goals of the Charter of Punta del Este. These estimates are shown in Table 5. (The "second stage" ICAD studies of agrarian reform and land tenure problems in Mexico and Venezuela are now nearing completion and will be published shortly).

II. THE AGRARIAN REFORM SITUATION

This section presents (1) a very brief historical account of agrarian reform in Latin America, (2) a summary of some of the social, economic and political pressures making further reform in the future highly probable and (3) some points to be considered in analysing and evaluating the reforms that are taking place.

1. Brief history of agrarian reform movements.

The traditional land systems based upon the control of most agricultural land and labour by the owners of large estates have not been challenged effectively in Latin America until recently. The various colonial edicts designed to protect the Indians from losing all their land and to encourage small-scale intensive farming for the production of food crops near the major population centres had little influence in modifying the "latifundia - minifundia" structure imposed after the European conquest. The ownership of large areas of land worked by dependent labourers and the collection of rent and tribute from the rural population in the forms of agricultural products and labour services were highly profitable to the ruling groups and naturally they resisted attempts to change this structure. In a few countries, such as Haiti, the traditional land system was overthrown in the early 19th century with independence but this was an exception.

The first major Latin American agrarian reform began in Mexico soon after the 1910 revolution. Land distribution commenced relatively slowly in 1916, accelerated to its maximum rate during the Cardenas administration of 1934-40 during which some 18 million hectares were distributed in ejidos (land-reform settlements) benefiting over 800 000 campesino families, and slowed down considerably thereafter. By 1960 a total of over 40 million hectares (some 30 percent of the nation's agricultural lands) had been incorporated into ejidos and there were about 1.6 million "ejiditarios" (land reform beneficiaries) - over 40 percent of the total number of farm families reported by the census.

During the three decades preceeding 1950 there were no other important land reforms except in Puerto Rico. This reform commenced in the early forties and benefited over 100 000 sugar-cane workers (over one-half of the total number of landless

farm labourers and at least one-fifth of the total number of potential land reform beneficiaries) on expropriated American and locally-owned sugar plantations. These were reorganized into large "proportional profit farms" operated by a state agency, while most landless workers were given small garden plots on which to live. Chile established a colonization agency in the late 1920's to colonize fiscal lands and to purchase and subdivide unproductive large estates but made no massive land expropriations or distributions. In 1936 Colombian law 200 provided for granting property rights to certain occupants of unused lands (terrenos baldios) and in 1938 Colombia commenced to sponsor a few colonization projects for small farmers. A major "campesino" uprising was suppressed by the army in El Salvador in the 1930's and virtual civil war broke out in some parts of rural Colombia after 1945 forcing the abandonment of some large estates (this campesino violence in Colombia, however, appears to have been only indirectly related to the traditional land system). In Argentina, Peron's programme included ceilings on some kinds of agricultural rents and regulations calling for minimum farm wages, but involved no redistribution of land. In 1948 Uruguay adopted an agrarian reform and colonization law and in 1949 Venezuela began sponsoring official colonization projects, but as in the case of Chile, the impact of these programmes was only local and limited.

During the 1950's agrarian reform activities speeded up considerably. In 1952 the Bolivian revolution was followed by a land reform programme that has distributed some 7.6 million hectares of former hacienda lands among nearly 200 000 "campesino" families (nearly one-half of the total "campesino" population evidently benefited in some way). In Guatemala, the Arbenz government expropriated about 600 000 hectares of extensively used lands in large estates and was redistributing these, plus 280 000 hectares of land in state-owned coffee farms, among more than 100 000 "campesino" families when the regime was overthrown in 1954 by Castillo Armas with United States support, only eighteen months after the beginning the reform. The lands were restored to their original owners as the new government revoked the Arbenz agrarian reform law and initiated in its stead an expanded colonization programme, but this resulted in only relatively few campesinos receiving land.

The Cuban revolution of 1959 was followed by a profound agrarian reform more ambitious in scope and coverage than any of its predecessors in Latin America. The private ownership of large estates and plantations was completely eliminated. Some 70 percent of the country's agricultural lands have been reorganized into state farms, while more than 100 000 small-holders have been organized by means of producers' associations and cooperatives. As a result nearly the whole rural population was directly affected in one way or another by reform.

The 1960's ushered in a series of agrarian reform laws and programmes associated with "The Alliance for Progress". The first of these, that of Venezuela, preceded the Punta del Este Charter by over a year. During the subsequent seven years about 2.7 million hectares were incorporated into the reform, more than half being purchased from private owners and the remainder being public lands that were transferred to the land reform agency. Close to one-fourth of the agricultural work force - some 90 000 "campesino" families - now have land rights in the land reform "asentamientos". Although most of the country's agricultural land remains in large

privately owned estates, these "asentamientos" in 1967 included about ten percent of the total land in farms and a higher proportion of crop land.

The Colombian agrarian reform law was promulgated in 1961 and in many respects was similar to Venezuela's in intent. The government, however, concentrated its efforts on the granting of titles to the occupants of what for the most part were fiscal lands and it is estimated that after six years about 60 000 families had received titles to a total of nearly two million hectares, but of these only about 3 800 families with an average of some 16 hectares each had been settled in "asentamientos" on lands expropriated from private owners under the agrarian reform law, resulting in very little change in that country's overall land tenure structure.

Chile adopted an agrarian reform law in 1962 permitting the expropriation of poorly used agricultural lands, and a much stronger reform law was promulgated in 1967 permitting expropriation for a number of other reasons including size of holdings over certain limits defined by the law as socially desirable. As of mid-1968 about 10 000 Chilean "campesino" families had been incorporated into "asentamientos" on lands purchased or expropriated under these two laws. As a result about one-twentieth of the country's agricultural lands, many of them in irrigated areas of the rich central valley, had been assigned to the benefit of approximately four percent of the 250 000 "campesino" families that the ICAD report had estimated as the number potential land reform beneficiaries, and the government is continuing to expropriate more large estates. The Chilean reform has, however, been complemented by stricter enforcement of minimum agricultural wages, widespread unionization of agricultural workers and effective programmes of credit, technical assistance, pre-cooperatives and cooperatives for a large portion (about 70 000) of the country's small-holders, resulting in a greater change in agrarian structure than the number of direct beneficiaries of land distribution might indicate.

Peru and Ecuador adopted agrarian reform laws in 1964. Both countries have given considerable emphasis in their agrarian programmes to the colonization of the "virgin" lands. They have, however, also redistributed a few large estates. In Peru about 14 000 "campesino" families (one percent of the number of potential beneficiaries) have received lands during the last four years either from colonization programmes or the redistribution of large estates. Ecuador's agrarian reform law prescribed the traditional system of "huasipunguaje" by which permanent agricultural labourers on the large estates were required to provide labour services to the estate owner in return for the use of small parcels of land on which their dwellings, gardens and animals were located. Under the provisions of this law, between 1964 and the end of 1967 some 14 000 "huasipungueros" had received property rights to parcels of about three hectares each, but many of them have lost certain other traditional prerogatives such as the rights to pasture their animals on hacienda lands. In addition, another 16 000 families had received lands under government and private resettlement programmes on large estates while over 6 000 families benefited from agrarian reform or colonization since 1964. This total of 36 000 beneficiaries is about one-tenth the ICAD estimated number of potential beneficiaries; while the number receiving land is impressive, it is still probably less than the demographic increase in the "campesino" population during the same period.

During the last few years, various other countries such as Brazil, Honduras, the Dominican Republic and Peru have adopted new agrarian reform laws while still other such as Panama, Costa Rica and Paraguay have attempted to accelerate their colonization programmes. It is too early to evaluate the results of these efforts. For example, Brazil in early 1968 had initiated projects to settle about 12 000 campesinos in agrarian reform settlements but only a few hundred had actually received lands. (The ICAD study estimated that there were nearly four million potential land reform beneficiaries in Brazil in 1950 and there are probably in excess of five million "campesino" families at present who might be regarded as potential beneficiaries). Of far more importance at this time than the official land reform settlements in Brazil is the spontaneous and semi-directed colonization taking place in frontier regions, but no reliable quantitative data are available concerning the extent of this new colonization or the kind of tenure systems that are being established in these areas. The Government of Peru established a new agrarian reform law No. 17.716 of 24 June 1969 which replaced the previous agrarian reform law No. 15.037 of 21 May 1964. (see p. 66).

This review of land reform efforts shows that except in a few countries agrarian reform has not had much quantitative impact on the traditional agrarian structure. There will, however, undoubtedly be more agrarian reforms during the coming years as pressures for change continue to build up.

2. Pressures for agrarian reform

The immediate pressures for agrarian reforms are, of course, always political. The underlying economic and social changes that are occurring in Latin America must be appreciated, however, to understand why these political demands for reform are being made now with increasing insistence and frequency. Chief among these are rapid demographic and economic growth, urbanization, new technologies, changing values and aspirations all of which combine to make further agrarian reforms practically unavoidable. (In this sense, agrarian reform can be considered to be as much a consequence of development as a prerequisite for accelerated progress in the future.

Population in Latin America is growing more rapidly than in any other comparable major region of the world. The present net three percent annual rate of population growth implies a more than doubling of Latin America's population in the next quarter century and the United Nations predicts that there may be 700 million inhabitants in the region by the year 2000. Cities on the average are growing at nearly three times the rate of rural areas because of heavy rural-urban migration. Also, as industry and commerce have been expanding more rapidly than agriculture, which is to be expected during development, more new urban jobs are being created than rural ones and average per capita incomes are increasing much faster in the cities than in the countryside. Nonetheless, the numbers of urban and rural unemployed and underemployed have been rising rapidly in recent years and urban poverty is a major problem everywhere. This indicates that migration from agriculture may have to be slowed down in the immediate future until the cities' capacity to absorb more workers productively catches up with the "marginal" populations already there.

Meanwhile, in spite of heavy outmigration, the Latin American rural population is increasing at about one-and-one-half percent per year - nearly two million persons annually - more new farm families are being formed each year than have received land through all of the "Alliance for Progress" land reform programmes together since 1960. This increase in the agricultural population naturally tends to be most rapid in the least urbanized countries and regions, such as Guatemala and the Andean highlands, while it proceeds much more slowly in relatively urban countries such as Chile, Argentina and Uruguay.

The pattern of growth that is taking place puts a many sided squeeze on traditional agrarian structure and especially on the land tenure institutions associated with the ownership of large estates. In the first place, most of the agricultural population growth adds to the number of landless workers and "minifundistas". Many of the rural youths reaching working age do not migrate to the cities or to the frontiers, but seek jobs on the large estates; at the same time small parcels are further subdivided to accomodate those who stay in small-holder communities. Secondly, agricultural productivity must increase at an ever faster pace in order to meet the demands of the cities for more and higher quality foodstuffs, while the large estates tend to be laggard in increasing their production rapidly enough. Thirdly, as population and wealth become more and more concentrated in the cities, urban merchants, bankers, industrialists, managers, professionals, technicians, and labourers all tend to have more influence in national affairs while that of the large landowners declines. As a result, the national state becomes more responsive to urban values and to the demands of city groups for cheap food, accelerated investments and national independence and integration. The nation's political power becomes less easily available to the large landowners to help them maintain their status and power in the countryside.

While new markets and technologies may serve to strengthen some of the large landowners' economic position temporarily, the long term results are almost invariably the reverse. Those large landowners who do not take advantage of the new opportunities, and these seem to be the majority in many regions, find themselves in less and less competitive positions and must rely increasingly on subsidies and controls that soon prove onerous to other groups of the population. The large owners' weakened position makes them relatively easy targets for urban agrarian reformers and also for "campesino" demands for land. On the other hand, progressive landowners who change their methods and adopt new technology must depend increasingly on modern management methods, skilled workers, incentive payments and a greater division of labour, all of which undermine traditional quasi-feudal tenure institutions and frequently produce further demands on the part of the workers for greater incomes, security and participation. Moreover, as most new agricultural technologies being adopted in Latin America are labour saving ones developed in the high-wage industrialized countries, the generally result in fewer employment opportunities and growing insecurity for the mass of the "campesinos" even though production increases. This, of course, intensifies some of the pressures for agrarian reform.

The transistor radio and the rural bus are technical innovations, now ubiquitous in Latin America, whose effects on the "campesino" aspirations and values cannot be over-estimated. The truly isolated rural community has practically disappeared.

New political ideas, consumer goods and all the other aspirations that come from contact with the outside world now penetrate everywhere. There are few villages without some members who have worked for a time elsewhere, where they have been exposed to unions, the cash economy and modern political ideologies. At the same time, cheap mass produced manufactured goods flood rural markets displacing traditional rural craftsman and artisans and adding to rural underemployment.

The traditional rural social systems based on large estates can no more withstand these historical pressures for change in Latin America than similar systems could in many other parts of the world that are now modernizing. Evidence of the new situation in Latin America can be found in the increased demands for agrarian reforms by politicians, intellectuals and "campesino" leaders, the growing number of rural strikes and "invasiones" and the many reform laws already adopted whether effective or not. The "latifundia" system appears irrevocably doomed if development continues; the only questions are when and how it will be relaxed in particular places.

One thing should be clear, however, agrarian reform is not a one-shot proposition that happens and is finished. Once the big initial break has been made and the estate lands have been opened up for use of the "campesinos", there must be a continuous process of change and adjustment in land tenure institutions as new conditions arise. If the initial results of reform are not always favourable for forest development this merely means that further adjustments can and should be made. Under the traditional static "latifundia" systems on the contrary, there are scant prospects for dynamic long-term forest development under even the best of circumstances.

3. Evaluating agrarian reform

In order to discuss agrarian reform problems in the last section of this paper, it is necessary at least implicitly to make some sort of evaluation of what is happening in relation to what someone believes should happen. What constitutes a problem depends upon one's goals and values - the beneficiaries of reform will frequently see different problems than do the "campesinos" not benefited, the expropriated land-owners or the government officials executing the reform, and other groups will inevitably emphasize still other problems that appear important to them.

An obvious way to evaluate agrarian reform programmes, and thus to identify the problems associated with them, is to measure their results against the avowed goals of reform in each country. But as these goals differ widely from one country to another and are rapidly changing, such an evaluation has only limited use for comparative purposes. Also, the avowed goals may not be the real goals and may not even take into account the underlying social pressures for reform just analysed.

Another possibility is to assume some general goals such as those expressed in the Punta del Este objectives and evaluate all reform programmes against these. It should be recognized, however, that reform like development itself is a normative concept and that any set of goals imply certain ideological and political valuations and premises. In addition, goals are likely to be contradictory among themselves, such as attempting to increase investment and consumption greatly and simultaneously for

all groups or to give land to the "campesinos" without expropriating the large estates. Nonetheless, there is no realistic alternative to assuming some explicit objectives of reform if one wishes to discuss rationally the problems involved. For the purposes of this paper, the principal objectives of reform are assumed to be those mentioned in the introduction: to modify the traditional "latifundia - minifundia" land tenure structure, to give rights to land to the "campesinos" and to obtain their active participation in both the reform process and the wider society. There are also problems of an almost purely operational nature such as personnel training, administration, economic efficiency and financing for agrarian reform projects. Any programme can be evaluated as to how it functions as an organizational system quite independently of its wider goals.

From the brief history of Latin American reforms presented above, it is obvious that there are fundamental differences among them. ^{3/} The Mexican, Bolivian and Cuban reforms all accompanied revolutionary changes in the wider social structure, although the reforms in these countries were quite different one from the other in impact and final outcome. Such deep structural reforms are easily distinguished from the more conventional negotiated reforms, such as took place in Puerto Rico and are taking place in Venezuela and Chile. These did not follow revolutionary changes and they result in limited immediate modifications in agrarian structure although in the long run their impact may be considerable in influencing future structural changes. Finally, there are the marginal reforms usually limited in scope to colonization projects and the purchase or expropriation, for one reason or another, of occasional isolated estates; these really do not effect agrarian structure significantly at either the regional or national levels. It has been seen that many recent reforms fall into this latter category.

This rough typology of reforms is useful for placing them in perspective within the broader context of the social changes occurring in the region. The following discussion of agrarian reform problems is made without specific reference to these profound differences in the kinds of reform processes that have been experienced. The reader, however, should always keep them in mind.

NEAR EAST and NORTH AFRICA

Land Reform and Economic Development in the Near East†

By M. RIAD EL GHONEMY*

THE CONCEPT of land reform as used in this essay is that, once the redistribution of rights in land ownership and use starts, all related institutional services such as credit, marketing and agricultural extension as well as water rights, have to be re-formed.

A brief review¹ of the reform program is followed by an examination of some policy issues of land reform in the Near East Region: (1) How do land reforms constitute a fundamental part in the process of economic development in the region? (2) How do land reform programs contribute to savings and capital formation required in the process of economic development? (3) How are the ownership of land, management of land and labour designed in the land reform programs? Are these three functions combined or divorced from each other? (4) How is the production incentives system established? How are entrepreneurial functions and managerial responsibilities allocated? (5) Has the land reform program been synchronized with credit and marketing policy after the superimposition of tenure reform on the traditional agricultural system?

Although the countries of the region share a common historical background—Islamic culture, major tenure problems, institutional forces, population pattern and social structures—they vary considerably in their water and oil resources as well as in their political systems and

physiographical features. There are considerable variations in their stages of economic development and in population density in relation to land which gives rise to the markedly differential rates of economic growth.

1. Land Reform in the Process of Economic Change

The importance of reforming the agricultural sector to strengthen the national economy and to reduce poverty among the peasants in the region is obvious. In all the countries of the region, 50-80 percent of the population are employed in agriculture and, with the exception of the major oil-producing countries and trade-oriented Lebanon, it represents 30-60 percent of the total gross national product. Even in countries that enjoy high oil revenues—Algeria, Iran, Iraq, Kuwait, Libya and Saudi Arabia—agriculture provides employment for 40

† The material on which this article is based was originally prepared as a paper presented at the World Land Reform Conference, held in Rome, Italy in 1966. The views expressed in this paper are those of the writer and do not necessarily represent the views of the Food and Agriculture Organization of the United Nations.

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¹ The Near East region as used here includes the following countries: Afghanistan, Algeria, Iran, Iraq, Jordan, Lebanon, Libya, Morocco, Pakistan, Saudi Arabia, Sudan, Syria, Tunisia and the United Arab Republic.

to 60 percent of the total population. The suddenness of the impact of oil had given rise to various ad hoc short-term projects which had no large labor absorptive capacity. At a later stage, when planning techniques were adopted to use oil revenues for national development,⁸ part of this revenue was used for developing new agricultural settlements, as had been used in Libya and Saudi Arabia, and for the construction of irrigation projects, infrastructural work and payment of compensation to ex-landlords who were affected by land reform, as in Iran and Iraq.

At the present rate of industrial development most of the population increase will have to be absorbed by agriculture. This population pressure on agriculture has increased with the advance in health services as death rate has declined and the population growth rate has risen from 1.5 percent until the World War II to 2 and almost 3 percent in the recent years. The concern over the economic consequences of rapid population increase has started as, for instance, in Egypt where a Supreme Council for birth control was established in 1965 and a nation-wide campaign and services for birth control in rural as well as urban areas was initiated. But even if this progressive population policy of Egypt is followed in other countries, the effect in the region will not be felt for many years to come. Until then, the increase in per capita income will continue to be low with the average rate of growth of Gross National Product at 4-7 percent and the rate of total investment at 15-18 percent in the region. The problem of economic development in non-oil producing countries in the Near East is essentially one of improving the present terms of trade for their export agricultural products, increasing the rate of

savings in agriculture and harnessing the savings for greater investment so as to ensure, through higher capital formation, increases not only in total production but also in productivity per land unit and per man. With their concern over rapid economic development the Near East countries cannot afford to neglect the savings potential of the mass of the farm population after providing them with incentives for increasing production and saving, in which land reform plays a crucial role.

But the process of development in the region can be better understood against the background of institutional and power structure. Until the end of World War II most of the countries in the region were under foreign occupation. Most of these countries have gained political independence only since 1946.⁹ Therefore, the concept of national administration is relatively new and the concern over strengthening the national development and institutional reforms is very recent. After the nationalization of French agricultural colonies in Morocco, Algeria, Tunisia and the Italian Ente settlements in Libya, and all foreign land estates in the U.A.R., direct foreign influence in the economic structure has been almost limited to banking, credit and foreign trade in some countries and the ownership or the exploitation of oil fields in the region which possesses about 65 percent of the world total of proved oil reserves. Until independence and in its aftermath, the ad-

⁸ Iraq allocated 70 percent of oil royalties to the former Development Board beginning 1952 and Libya allocated a similar percentage for Development Budget beginning 1965.

⁹ This took place in Syria in 1946; Lebanon in 1946; Pakistan in 1948; Sudan in 1956; Morocco in 1955; Tunisia in 1956; Libya in 1952; Algeria in 1962; and Kuwait in 1962.

ministration was supporting the traditional power structure and nourished the feudal system where a few large landlords, city merchants and tribal sheikhs who had land and capital ownership in their grip were dominating the political power structure. The masses of rural population were excluded from all incentives to improvement. Agricultural development programs were characterized by the relative neglect of rural institutions, including the improvement of the land tenure and credit structure. Most of these programs were in the form of large irrigation projects and construction of dams, which benefited by and large the existing few landlords.⁴ The defective land tenure system and agricultural price policies and the presence of intermediaries as well as money-lenders resulted in the drain of savings out of agriculture and made it difficult to organize the farmers into any purposive system.

Until 1958 the distribution of farm income in most countries of the region followed this prevailing institutional monopoly and resulted in extreme poverty and a very low per capita income (US \$100-150) for the majority of the farming population. This meant low purchasing power, low taxing capacity and low savings, if any. An economic structure of this type created a vicious circle of poverty and held the economy in a static and stagnant state. The social implication of this economic structure was the stratification of rural population (about 60-70 percent of total) into two distinct classes: a minority of upper classes with very high incomes and the majority of the lower classes with very low incomes, and a wide gulf in between. This type of social structure perpetuated social instability, increased repression and led to revolutions as took place in

Egypt, Syria, Iraq, Pakistan and the Yemen.

Since 1952 land reforms have been among the major policy programs in many countries of the region designed to alleviate this striking injustice, inefficiency in agriculture and inequalities in income and political opportunities. The social vacuum which existed in most countries of the region has been in the process of being filled by the rise of the intellectual middle class, the emancipation of the Fellahin and the growing strength of these two powers with the rise of new leadership forces. New concepts of democracy and socialism have emerged.⁵

Land reforms emerged as a strong expression of Governments' intervention in the private sector of national economic structure. Land reform measures for the transformation of the peasant traditional economy are discernible in some countries to a lesser extent and in certain other countries to a greater extent. In Algeria, Iraq, Syria and the U.A.R. the agricultural sector liberated from its feudal relics by radical land reforms found itself in the middle of a rapidly growing economy that was socialist in its major aspects. Necessary adjustments of these two types of co-existing economies had to be made for achieving a balanced economic development.

⁴In the United Arab Republic the total area reclaimed and sold by Public Domain Department during the period 1935-49 was 182,623 feddana. Out of this area the proportion sold to small tenants was only 1.7 percent and land sold to estate companies and big landlords was 90.7 percent. Public Domain Department, *Its Establishment and Work*, Table 3, p. 37.

⁵These new ideas are expressed in the Egyptian National Charter, 1962; the Algerian FLN Program, 1962; the Syrian Arab Ba'th Party Resolutions in 1963; Iraq Socialism of 1965; and the Iranian six bases of social reform, 1962.

Another important change in the rural economy of the region has taken place by initiating programs for the transformation of nomadism into settled farming and of their traditional subsistence economy (subject to natural physical forces) into commercialized and modern agriculture. This transformation implies the change from the type of production subject to natural climatic changes and based mainly on labour employment to one based on application of advance in technology, regulation of water supply and considerable investment of capital by the state for planned settlement schemes. It also implies the change from a barter system of marketing into monetized and market oriented systems.

The road to economic development and the struggle against poverty have only been started. But for continuing this movement towards national development the non-land reform areas should not be neglected. Experience shows that governments pay less attention to these areas once they get engaged in land reform programs for reasons of more political and social order than economic. This brings forth imbalance in investment for agricultural development, as in many countries these areas are large in size and population and in their contribution to national production, savings and capital formation. There are still millions of tenants and small farmers, in areas outside those redistributed by land reform and settlement programs, who need further reforms and should also receive the agricultural, irrigation and institutional services rendered to the beneficiaries. There is still in some countries like Afghanistan, Lebanon and Saudi Arabia great scope for the improvement of their defective land tenure systems which are on a "laissez-faire" model. In Lebanon

absentee landlordism, excessive fragmentation of holdings and tenancy problems characterize the Lebanese agricultural economy. Afghanistan is still in the transitional stage from tribal type of tenure to that of feudal type and the rural economy is based primarily on nomadic and semi-nomadic pastoralism.

II. The Land Reform Movement

By 1967 there have been great changes in the Near East region. Each country has undergone a different type of reform with a different dynamics and there has been more significant development than would have seemed possible ten or fifteen years ago.

Reform of Land Ownership and Management. This was approached in two ways. The *first* was comprehensive as well as radical land ownership and management reform as in Egypt in 1952, Iraq and Syria in 1958, Pakistan in 1959, Iran in 1962, and the reform in irrigated zones in Tunisia in 1958 and 1963. The *second* approach was the nationalization of foreign farms which took place in Algeria, Libya, Tunisia and Morocco.

The first type of reform is radical change intended to make a direct attack on poverty of the landless farmers through abolishing land feudalism, regulating land market by fixing a ceiling on private land ownership, and redistributing the expropriated land among the actual cultivators who were tenants. The Egyptian land reform started by Law No. 178 of September 1952 amended by Law No. 127 of July 1961 and Law No. 15 of 1963 set the maximum limit of land ownership at 100 acres, prohibited land ownership by foreigners, liquidated Wakf lands, and distributed the expropriated and confiscated lands to former tenants in units

of 2-3 acres each. In Iraq the land reform law of 1958 prescribed a maximum of 1,000 donums⁶ in irrigated areas and 2,000 donums in dry farming areas—the expropriated areas to be distributed among the tenants in units of 30-60 donums and 60-120 donums respectively. Similarly, the land reforms in Syria and Pakistan prescribed a ceiling as well as a floor on the individual's own holding, the size of which varies according to whether the land is irrigated or dry farming.

In Iran, following the redistribution of Pahlavi Domain lands which started in 1951, the Government issued the land reform law of January 1962 which permitted the landlord to keep one village, and the other villages were to be distributed to the farmers living in them. The second phase of the land reform in Iran started in 1963 enabled the landlords to sell their land to the peasants in the same village or lease it at rental values determined by the Land Reform Organization.

In Tunisia the agrarian reform law of 1958 for the Medjerdah Valley followed by three laws issued in May 1963 aim at intensifying land development and allowing beneficiaries of works undertaken by the State to share the cost of investments in public irrigated zones. The reform provides for the limitation of individual land ownership to 50 ha.; any excess is expropriated, developed and laid out in 5-10 ha. holdings and sold to landless farmers with experience in irrigation farming. Each new owner is required to utilize his land to the utmost and to become a member of the cooperative that may exist or that will be set up.⁷ The program is based on the principle of compulsory contribution by owners of the irrigated lands to the costs of irrigation works, based on

the increase in productivity of the land, i.e., its added-value.

The *second* approach in the reform of land ownership structure is the nationalization of foreign farms which took place in Libya, Algeria, Tunisia and Morocco. In Libya, following its independence in 1952, an agreement was reached in 1956 between the Governments of Libya and Italy by which all former Ente farms were transferred to the Libyan Government, which in turn has enacted the Law of 1963 for the resettlement of these farms. The Libyan Government allocated 18 percent of its Development Budget (1963-68) for the improvement and resettlement of these farms.

In Algeria, after its independence in July 1962, the agricultural sector was divided into two major parts: the ex-colonized part covering about 3 million ha. of the richest land and highly mechanized agriculture for export crops, and the traditional part covering some 4 million ha. of poor lands cultivated under traditional subsistence system. By the sudden departure of the French settlers, the ex-colonized sector was deprived of skilled managers, technicians and related staff. It was due to the initiative of the Algerian workers on these lands by spontaneously taking over their management that production was continued and the break-up of large farms was avoided. The Government then organized the management and marketing in this sector by several decrees issued in October 1962 and March 1963 by which management committees were organized. The

⁶1 Iraqi donum = 0.6 acres.

⁷For further information on the system of cooperative farming in land reform areas see, Kenneth H. Parsons, "The Tunisian Program for Cooperative Farming," *Land Economics*, November 1965, pp. 503-516.

area of this sector known as the "socialist sector" is managed under a system called the self-management "exploitation d'auto-gestion agricole". The management was divided into some 2,500 management committees, each managing an area ranging from 100 ha. of cash crops to 2,000 ha. of cereals. Farming in units is operated by workers, who are paid wages based on a minimum wage scale depending upon employment category.

Reform of Land Tenancy. This is less radical in terms of social and political changes but has significant effects on production and income distribution. Reforms of this type have been included as part of land reform legislation in the U.A.R., Iraq, Syria and Iran. It provides the tenants with security of tenure, protects them from eviction, fixes rental value below market level, eliminates intermediaries and prohibits sub-leasing, and regulates the relationship between the owners of the land and sharecroppers. This type of reform has particular importance in countries, like Iran, the U.A.R. and Pakistan, whose land under tenancy was of a considerable proportion: 62 percent in the U.A.R., 90 percent in East Pakistan and 50 percent in West Pakistan.

Land Settlements and Transformation of Nomadism to Settled Farming. The development of new lands and their distribution among small farmers started in the Near East region earlier than other types of land reform. Among these early projects one can mention the Dujaila scheme in Iraq which started in 1945 and the Kafr Saad settlement scheme in Egypt in 1947. But the rate was slow and the national impact was almost negligible. In the last ten years public investment in settlement schemes on a large scale has been accelerated

through investment in irrigation, drainage and infrastructural work. These schemes were implemented as part of national development plans. In the U.A.R., for instance, between 1953 and 1960 an area of 300,000 acres was reclaimed and developed into planned settlement schemes. During the first Five-Year Development Plan (1960-65) a new area of about 435,000 acres was added at the rate of 87,000 acres per year. Water for these areas was made available through the use of groundwater and mixing drainage water with Nile water. As a result of the construction of the Aswan High Dam an additional area of 1,200,000 acres will be reclaimed and developed for settlement. Similar settlement projects started in Libya, based on groundwater use and application of capital and technology.

In the Sudan the recent settlement schemes in Khasm-el-Girba cover 164,000 acres (eventually will reach some 400,000 acres). In dry farming areas (non-irrigated) some 400,000 acres were expropriated and titled to the Government of Sudan. Tribal grazing rights were compensated for by providing water centers and access roads to grazing fields. In this large area, which was mainly under shifting cultivation by sedentary and nomadic tribes, Government tractors ploughed the land and settlements were established around bore wells or artificial pond feeding centers. This settlement scheme was established on the basis of partnership arrangement between the tenants (settlers) and the Government.

An important type of development has been the initiation of programs for the transformation of the traditional agriculture of the bedouins by public investment in large-scale settlement schemes. The effects of this type of land

policy depend upon the proportion of population who lead nomadic life. In Saudi Arabia this is estimated at 40 percent of the total population or about 2 million inhabitants while in the Sudan it is estimated at 15 percent or 2.4 million inhabitants. However, numbers alone are insufficient to gauge the size of the nomads' problems as these populations control different quantities of agricultural resources in terms of land, water and livestock. The new land settlement schemes replaced the traditional use of marginal land for animal production by considerable capital investment and introduction of technology for better utilization of natural resources and labour which will orient this portion of the agricultural sector towards market and money economy.

III. Effects on Income Distribution and Capital Formation

All these types of land policy measures introduce basic structural changes in the agricultural sector of the economy and bring forth functional changes in agricultural production, income distribution, employment, the purchasing power of the beneficiaries and capital formation. This chain of changes constitutes an important process in the economic adjustment of the old static peasantry economy of most of the countries in the Near East.

Income Redistribution in Agriculture. The relative emphasis placed on increasing productivity and achieving equity of income distribution (or social justice) has varied among the countries in the region. For instance, the land policies in Algeria, Libya, Morocco, Jordan, Saudi Arabia and Sudan have placed greater emphasis on productivity objective, while the income redistribution and equity aim occupied a central role

in agrarian reforms in the U.A.R., Iraq, Syria, Pakistan and Iran, particularly in the early stages of reform. The immediate aim of these reforms was to make a direct attack on the extreme inequality of income distribution by redistributing the land, the source of such income.

Regulation of land market and rent control measures have caused changes in the income distribution pattern, savings and potential capital formation in the agricultural sector of the economy in the respective Near East countries. Redistribution of land ownership, fixing rents below the market value, with the elimination of intermediaries, and providing tenants and new owners with better credit facilities at lower rates of interest have resulted in a transfer of income among tenure groups.

The annual payment of the new owners for purchasing their holdings is usually smaller than the annual rent which they paid as tenants. This has resulted in an estimated increase in the gross incomes of the beneficiaries, for instance, in the U.A.R. and Iran by about 60-70 percent.⁸ A tenancy reform

⁸ In Meshkin Abad village in Iran where agrarian reform of 1962 was carried out, the whole village area of 800 hectares was owned by one landlord and the farmers were sharecroppers. Before the reform they gave the landlord two-fifths of the winter crop (wheat) and kept three-fifths. From a rough estimate of the income situation before 1962 and in 1965 the average gross income of the new owner from the winter crop (wheat) and the summer crop (tomato) is 50,000 Rials (US \$660) from his unit of 7.5 ha. and he pays to the Organization of Agrarian Reform an annual installment for his land of 5,300 Rials (US \$72). The increase in his gross income was estimated at 70 percent. In the United Arab Republic in 1956 the writer studied the situation in a village in the Kafr-El-Sheikh province which was entirely owned by the ex-King. When the new owner was a tenant he paid a rental value per feddan amounting to L.E. 35 (US \$85), and after the agrarian reform he paid an annual installment of L.E. 14 (US \$35), or 60 percent less than the rent he used to pay. (One feddan equals 1,038 acres.)

fixing annual rent below the market level and eliminating intermediaries potentially has a wider scope due to the extent of tenancy in most of the Near East countries.

Another organizational change in the agrarian structure which contributes to the increase of incomes of the beneficiaries is the cooperative marketing system in land reform areas as in Algeria, Iraq, Tunisia, Syria and the U.A.R. This system, by eliminating middlemen, reducing costs of transport and guaranteeing a sale price according to appropriate grading of the products, adds to the incomes of the beneficiaries.

Beneficiaries' Potential Savings. The potential savings and their use for capital formation are important factors for stimulating economic development. The changes in tenure structure brought forth by land reform programs affect savings, which are a result of income effect and its distribution. The change in the number of farm families in various income brackets also affects the aggregate rate of savings. But for capital formation to take place, savings must be directed into productive investments.

The beneficiaries have an increased propensity to consume by spending most of their incomes on food, other commodities and services such as clothes, medical services, pilgrimages to Mecca, Jerusalem and Islamic shrines (such as Najaf in Iraq), social ceremonies, education for their children, etc. The beneficiaries will be likely to spend a good part of their additional income on food because they have been deficient in nutrition, particularly meat. This increase in food consumption will have two effects. The first is an investment in human agents by improving the health and productive capacity of the beneficiaries and the second is the increase in demand

for food. Unless agricultural production increases to meet this rise in food consumption, the marketable surplus for urban consumption and export may decline with a proportional increase in prices, especially if we consider the increasing high rate of population growth in the Near East countries. Part of the additional income will be spent on consumption of goods such as clothes, radios, transportation, more fertilizer and agricultural implements. This type of consumption stimulates industrial production and trade as well as increasing agricultural production. But it is doubtful whether the beneficiaries take the initiative to save. They must be guided, by the Government local services, to make the best use of their increased incomes. Purchase of shares in the local cooperative capital is a step towards accumulating savings for local capital formation. Encouraging beneficiaries of land reform and settlement programs to purchase such capital goods as farm machinery and animal stock proved to be an effective instrument for directing savings in the villages of the U.A.R. and Syria. If public services such as providing medical care, purified drinking water and education are made available to the beneficiaries either free of charge or at low costs, their real income increases.

Compensations Paid to Landlords. Compensations to landlords for their expropriated lands are usually paid over a long period of time in the form of government bonds bearing a reasonable interest rate, as in the Land Reform Laws of Egypt, Iraq, Iran, Syria and Pakistan. Part of the compensation in Iran⁹ and Iraq was made in cash and

⁹ According to article II of the Original Law and amendment No. 46912 (article IV) the first installment is paid in cash and the balance over 14 equal installments.

during a short period of time. In Iraq the land reform law of 1958 was amended in 1960 and 1963 to enable the Government to pay part of the compensation in cash which has its effect on the money supply and investment. It was estimated that in Iraq the total compensation amounts to 9 million Dinars (US \$25 million). This is a large amount of money and the amount paid in 1963-64 was 906,000 Dinars or US \$2,600,000.¹⁰ In Iran the payment of cash compensation to landlords as first installment amounted to 703 million Rials or US \$1.8 million.¹¹ The injection into the economies of Iraq and Iran of such amounts, if channelled carefully, could stimulate development projects with a view to increasing overall productivity. It is important for countries, where cash payment is made, to prevent its flight to neighbouring countries. Otherwise the objective of using this compensation to increase overall production will not be realized.

The possible outlets for payment compensations are: hoarding and luxury consumption, saving in banks for further investment and direct investment in housing construction, agricultural improvement and land reclamation.

The possibility of hoarding and luxury consumption is likely to be low while investment in urban housing construction is desirable for landlords as it would yield a higher return and would be less exposed to future expropriation. But building constructions have less economic multiplier effects due to the temporary employment of idle labour and other resources. Investment in industry is a promising productive channel although its achievement encounters a number of obstacles which could be minimized by essential government inducement to invest. Landlords may in-

vest in the improvement of the area with their holdings left after expropriation to increase their income from that area. Landlords can also invest in land reclamation but may be discouraged from doing so due to the fear of future expropriation.

Investment in Human Capital. Village and rural life in the whole of the region is deplorably backward. Investment of "social overhead capital" in such services as functional literacy and vocational training for farmers and education for their children, medical services, drinking water supplies, construction of roads, etc., is vitally important to increase the output potential of available human resources. This would also reduce the social gap existing between rural and urban life.

IV. Factors in Management and Productivity

Increase of productivity as a goal in land policy is essential to enable the beneficiaries to continue benefiting from the income redistribution effect realised by the reform.¹² Without improved productivity, the gains achieved by income redistribution are inevitably wiped out with the consequent disruption in agricultural production and the discontent of the farmers. Similarly, overlooking the need to develop the en-

¹⁰The Land Reform Organization, *Land Reform in its Sixth Year* (Baghdad, Iraq: Misaha Press, 1964), Table 17, p. 100.

¹¹*Implementation of Land Reform Programs in Iran*, Country Statement by Mr. Farhang H. Rad at FAO Development Center on Land Policy and Settlement, held in Tripoli, Libya, October 1965.

¹²For a discussion on this inter-relationship as affected by institutional arrangements see, Peter Dorner, *Land Tenure, Income Distribution and Productivity Interaction*, Madison, Wisconsin: Land Tenure Center, University of Wisconsin Reprint Series Number 5.

preneurship attitude of the beneficiaries vitiates the whole purpose of creating this new class of cultivators with managerial responsibilities.

Alternatives of Ownership, Management and Labor Use. Certain management issues in land policy programs in the Near East will be analysed by distinguishing between ownership of land, management and labor use in the operating unit. From the previous discussion on the land reform movement in the region the programs might be classified into the four following categories: (1) individual ownership with or without some form of group action in production and marketing, such as the organization of cooperatives. Examples: Iraq-Iran-Libya-Pakistan-Syria-Tunisia and the U.A.R. Except in Tunisia, under this category ownership, management and labor use are combined. In Tunisia, the cultivators retain title to their tracts of land, but lands are worked in common under the direction from the Production Unit Cooperatives. The role of cooperatives in management varies from one country to another: (2) self-management of expropriated farms with the beneficiaries as farm workers participating with the Government in the management of the farms as in Algeria's agrarian reform. In this category ownership of land is divorced from management and labour, the latter two being combined: (3) tenancy in partnership management between the cultivators, the Government and the managing body as in the Sudan Gezira Scheme. In this category ownership of land, management and labour are not combined: and (4) protection of tenants who cultivate land owned by Government or absentee owners. Examples are tenancy regulations in the land reform programs in Iran, Iraq and the U.A.R. Under this

category ownership of land is separated from management and labour use.

The land reform and settlement programs by creating the owner-operator units (individual family farm) combine the ownership, management and labour. This approach is followed in land reform and settlement programs in the U.A.R., Iraq, Syria, Iran and Pakistan as well as in land settlement schemes in Afghanistan, Saudi Arabia and Libya. But distinction should be made between management aspects in land tenure reforms and settlement schemes. While in all these programs ownership of land is vested on the cultivators, their managerial responsibilities and performance vary. In the land tenure reform usually the tenants who cultivate the same land and live in their villages are shifted to the status of owner-cultivators, assuming the risks and rewards of economic independence or at least set on the pathway to such attainments.¹³ While in land settlements the new owners are selected from neighbouring areas and the changes in land use, management and layout is greater than in land tenure reforms. The entire farm economy and the layout in the area of the settlement scheme is designed.

The expropriation and nationalization of foreign owned estates in Algeria, Morocco, Libya and Tunisia and the U.A.R. presents certain problems in management and production. These estates were formerly managed by skilled managers who extensively applied capital and technology. Their absence, without immediate replacement by qualified

¹³ Kenneth H. Parsons, "Research Evaluation of Land Reform and Land Settlement Programs," a paper presented to the Development Center on Land Policy and Settlement for the Near East, Tripoli, Libya, October 1965.

personnel and new production organization, is likely to bring forth unfavourable effects on production. The agrarian reform in Algeria deals primarily with this situation and it is planned to operate these estates by mobilizing the underutilized labour under the self-management system. The total area expropriated, confiscated and nationalized comes to approximately 4 million ha. out of which an area of 1.2 million ha. was under crop in 1965. But the share of this ex-colonized part in the national economy is of crucial importance as it produces about 90 percent of national wine production and 70 percent of total citrus fruits; the two main agricultural crops for export. The management was continued by workers' committees who participate with the local officials of the Agrarian Reform Organization in decision-making for production and marketing. The incentives system is based first on the workers' nationalistic share in developing these farms and on bonus payment. There are two aspects which determine production incentives in this interesting experiment. The first is the workers' attitude towards the land, the crops, the ultimate outcome of the production process and the overall efficiency of the enterprise. It is to be recalled that the workers receive their incomes in the form of established wages and not the produce which each worker cannot identify with his own individual efforts. The second issue is the rather impersonal role of the individual workers toward his daily job in production, a system which is known in industrial production.¹⁴ The Algerian authorities, however, considered reviewing the operation of the self-management system, and the Revolutionary council declared in November 1965 that self-management

as a system must be maintained but that it must be rationalized.¹⁵

Planning Entrepreneurship Requirements. The importance of planning implementation and providing entrepreneurship requirements in the total national agricultural production could be appreciated when the size of the areas affected is mentioned. The situation in Algeria has just been mentioned in the preceding section. According to the Iraqi Agrarian Reform Law of 1958 the area to be affected was 8 million donums of expropriated privately owned land and 4 million donums of state owned land (Miri Sirf), totalling 12 million donums or approximately 9 million acres, which represents about 75 percent of the total cultivable land in Iraq, not including the fallow land. In the U.A.R. the agrarian reform affected 970,000 acres through redistribution measures and almost 4 million acres by tenancy regulations or 17 percent and 65 percent respectively of the agricultural land. In Syria the agrarian reform affected nearly 1,447,000 ha. subject to redistribution out of a total agricultural area of 5,262,400 ha.¹⁶ or 28 percent. In Pakistan, according to land reforms of 1959, the total area redistributed was about 2.2 million acres. According to the Iranian agrarian reforms of 1962 and 1963, and until October 1965, 11,986 vil-

¹⁴ The results of this socialist experiment cannot be judged by the last three years which was an experimental period. For instance, official statistics indicate that the area cultivated by vineyard in 1963-64 was 8.1 percent less than the area cultivated in 1960. Also production was 25 percent less and the average per hectare dropped from 52.5 to 40.9 hectolitres. *Analyse des Activités Economiques du Secteur Autogéré—Ministère de l'Agriculture et de Réforme Agraire—Année 1963-64*, Alger, Mai 1965.

¹⁵ *Middle East Economic Digest*, December 3, 1965.

¹⁶ 1 hectare = 2.471 acres

lages were redistributed under the first phase and 29,929 villages have been rented to cultivators under the second phase¹⁷ of the program or 24 percent and about 60 percent respectively of the total number of villages (49,000) in Iran. If we add to these figures the area redistributed by Bank Omran under the crown land distribution program, which was 199,628 ha. in 517 villages, then the size of the total area affected becomes even greater.

It is obvious from these figures that the size of areas affected by agrarian reform in the above mentioned countries of the Near East is quite impressive. But the enactment of a land policy law (particularly radical agrarian reform) with all the political difficulties involved and the distribution of land among the beneficiaries may prove to be comparatively easier than its effective implementation. It is the experience of several countries, in which a well thought out policy of agrarian reform has been formulated, that there is a wide gap between the intentions of the law and the actualities which persist. It would be futile to expect the new owners to supply themselves with the entrepreneurship requirements. The lack of sound planning of work with specific targets over a specified period of time and the absence of basic production requisites in affected areas can cause disruption in farming and social instability, as happened in Iraq during the first five years (1958-63) of implementing the agrarian reform.

Among the fundamental reasons for enacting radical land reforms was the prevailing system under which no agricultural progress could take place, that of tenancy of farms owned by absentee landlords. The abolition of feudalism and related absenteeism with the trans-

fer of ownership rights to former tenants without appropriate arrangements for the new owners to assume their managerial duties could lead to the appearance of *absentee beneficiaries*. We cannot expect that the mere allotment of land to those who do not have the requisites for entrepreneurship would create the desired owner-operators. There are several examples of a new class of intermediaries-operators which has appeared in some areas of land reform and settlements in the region such as the "kad-khodah" in Iran, "Wakil" in the Sudan and "Sirkal" in Iraq. The evils of absentee and petty landlordism as well as middlemen existing before the reform should be avoided and the allotment of land to new owners should be accompanied by measures to avoid the appearance of absentee beneficiaries.

Commercialization Through Cooperatives and Credit. The increase in the productivity and incomes of the beneficiaries requires organizational instruments to modernize, commercialize and reform the traditional peasant economy after the new land tenure patterns have been imposed on the old agrarian structure. The organization of agricultural cooperatives has made it possible to help in production and marketing, retaining individual ownership of land and to pool as well as to make full use of what little capital was available.

In this process the principal concern is increasing productivity by applying new technology and educating the cultivators, whether owners or tenants or workers, in the modern methods of pro-

¹⁷ First phase is meant here the Original Law of land reform enacted in 1962 for the redistribution of villages. The second phase started with the Supplementary Law, called "Annexed Article Law," enacted in January 1963.

duction, instead of letting them rely only on their traditional wisdom and generations of experience. Cooperatives serve as the path leading to scientific agricultural and monetized economy. There is a scarcity of systematic studies on the effects of such changes in production organization and marketing, a subject in which national universities can play an active part.

Vertical integration of the production of main cash crops with their marketing and processing in the industrial sector was a significant form of commercialization of agriculture in land reform areas as in cotton and rice in the U.A.R., and vineyards and citrus in Algeria. In this system, which eliminates the middlemen and ensures a higher price margin for the producers, agricultural cooperatives play an important role. The administrative efficiency of this system is highly important in view of the intersectorial relationships in the entire economy which make the cost of production at the farm level determine the overall efficiency in the national economy. The cost of production, including the opportunity cost of the scarce water resource, of these cash crops which enter the industrial sector as raw material determines the production efficiency in the industrial sector and the consumer prices.

The beneficiaries of land reform and settlement programs depended prior to the reform on their landlords (or their agents) and moneylenders to obtain the needed credit. Land property was used before the reform as security against default in repaying the credit. Land reforms prevented alienation of land property and its mortgage on the assumption that credit needs would be met in accordance with the managerial capacity of the borrower or with the Govern-

ment's guarantee that credit should be secured by crops, or by the joint responsibility of the cooperative to which the new owner belongs. If funds allocated for this credit arrangement are not sufficient, the new owners cannot obtain credit from commercial banks or moneylenders as long as the security of land property against loan is prevented by land reform law. In this connection, it is necessary to integrate land reform with credit policy, which usually results in high cost on the part of the Government's credit agency, due to the frequent default of the borrowers who abuse the privileges and responsibilities given to them.

Summary and Conclusions

The rapid economic development of the Near East cannot be expected if agriculture, the main sector of the economy, is lagging. The land reform programs carried out by most of the Governments of the region since 1952 constitute a significant movement towards agricultural development and better income distribution. This has been made possible after the old economy which for two or three centuries suffered from feudalism, concentration of power and capital in the hands of absentee landlords and deprivation of the mass of peasants of incentives and opportunities to share in the development process. The pre-reform system resulted in the draining away of the accumulated capital from the agricultural sector, either in the form of exorbitant rents or high interest rate loans, or inflated profit margins from the sale of products. The flight of capital out of agriculture undoubtedly helped in the industrialization process and urban expansion but absentee landlordism and defective tenure, credit and price systems were not

conducive to investment in the agricultural sector.

With the present high rate of population growth and slow rate of industrial development, the pressure on land and its produce will continue and more efforts, therefore, are needed to apply technology and capital both in the land reform areas and in the rest of the agricultural sector. These programs will involve heavier capital investment and more intensive land use than in the past as well as the investment in human capital and the improvement of the deplorable conditions of villages in the region. Usually in the rush for rapid economic development and without adequate integration of these projects in the overall development plan, new settlements, land reclamation and agrarian reform projects included in the plan compete for scarce national resources such as capital and technical personnel. The situation becomes more problematic when the needed capital is imported in the form of a foreign loan which is uncertain to materialize on schedule.

From the social point of view, the real value of the land reform movement lies in laying the foundation of social uplift of the peasants in the region and enabling them to become real citizens who participate effectively in the development of their countries. The terms "fellaḥ" in the Arab countries and "Ra'eat" in Iran were used to connote humiliation and inferior social status. Now the term "Ra'eat" has been abol-

ished and the term "fellaḥ" has been given a different connotation. Many of the peasants have become new owners, members of their village councils and village cooperatives and, in the U.A.R., members of parliament.

The process of land reform must always be dynamic, requiring innovations in management, the economic use of the scarce water supply and other factors conducive to increasing production and the incomes of the farmers. In areas outside those directly affected by land reform tenants and small owners need as much assistance and investment from the State as the beneficiaries of reform programs. There are still a large number of tenants in the Near East countries which have carried out comprehensive land reform programs who, though protected by the reform laws, have no security of expectation and are cultivating lands owned by petty absentee owners who are mostly urban residents. There are also a large number of nomadic and semi-nomadic people who live at the mercy of natural forces and are socially and economically isolated from the stream of development. There are still some countries in the region with feudal agrarian structure on a "laissez-faire" model which is far from being conducive to agricultural development and social stability and where most of the people on the land have no security of access to opportunities for development.

BLACK AFRICA

WORLD LAND REFORM CONFERENCE

Rome, Italy

20 June - 2 July 1966

RU/WLR/66/0

Background paper:

LAND TENURE AND SETTLEMENT BRANCH,
RURAL INSTITUTIONS AND SERVICES DIVISION,
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

BASIC AGRARIAN STRUCTURAL ISSUES IN THE ADJUSTMENT OF AFRICAN CUSTOMARY TENURES
TO THE NEEDS OF AGRICULTURAL DEVELOPMENT

By D. Christodoulou, Land Tenure and Settlement Specialist



UNITED NATIONS
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS



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food production.^{1/} The problem can be looked at from another angle: the annual rate of increase in food supply in recent years has been 1.3 percent while the required annual rate of increase in the period 1958-80, if it is to take care of the expected population increase and raise the calorie intake to the level deemed necessary for minimum adequate nutritional standards, is estimated to be 2.0.^{2/}

Those figures actually give a more optimistic impression than unfortunately is the case in reality. For the continent as a whole agricultural production has barely kept pace with population increase in the 11-year period ending 1962/63 and the food production definitely did not.^{3/} Furthermore such increases in agricultural production as have been registered appear to be mainly in export crops.^{4/}

Global figures obscure many hardship situations existing over wide areas in the continent which comprise relatively small islands of high productivity and of prosperity, such as plantations and the export crop areas of Cameroun, Ghana, Nigeria and Kenya for instance, and vast areas of subsistence or traditional agriculture or grazing with low yields, poor equipment, primitive technology and methods, and small and poor holdings. This is reflected in contrasts in incomes as seen from the few examples quoted in the FAO Africa Survey.^{5/}

The chief weakness of African agriculture in the traditional sector, which is in customary tenure, is the extremely small scale of operation which coupled with the absence of even elementary capital and with primitive technology and know-how reduces production and productivity to extremely low levels.

The size of holding is no sure index of the scale of operation or size of business, but it is indicative and it is worth observing that the figure of 1 ha. is quoted throughout the continent as being the size of holding prevailing.

In the majority of cases the implements used are the most elementary and the technology of the simplest. Hand-labour is in fact the order of the day - and in some cases a veritable revolution was brought about by the introduction of simple implements and the use of draught animals, as a result of keeping the tsetse fly at bay.

Since there is an urgent need for higher food and fibre production, more diversified agriculture to ensure a better diet and higher incomes, greater productivity per acre and man, and generally better incomes all round, there is exceptional urgency for substantial and sustained progress in agricultural development. This paper attempts to throw light on the basic agrarian structural issues involved in the efforts to develop the traditional sector.

II. General Issues

1. African Customary Land Tenure Systems

Customary land tenure in all its variety is the prevailing one in Africa. As

^{1/} Third World Food Survey. Freedom from Hunger Campaign Basic Study No.11, FAO, Rome, 1963, Appendixes 2B and 3B

^{2/} Population and Food Supply. Freedom from Hunger Campaign Basic Study No.7, United Nations, 1962, Table 8, p.29

^{3/} The State of Food and Agriculture 1964, FAO, Rome, 1964, Annex Tables 1B and 2B

^{4/} Ibid., p.19

^{5/} Doc. C 61/15, FAO, Rome, p.21 and Table I-3

I. The Background

The central theme of this paper is agricultural development. Agricultural development, however, is no longer (if indeed it has ever been) either self-induced or self-contained. It is stimulated and sustained by outside factors as well as internal ones and it is brought about within a political, social, economic and institutional framework. These wider considerations are not the immediate concern of this paper but some of the special and important ones should at least be indicated.

Newly-attained political independence is a factor whose importance is transcendental, while aspirations for an African "personality" and especially for national consciousness constitute vital new forces. Efforts towards a consolidated unitary or integrated national state are also a dominating feature. Customary land tenure in Africa presents a baffling variety, even within one and the same state. Traditionally-held group lands provide the locus for group or ethnic identities. European-drawn boundaries have arbitrarily cut across ethnic boundaries and have handed down to some new African states an actual or potential source of hostility between neighbours and to certain ethnic groups a feeling of arbitrary separation from their "kith and kin". Federal states as a result have found difficulty in establishing a secure national cohesion.

As a consequence, "tribalism" has come to be viewed by many African leaders as equivalent to adherence to outdated particularism, as a source of centrifugal and reactionary forces and an enemy of unity and progress. In this climate no thought is given to re-articulation of national territories to give them a more homogeneous content and forward-looking leaders see hope only in larger groupings. Meanwhile what each government holds, it keeps and defends. It is the underlying thesis of this paper that traditional societies in Africa, even before the arrival of Arabs and Europeans, have been constantly changing and "immobilism" is a misleading impression; it is essential that change should now be quickened and perhaps even "guided"; in any case these societies cannot be shielded from the forces of transformation and reform and there is little merit in romantic notions of preserving these societies as colourful social patterns; that said, it should be stressed also that change will in the long run be quicker and lasting if it is brought about in full understanding of the forces at work inside those societies and their trend, of the weaknesses and strength of those social structures, of the agents allied to the desirable change, and of the repercussions of the change to be encouraged. There is no long-term future in bulldozing tactics even if they are carried out by educated and évolués sons of the tribe or of the clan concerned. Imposed reform against the genuine wishes of the group concerned may even cause a relapse or an involution. It is a well-known and widely-observed fact that outside force has often produced a closing in of the ranks of the group concerned and caused a rallying round to their traditional institutions and hostility to reform as a defence against foreign pressures. Group lands provide the base for such defensive action. Kenya provided many examples in her recent colonial period; Basutoland provides others today.

Against this background agricultural development has to be promoted and hastened. The tasks facing African agriculture today are truly colossal. Even though one cannot speak of the whole continent - a continent with very sharp agricultural contrasts - as having basically the same problems, nevertheless the following global figures have a simple eloquence and present a disquieting picture.

The continent of Africa in 1961-62 produced 4 percent of the world's food and contained some 7 percent of the earth's population; furthermore the continent showed a per caput output which was only 57 percent of the world average per caput

food production^{1/} The problem can be looked at from another angle: the annual rate of increase in food supply in recent years has been 1.3 percent while the required annual rate of increase in the period 1958-80, if it is to take care of the expected population increase and raise the calorie intake to the level deemed necessary for minimum adequate nutritional standards, is estimated to be 2.0.^{2/}

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the name implies, it is governed by custom which is the outcome of a long evolutionary process. This evolution was at each stage and for each group influenced by population movements and changes, by historic events such as wars, by prevailing economic and social conditions, by agricultural and technical factors, which affected the groups of people involved and their territory. There are, therefore, considerable variations throughout the continent and generalizations are risky, but a look at a simplified evolution model should prove useful.

This evolution model is given some general validity by the operation of certain basic factors which yielded some similarities in the land tenure institutions developed by widespread groups. One of these basic factors is that agriculture was developed under conditions of a subsistence economy by people living a largely isolated existence. Land was abundant in relation to the population numbers involved, but difficult to clear with the technology and power at their disposal. This need to clear the land was a recurring one because the soils under tropical conditions were quickly exhausted and new land had to be brought under cultivation while the cleared land had to be allowed to relapse to forest or bush to recuperate.

Under these conditions the general pattern of tenure being involved tended to be one which considered agricultural land as belonging not to one individual but to the whole group who helped in the clearing, usually a large family, and subsequently to its descendants. The family was in need of 5-8 times as much land as they actually used in any particular year owing to the need for plot rotation (bush fallow or shifting cultivation) resulting from soil exhaustion. (Pastoral people need large tracts of land for seasonal grazing under conditions of semi-aridity and erratic rainfall.) The actual land in use for cultivation in any year was very limited in area because these societies had no sophisticated tools or implements and relied almost exclusively on muscle power, and perforce confined themselves to growing their subsistence requirements. Owing perhaps to the operation of what may be called a Malthusian law, population numbers were kept low and thus reserves of land always existed in the continent.

When families grew larger than the family land could support the practice arose for a man and his wife to move out into the bush or forest and start a new holding which this new family owned as their own, and on the death of the original founder of this family the holding became the property of the family as a group in perpetuity.^{6/} The net result of all these additions and permutations was a constellation of group lands. The group lands of all families constituting a kinship group (say a clan or tribe) usually had to be defended against invaders or intruders. Thus the tribal or clan territory and its boundaries came to be known and even recognized by the parties concerned.

This brief and sketchy description of a simplified model of evolution of land holding is intended to illustrate how these social institutions came about as a response to conditions and circumstances in which these communities found themselves in order to meet their needs. It follows that changing needs require changes in institutions. The institutions evolved in those circumstances recognized that land belonged to the man or group who cleared it for cultivation; the land passed on to all the descendants of the original owner not individually but as a group; and in perpetuity all these descendants had a right to cultivate a portion of the family land and reap the fruit therefrom; disposal of the land could be lawfully effected through a decision of the group as a whole, acting

^{6/} For a student of comparative institutions it is interesting to note that tenures similar to the one described here are found in other continents, the Kipat system of Nepal being a striking example.

through what has been called a "management committee"; in the unlikely event of a family becoming extinct through lack of issue the family land reverted to the wider group (a clan or tribe) of which the family was a member. This wider group (clan or tribe) as a whole owned and managed through its "management committee" the reserves of unutilized land, the communal grazing grounds and places of some religious significance.

These institutions born out of the struggle for survival inculcated certain social values necessary for their functioning. Thus the family or group was the social unit commanding loyalty and carrying authority. Respected or powerful persons assumed the leadership and became the agents of the group will. Respect for authority and social cohesion were further enhanced by investing institutions with some religious (or magical) functions. Thus the leadership had spiritual claims, and lands were set aside for religious purposes.

Individualism was practically absent from members' outlook and social responses. Communal obligations and communal allocation of duties became dominant social characteristics. In land tenure, although individual ownership was known and recognized, this was rare and in any case a transient phase lasting until the death of the individual who cleared and cultivated the land by his unaided efforts; on his death the land came to the group ownership of his immediate family and thereafter to the descendants of that original family as a group.

Living in these communities thus implied many social and communal obligations but also some collective rights such as a share in the group's land to guarantee each individual's subsistence and also care and sustenance in old age and infirmity.

The description given above has been couched in terms implying that that was the state of affairs in the past. It should be said that the general picture in areas of customary land tenure is even today recognizably as described above. There have, however, been pressures on these societies to adjust themselves and their institutions to radically changed circumstances, and painful processes of adjustment have been experienced by a great number of them. The greatest pressure has been exerted by external factors.

2. The Impact of External Factors and the Emergence of Internal Stresses

The pressures exerted by conquering tribes have been tremendous and changes have usually been violent. Our knowledge of them is scanty. The most far-reaching impact felt by these societies in recent decades has been the breach of their isolation by their contact with radically different societies, almost all of European provenance, even though Arab influences in some areas were strong, prolonged and profound. These African communities were suddenly confronted by a world of far superior technology and power, by societies imbued with individualism operating in a cash economy and with entirely different social and cultural values. The outsiders arrived as traders or raiders, entrepreneurs and administrators, planters and missionaries, colonists and garrisons. It is necessary to add that some African societies have come to feel the impact of the outside world largely through the European- (or American-) trained African administrator, scientist or official. The impact of the latter is now becoming the dominant force, as a result of independence.

In the field of land tenure and agriculture the African societies have experienced the seizure of their lands by conquering colonial powers, or (more often) the "purchase" (usually in good faith) of their group lands by European, Arab or East Indian interests through the medium of venal or cowed chiefs, or the cession of their lands to European settlers by colonial administrations mistaking

sparsely populated lands as vacant and, therefore, "Crown" lands. In addition they were brought into contact with commerce and commercial values. Thus not only did they witness the creation of commercial plantations on their lands and experience the institution of wage labour, but also observed their kin start small groves of export crops and indulge in an incipient land market. The latter process was to have the most far-reaching consequences. Finally colonial poll taxes compelled a search for cash thus leading to sales of produce by the small farmer or sale of labour for money.

The social institutions felt this impact also. De facto individual tenure emerged in some areas where perennial export crops were established; tenancy forms and dealings amounting to land sales began to be practised; movement of people outside the tribal areas was started; and income from outside the group areas became possible by work on plantations, in mines and urban centres. Individualism was slowly becoming a force, unquestioned obedience to authority began to weaken, abuse of authority became more marked, and the boundaries of the group territory felt to be narrow by some members. Thus the external factors produced also internal strains and stresses.

Apart from the fissures created in the social structure of the African communities concerned by the factors described above, new forces have also been released by national political developments leading ultimately to the creation of a state apparatus in an independent country. National institutions have been set up aiming at national unity and cohesion and therefore particularism and "tribalism" have come to be frowned upon. Universal suffrage has raised personal status. National independence has also raised expectations and aspirations and the new governments are anxious to overcome social and economic underdevelopment with the greatest possible speed. Economic planning is generally resorted to and in this agriculture is usually given a primary role. In this land tenure institutions play a vital role and their adjustment has become an urgent necessity.

3. Review of the Modes of Adjustment of African Customary Tenures

To date adjustment has been either slow and almost imperceptible or radical and at times sudden. The first kind of adjustment is really the most important. The greater part of Africa governed by customary land tenure has been affected by slow changes which constituted adjustments to changing conditions - usually with considerable time lag. Even government land legislation, at least until recent years, did its best to hallow an established practice rather than usher in a new one. If a student were to study the evolution from statute books alone, he would get the misleading impression that there have been great strides from one system to another but in actual fact on the ground evolution was slow and gradual.

The greatest change that has occurred over the years has been the weakening of the group hold on the land. Over vast areas re-allocation became infrequent and disappeared except for unoccupied group land or land reverting to the group. Thus a family (in the narrow sense) has come to hold the same land indefinitely. This was an important step towards what is known as individualization. More far-reaching changes are ushered in by entry into the world of exchange and commerce. This brings along with it a cash economy with ever-widening repercussions. For one thing export crops have usually been tree crops whose cultivation necessitates prolonged possession of the land. Thus customary tenure had to allow long-term "tenancies" or "begging" or outright grants to outsiders. For another cash from commerce became plentiful and the mentality has changed. Thus in some cases land sales took place and were tolerated even though not considered legal in customary law by the group concerned. Some governments have sought to usher in recognition of some prescriptive rights to ease the difficulties inherent in the customary principle of reversion.

Thus, in many areas, especially in those of cash cropping usually for export, strong tendencies towards de facto individualization of tenure, at times supported by permissive statutory legislation, became evident. "Progressive" administrators have seen in this the main hope for development and modernization of agriculture, since individual rights in land were expected to provide encouragement for go-ahead individuals to invest and develop the land once they obtained secure individual titles.

The issues, however, were difficult and the position far from clear. Colonial administrations sought to clarify and stabilize a confused and rapidly changing situation through the institutions of land registration often on a voluntary basis.

For extraneous reasons such as opposition by suspicious tribes and for practical reasons such as the cost involved, very little progress was made in this. Since independence many African countries have been carrying on that same policy with, unfortunately, little basic re-examination of the issues involved.

4. The Issues Raised by Land Registration and the Granting of Individual Titles

Land registration is a costly and time-consuming operation. Adjudication is in effect the crucial part of the whole operation. On its legality, on its equity and efficiency, on its imaginativeness and wisdom, depend the success, the justification, the fairness and the beneficial influences that land registration may achieve.

Legality denotes not only adherence to statute laws but also to the spirit and purpose of the customary law and practice, especially if that is what the people affected recognize and understand. What is more, some basic thinking on this problem is essential before considerable scarce resources are committed to the operation. It would be advisable for a balance sheet to be drawn up: (a) on the one side the following should be carefully listed and assessed: the cost involved and time to be taken, the resources required and their availability, the adequacy, competence and probity of the staff to be employed, the scale of operation required, the administrative machinery and the legislative backing necessary for the purpose; (b) on the other side of the balance sheet the following should be placed and carefully evaluated: the benefits, if any, realistically expected to accrue; any risks of adverse side effects that may appear, and the alternatives available if registration should not or cannot be carried out at all or on a sufficient scale, and, ultimately, also the effects of not doing anything at all.

A realistic advance assessment will be a most revealing exercise and an essential pre-requisite to efficient, economic and effective action.

As already observed, the cost and time involved are truly colossal. Hardly any African country in their present phase of development can easily afford either. In addition, however, the shortage of trained personnel is in the short-run a near-insuperable obstacle. Legislating for the purpose has not always proved plain sailing although careful and skilled law-making is not an impossibility. The crucial issue is equity in adjudication. Here the pitfalls are many and varied. The adjudicators should be near-faultless people, shrewd, well-versed in law and custom, familiar with all details of law, custom and practice among the group concerned, absolutely independent (and often fearless), uninfluenced and incorruptible. The temptations and influence can prove overwhelming. Wealthy people may and do attempt to bribe; political bosses or strong men can influence in their favour or even intimidate both those who should be the rightholders and the adjudicators; "clever" people may mislead the adjudicators; large numbers of people in weak positions either from poverty or ignorance may not exercise their rights or play their part in the adjudication procedure properly and may lose.

If those are not insuperable obstacles, they are real ones. It is well known in Africa that often the most enthusiastic supporters of the granting and registration of individual titles are strong personalities, often chiefs, who have a tendency to allocate to themselves exorbitant portions of the group land.^{1/} African administrations should not swallow too easily these professions of "progressiveness". This is not to argue that these same strong people or chiefs cannot exploit their own people under the old regime; what is argued here is that adjudication should be carried out with the utmost care and safeguards because the conferment of individual titles and the issue of certificates consolidate the new regime and gross injustices can be made unremovable.

There are even more fundamental considerations involved in this whole matter. The usual arguments put forward in favour of land registration are valid and true and they make up a case somewhat like this: land registration introduces a clarification of rights, provides proof of title, and thus introduces a clear legal guarantee of rightholding; this leads to increased sense of security, reduces friction and litigation, provides incentives for permanent agricultural improvements and offers the possibility of a collateral for borrowing for that purpose.

The case is indeed a strong one but in Africa there are other possible side effects to be borne in mind, especially if the whole procedure is going to be costly and time-consuming. Whether rights are clear or not before registration is a fact which has to be established. When they are tangled adjudication will prove a difficult and at times risky operation - risking, that is, the bringing about of some new injustice. Furthermore, whether there is a sense of security by the rightholders or not is again a fact which can be verified. How much more security can be introduced by registration has to be adequately assessed in order to help the authorities decide on the whole operation in the interests of the vast majority of the group concerned, and in accordance with their general will. Land registration even on a voluntary basis for persons who ask for it can lead to abuses because it may enable land-grabbing and unjust registration since it is applied out of context.

Whether an individual with his own plot of land registered and certified will have the incentive to work harder, develop his land, and invest in it may not be so unquestioningly taken for granted as if we are referring to people with western values who are born and nursed in an individualist and acquisitive society. The question in Africa is an open one until the social outlook and institutions of each particular group are clearly understood and assessed. It should be borne in mind that most of these societies have, as described above, for so long been characterized by communal obligations and communal allocations of duties, and have predominantly recognized group ownership. They have also functioned within a social frame in which they have been brought up. Until, therefore, there is clear indication that individualization will release untapped energies and resources and will enable the people concerned to live a fuller and more successful life and practise better farming, able to show enterprise and preserve their land, this process should not be embarked upon without thorough consideration of alternatives. And these alternatives have to be looked at carefully first, because investigation, adjudication and registration should be decided and planned in conjunction with the purpose for which the operation is embarked upon at such high cost.

^{1/} On 'land-grabbing' it is instructive to read Jacoby, E.H. Report on the Development Center on Land Policy for East and Central Africa, EPTA Report No. 1368, FAO, Rome, 1961, p.21

5. Alternatives to Individualization

The recent trends throughout the world have been towards a less doctrinaire approach to social questions and farm organization. In agriculture the failure of small farms to modernize and especially to provide an income comparable with that enjoyed by similar groups in non-agricultural occupations has made the quest for group action or integration more urgent.

African farmers operating under customary tenures imbued with different values cannot be abruptly detached from their social milieu and plunged unprepared into individual farm operation divorced from the give and take and communal help to which they have been accustomed, on the basis of a minute holding, primitive technology, unequipped and with no capital resources, with no understanding of modern agriculture, with the expectation that "the eye of the owner will turn sand into gold" quite unaided. The most likely result will be poor performance, loss of his land to speculators, and indebtedness. In all other aspects of African economic life the state has assumed an important role as regards development. And yet in some African countries through the recognition and registration at great cost of absolute or freehold titles the state or its local organs are fast divesting themselves of the last vestiges of any control or say, which they have hitherto been entitled to have, in the possession and, therefore, the use of the land. In Uganda, for instance, the Provincial Land Boards cease to have any control or say in land under customary tenure as soon as the adjudication and registration is completed and "absolute" titles issued to individuals. This policy which is in direct contrast with trends in most of the world should be re-examined with the long-term interests of agricultural, social and economic development in view. The least the Boards can do is to maintain some reserve powers so that they can evoke them if the need ever arises. Tanzania has gone a considerable step further and declared all former freehold land to be state land and treats former freehold owners as long-term leaseholders who should conform to certain land use stipulations that the state may think fit to make. These are enormous reserve powers which, positively and imaginatively used, can guide agricultural development and orientation in an effective way.

6. Group Action in Agriculture

African agriculture is in need of drastic and rapid modernization. The creation of minute, individual holdings at great expense is likely to prove a misdirection of scarce resources and setting up of a land tenure pattern and farming system with built-in structural weaknesses from the start. Small farmers in Europe have sought to overcome weaknesses inherent in small-scale operation through co-operation and other such group action. This enables them to use machinery economically, strengthen their bargaining position in buying and selling, raise their technological level, and secure long-term credit. Governments have intervened positively to aid structural changes.

In Africa it is at least arguable that one begins with the possible advantage of people accustomed to some communal obligations, communal allocation of duties and to communal undertaking of public works, who conceivably can be more easily helped to practise modern co-operative or group action than is the case when they are expected to practise successful individual operation entirely on their own. It is, of course, true that institutionalized co-operation requires organizational ability, leadership, personnel with business aptitudes, proper accounting, etc. However, it should be possible to start from small beginnings by enhancing and systematizing existing communal arrangements leading by stages to a more systematic and better organized form of co-operation. Spontaneous farming societies have been traditionally formed by many African people like the Krobo forming Huza Companies in Ghana and the Northern Province people of Sierra Leone

forming farming companies. The challenge here is to evolve institutions which will be suitable for African societies evolving into the modern world in a way which is in tune with their outlook, sense of values and potentialities. Merely to copy slavishly institutions which have been developed under different social, cultural, economic and historical conditions is not only unscientific and unsound and will lead to failure but it is also an evasion of responsibility and the missing of promising opportunities.

The least that responsible leaders of thought, government and society can do is to promote fresh re-appraisal of these basic issues and action, initially of a pilot nature, towards devising new forms of social and agricultural organisation and a new institutional structure aimed at helping the African communities concerned to overcome the overwhelming obstacles standing in their way towards rapid social and economic development and especially to short-circuit the evolutionary process if that can be safely achieved. The greatest obstacle in this is mental inertia and lack of enterprise.

III. Experience gained

1. Land Settlement

The most opportune moment for trying new institutions and farm organisation seems to be at the creation of new farms and human communities in a land settlement programme. Experience in Africa has been wide and varied but land settlement programmes especially in the past have been mostly experimental and often short-lived. Since independence African countries have embarked on land settlement, in some cases on a large scale but experience is too short to be decisive on any issues of concern to this paper. Some examples of large-scale projects are further discussed in another context later in this paper.

Land settlement programmes in Africa have varied from the simplest with minimum organization and provision to the most complex and sophisticated. Practically all of them have brought about farms and human communities in a setting which is divorced from customary land tenure. This, therefore, constitutes a move by-passing customary tenure. The land is usually public or publicly-controlled,^{8/} and with very few exceptions the settlers are given individual ownership or long-term lease (often heritable) or promises thereof; the social structure is new, the farm organization is usually based on individual operation, at times with a simple co-operative super-structure, but as a rule a general air of individualization prevails. This is the result of western European outlook introduced into Africa either by the administering powers and sponsors in the past or by European-trained African administration and leadership today.

Given a judicious choice of settlers; adequate training of all people concerned in farming, administration, marketing and all necessary skills and techniques; imaginative and adequate planning and implementation of land settlement; positive help in the setting up and running of necessary institutions; and active encouragement and help in building up a viable and vigorous community life, there is no reason why these new farms and communities should not thrive and prosper and fulfil all promise for successful modern agriculture. They may even prove prototypes for the new African society to be aimed at.

^{8/} Issues of land acquisition by the state or state-backed authorities for the purpose of land settlement are often raised, sometimes in acute form, but this will not be pursued here. See Christodoulou, D. "Land Settlement: Some Oft-Neglected Basic Issues" Monthly Bulletin of Agricultural Economics and Statistics, Vol. 14, No. 10, October 1975, p. 2.

Land settlement in Africa to date hardly encourages such an optimistic expectation. The prerequisites listed in the previous paragraph are far easier to state than to secure, and they are all essential. The choice of settlers, the most critical factor in the whole programme, is rarely given the care and imaginative handling it requires. It is no surprise, therefore, that nearly all settlements brought about in Africa, and in other continents, are weakest in their handling of the human and sociological problems. Other weak points include the inadequate size of the holdings set up, the poor capital equipment given, the lack of credit, the mis-use of resources, the low level of farm management and know-how and the absence or weak state of the marketing organization.

The handling of the necessary operations by land settlement authorities has ranged from doing the minimum to taking an overwhelming part in the whole matter. The former approach has often erred on the side of creating miserable communities on poor farms with no future; the latter at times has erred in the direction of authoritarianism and the stunting of the settlers' initiative and evolution towards effective leadership and self-reliance and self-management.

Given that land settlement, contrary to general belief, is a complex multi-purpose and multi-lateral development project, criticism should not act as a brake but as a stimulus to re-thinking and more careful and systematic handling. For the purposes of this paper it should be pointed out that opportunities for creating a new agrarian structure should be more often seized and properly handled than has been the case in the past, which has been characterized by timidity and planning inertia.

Africa presents golden opportunities for land settlement in that population and resources are badly matched, considerable areas of good potential are empty because of tsetse infestation and/or lack of water supplies (conditions which can be remedied with modern technology), and challenging opportunities for social engineering are unique. It is the thesis of this paper that Africa should seize these opportunities with a spirit of doing something imaginative, suitable to African conditions, which are unique, borrowing from whatever source whatever is valid and relevant and developing something new where this is necessary.

The best approach to this challenge is to understand and appreciate the African outlook and institutions, their potential and limitations, and build imaginatively on those foundations, avoiding models borrowed uncritically. The creation of small (even minute) freehold farms with settlers of a traditional farming background in settlement practised by Europeans with far larger farm units, incomparable capital resources, credit and know-how and with supporting markets at hand, is asking for the impossible, unless these settlers are given suitable training, are placed in a framework of and successfully encouraged to operate a co-operative system which will provide opportunities for large-scale economies and marketing facilities. Furthermore, some public control of land should be retained to provide reserve powers to be used in favour of desirable development whenever the need arises.

Particular kinds of developments connected with land settlement are discussed further below but it should be emphasized that even in Africa opportunities for land settlement are limited in comparison with the opportunities available in the already settled and cultivated areas. Land settlement should not be used as an escape from the necessity to tackle the admittedly far more difficult and acute problems of old-settled areas. These latter areas are already the mainstay of the economy of the country and their successful development will have the most far-reaching effects on the economic fortunes of the country, while their neglect will cripple economic progress.

2. Land Redistribution

Land settlement in Africa takes place largely on newly cleared land or on land acquired by the government under various arrangements. Acquisition of land from large customary owners for redistribution is rare and, many people would argue, unnecessary. And yet in many African countries, owing to tribal exclusiveness, it is often the case that some populous tribes occupy very limited areas of land while neighbouring tribes may be very thin on the ground and they possess areas of good potential which are practically empty. Modern technology enables the authorities to clear such under-utilized lands, both from plant growth and from pests, to use it to decongest other, crowded areas of the country. But this economically and socially desirable move is thwarted by the tribes or groups who consider the empty lands as their own and for their exclusive use and look upon them as reserved for their future requirements. These tribes will not concede to other neighbouring tribes, who are considered as aliens, any of their own land under any circumstances. Nearly all African governments have thought the issues raised by this acute problem as very delicate and potentially explosive and have steered clear of them.

The best known case in Africa of legislation directly tackling this problem comes from Cameroun and FAO played its part in this by advising on request on problems connected with this.^{9/} By the law of 3 July 1963 it is possible now to reduce the areas which under customary rights are controlled by groups (collectivités) if the land is in excess of the groups' real needs and transfer to other people, members of the other groups, who are in need of land. The groups whose land area is reduced are guaranteed by law, the ownership of the lands remaining in their possession. The land taken over is in the first place transferred to a pool of state land named "National Collective Patrimony". That there is a crying need for resettlement of people is brought out by the tables annexed to Mr. Bessis's report.

There is room for considerably more thought and work in Africa on the problem of a more equitable distribution of land resources in a national context on the basis of a national land policy. This will enable the government to plan economic and social programmes on more rational and efficient lines. Kenya has managed since independence to make land policy the concern and responsibility of the central government with beneficial results. A national land policy need not be oppressive for any groups provided it is handled with justice, understanding and imagination. It can serve as a framework for regional policies and programmes and can offer orientation in development programming.

3. Fragmentation of Holdings and their Consolidation

Operational farm units held under customary law in Africa are usually small to minute. This is due to many factors: the constriction of groups within narrow tribal confines; the absence of good land in relation to population; the infestation of areas of good potential by pests; the depredations of game; and especially the low level of technology, capital, power and know-how which curtail the ability to develop and manage more land if available.

In some cases the problem is aggravated by acute fragmentation and dispersal of the plots making up one operational unit. As elsewhere this is the result of

^{9/} Bessis, A.G. Rapport au gouvernement du Cameroun sur les problèmes de la réforme foncière au Cameroun oriental, FEAT Rapport No. 1872, FAO, Rome, 1964

inheritance. It is often thought that fragmentation occurs only under conditions of individual ownership of the land, but examples from various parts of Africa, notably Nigeria and East Africa, indicate clearly that no matter what the ultimate (allodial) ownership of the land is, the actual operational unit (unless actually re-allocated at regular and short intervals) is subdivided and eventually fragmented as a result of inheritance.

A very interesting study has been made of Kigezi District in Uganda by Mr. Justus M. Byagagaire,^{10/} a Kigezian himself. Dealing in particular with the Bakiga traditional land tenure system he observes,^{11/} "Although the negotiability of land and nature of the terrain are factors which contribute to sub-division and fragmentation, it is the present system of inheritance of land which is mainly responsible for both processes. This system ... is not markedly dissimilar to that found elsewhere in Uganda, but the high birthrate and prevalence of polygamy in Kigezi accentuate its effects." Describing and illustrating^{12/} the operation of the customary law of inheritance he portrays the sub-division and fragmentation most vividly.

It is customary for a father during his lifetime to allot land from his own holding to his sons when they marry. Thus from the original farm (assuming that it is in one plot in the first place) fragments are set apart, one for each son. If his wife outlives him she will normally continue to live on her deceased husband's land, which on her death will pass to the relative who inherits from her, usually her brother; if, however, she elects to return to her father's family and thereafter marries outside the clan of her deceased husband, or if she dies before her husband, the remaining portion of the land will be divided among his sons, who thus already get two discrete plots. In Bufumbira County the process of fragmentation is more rapid since it is customary for the father to apportion land to his sons for the cultivation of cash crops as soon as they are old enough to work on the land (Kwiharika). At this stage the father continues to retain ownership of the whole holding, but when the sons marry they are allotted their own land. They therefore assume ownership of the plot of land already apportioned to them for cash crops and receive in addition a plot of land for food crops. These two plots cannot always be contiguous. In polygamous families the course of fragmentation is even more rapid. When a man marries a second wife he must apportion his holding between his wives so that each of them has her separate plot to cultivate; he retains, however, a portion for himself and the ownership of the whole holding. When he takes a third wife he allots to her for cultivation part of his first wife's and part of the second wife's portions respectively. When he takes a fourth wife her portion comes out of all three previous wives' portions. Until sons are born to the wives the ownership of the holding remains in the husband's hands even though operationally it has been sub-divided and fragmented. In some cases in polygamous societies this process is further aggravated by the need to give segments of a number of fields so that the young wife may cultivate a variety of crops.^{13/} It should be observed that the land in Kigezi is in law what used to be called "Crown Land" and now, since independence, "Public Land", and the occupancy

^{10/} "A Summary of Agriculture in Kigezi District, Western Region, Uganda" cyclostyled.

^{11/} Ibid., p.17

^{12/} Ibid., pp.12-20

^{13/} See Harris, Alfred and Grace, "Property and the Cycle of Domestic Groups in Taita" (Kenya) in The Family Estate in Africa: Studies in the Role of Property in Family Structure and Lineage Continuity, ed. by Gray, R.F. and Gulliver, P.H.; Routledge and Kegan Paul, London, 1964, p.128

rights of the people under their law and custom recognized and respected. In the last ten years or so efforts have been made to offer the occupants an "adjudicated freehold" title by a process of adjudication and registration but progress has been slow.

Fragmentation is to be found in other parts of Africa where population densities are very high. This is the case for instance with the Abaluhya to the north of Lake Victoria in Kenya and, of course, among the Kikuyu in the same country. The evolutionary process is described by D.R.F. Taylor^{14/}: "Before the coming of the Europeans, the Kikuyu practised shifting cultivation, the land being owned by the clan as a whole and not by individuals. Each clan had jurisdiction over a well-defined area.... Each individual was allocated a plot of land by the clan elders. When the land was exhausted, a new plot was allocated and the land was allowed to revert to bush, to be used as communal grazing land.... This system of land tenure presented no problems so long as the population was sparse. ^{15/}With security and improved medical services introduced after the arrival of the Europeans/ population pressure greatly increased.... Shifting cultivation within clan lands was no longer possible; each member of a particular clan was therefore apportioned a definite area of land which became his own property, no longer belonging to the clan as a whole. The land was cultivated continuously although grazing was still on a communal basis. Assuming a man had a number of sons they too, on reaching maturity, would each be given land by the clan elders which was usually situated at some distance from their father's land. On the death of the father his land was inherited, in proportional parts, by his sons; thus fragmentation set in - becoming more acute from generation to generation as the population pressure increased. Fragmentation was further increased by marriage customs. The bride's father was bound by custom to give his married daughter a plot of land on which to grow food for her children. This land was in turn inherited by her sons and so division continued."

A similar process with the same results is reported from Eastern Nigeria.^{15/}

The usual cure for fragmentation, imported mainly from Europe, and to date applied almost exclusively in Kenya, is land consolidation. In Kenya this involves a determination of rights through adjudication (by committees of Africans resident in the area), measurement of plots, the preparation of a Record of Existing Rights, planning the layout of new roads and other public areas, layout of new and unified holdings and their demarcation of the ground, the preparation of the Register of Consolidated Holdings, and finally the preparation of the Register of Title.

In Kenya before land consolidation "the situation was that the African farmer had only customary rights and these rights were always open to challenge in the African courts..."^{16/} After land consolidation "the act of registration confers upon each owner of land, a negotiable freehold title, and he is thus completely secure in his tenure, without danger, can spend money on development and can pledge his land as security for a loan".^{17/}

^{14/} "Changing Land Tenure and Settlement Patterns in the Fort Hall District of Kenya", Land Economics, XL, 2, May 1964, p.234

^{15/} See for instance Fogg, C.D., "Economic and Social Factors Affecting Development of Smallholder Agriculture in Eastern Nigeria", Economic Development and Cultural Change, XIII, 3, April 1965, pp.278 and 279

^{16/} "Land Tenure Reform in the African Lands of Kenya", Committee on Information from Non-Self-Governing Territories, Fourteenth Session (1963), UN General Assembly, A/AC.35/L.379, p.5

^{17/} Ibid., p.10

The general benefits of land consolidation have been made known through its application and studies of it carried out in Europe, the Mediterranean and the Far East and need not be repeated here. It seems to be generally appreciated also that land consolidation is not an end in itself but the basis or framework for follow-up work aimed at the modernisation and intensification of agriculture, the development of mixed farming, and improved farm and livestock management. In Kenya, owing mainly to lack of resources, this follow-up has not always been even remotely adequate. One fundamental weakness of land consolidation carried out by itself is that in conditions of high population densities and high pressure on the land it results in consolidated holdings which have many advantages but are still small or even minute and incapable of producing an adequate income for the cultivators and set severe limits to modernisation and efficient management. African countries, therefore, which contemplate land consolidation under such conditions must weigh up first the cost and benefits (economic and social) of the reform and must explore the possibilities of enlarging the consolidated holdings or (especially if the possibilities for such enlargement are minimal or even inadequate) overcoming that serious disadvantages through other avenues such as group action (with or without land consolidation, whichever has the balance of advantage).

In Kenya it has often been mentioned that land consolidation has created (some people argue that it has only aggravated already existing) conditions of landlessness. This is not a necessary corollary of land consolidation although in conditions of customary land tenure in Africa the first step of land consolidation, namely the determination of rights, may reveal considerable squatting and other "unauthorized" possession of lands, may encourage landlords to cultivate directly the whole of their consolidated holding (while under conditions of fragmentation they "leased" part of it out or gave it to "strangers" to use) and thus deprive these people of a living and an occupation.

Finally the problem of inheritance has to be faced. If the customary inheritance is retained a consolidated holding will be sub-divided and eventually fragmented as soon as a farmer marries (especially his second wife) or his first son is of age. The problem is a very difficult one not only because of the entrenched institution of inheritance but also because the deprived persons will have no secure (if any) alternative source of wealth, living or social security. Even if an African government were bold enough to legislate against sub-division of consolidated holdings it would be discovered that means would be found to get round it, if the social and economic conditions were strongly at variance with the law's objectives.

4. Tenancy

Reference has already been made to tenancy. Whether the term is an appropriate one under African customary land tenure conditions is a hotly debated question. That forms do exist resembling what under European conditions will be considered tenancies, or even share-cropping, is the material question as far as this paper is concerned. In most African countries in areas governed by customary land tenure, possibilities exist for a right-holder member of the clan or group to give another member or even a newcomer from another area (and, therefore, clan or tribe) land for cultivation to enable him to obtain a living. This is particularly so in conditions of abundance of land and it appears that it was widespread in the past. In Sierra Leone the request for land by a fellow member of the clan is called "begging". The reward paid is called "hand-shake" or "famalui", and, although today it is in cash, in the past it was in the form of fowl and rice for a sacrifice by the right-holder to inform his ancestors. The transaction must be ratified by the town-

chief.^{18/} The newcomer will have to conform with custom which may necessitate obtaining the permission of the chief of the area where the land is situated and the presentation of a gift to him; it may also necessitate paying the right-holder some of the produce both as a gift and as a recognition that he is accepted as the right-holder. In Sierra Leone the newcomer becomes the "stranger" of the right-holder who assumes responsibility for him and acts as his legal protector; the "stranger" in return helps his host (the right-holder) on his farm and makes presents to him at harvest time.^{19/} In this kind of transaction the problem of the original right-holder retaining or re-claiming his rights is a real one because in the course of time, and memories being short, the newcomer or especially his descendants may claim to be the actual right-holder and recognize no reversionary rights to the family or descendants of the person who first gave him part of his own land. Records usually do not exist and all the witnesses, if any, may be dead. Complications may also arise if the newcomer married into the clan and became assimilated. Economic difficulties also are raised by developments effected to the land by the newcomer or his descendants, e.g., planting of trees, draining, building, etc. In Sierra Leone some form of prescription seems to be recognized. "It has been said that if the stranger could show that he had, with permission, cultivated the same land five times without a break, that is, allowing for fallow periods, for over 20 years - he could not be ousted."^{20/} On the other hand it should be noted that "economic trees are the property of the family which planted them, even if they are on the land of another."^{21/} In the cocoa producing areas of Nigeria where the traditional land ownership is a group one, "a lessee, or grantee to whom land has been handed outright, may only plant permanent crops if some form of rent is paid to the landowning group to acknowledge their rights and they keep the reversionary rights in the land. Tree crops may not be grown where the grant of a lease or loan is temporary, and the occupier will be evicted if he disregards this condition."^{22/} This is an important structural issue because it basically affects the change of cropping pattern and its intensification and, therefore, merits further examination. Galletti et al^{23/} emphasize that a tenant, which means a man who "begs" or "borrows" land even though he may pay no rent, can plant permanent crops only when the terms of his "lease" expressly permit it. The demand for land to plant kola and cocoa has led in the last few decades to the development of long leases, which are for an agreed period, after which the land and improvements revert to the landlord. Heirs are allowed to inherit the trees (and therefore the usufruct of the land), but the land reverts to the "owner" when the plantation is abandoned by the original tenant or his heir. The rent payable is usually fixed and sometimes in cash but more often in kind.

In the Kingdom of Buganda (Uganda) approximately 2,341,000 hectares of land is known as mailo, a form of qualified freehold created by the Buganda Agreement of 1900 with Britain. The creation of mailo, which favoured the chiefs and other

^{18/} McCulloch, M. "Peoples of Sierra Leone Protectorate - Western Africa, Part III", Ethnographic Survey of Africa, International African Institute, London, 1950, p.27

^{19/} Ibid., p.28

^{20/} Fenton, J.S. Outline of Native Law in Sierra Leone, Government Printer, Freetown, Sierra Leone, 1951, p.29

^{21/} Ibid., p.31

^{22/} Momber, E.W. "Systems of Tropical Peasant Agriculture", Rural Life, 6, 1, 1961, p.7

^{23/} Galletti, R., Baldwin, K.D.S. and Dina, I.O., Nigerian Cocoa Farmers: An Economic Survey of Yoruba Cocoa Farming Families, Oxford University Press, Oxford, 1956, pp. 115-116

notables^{24/} at the expense of ordinary persons and small farmers, led to the expansion of the Kibanja form of tenancy on such land. Under this system the tenant paid the mailo landowner rent in the form of personal service and work. In 1928 in order to redress to some extent the injustice done to the small cultivator by the Buganda Agreement, legislation was passed which regulated rentals and gave security of tenure to Kibanja tenants over land sufficient to support a tenant and his family.^{25/} These became perpetual tenancies without legal title but heritable. These tenancies present a dilemma. In law they cannot be sold, although in practice they do "change hands".^{26/} Some tenants buy the mailo rights from the owners. The average size of the tenants' holdings is about 1-2 hectares. Consolidation and expansion are difficult because of entrenched interests by two sets of people. A reform should aim at a better structure but also at equity. If mailo owners are a rich class expropriation of ownerships above a ceiling and conferment of ownership on the tenants, i.e., the classic form of land reform may be indicated.

In other parts of Uganda not affected by the 1900 Agreement, such as Kigezi, tenancies have developed on land which in law is Public Land (formerly Crown Land) held by Africans under native law and custom. The occupiers (practically proprietors) lease part of their land to landless people or people with insufficient land. "In order to prevent the tenant from asserting proprietary rights, the landowner invariably specifies the term of the lease by detailing the crops and the number of seasons the tenant may grow them.... These agreements are usually verbal and the term of the lease is usually short, not more than two seasons. There are also two implied conditions common to all such agreements. The first is that no permanent crops, such as bananas or coffee, may be grown on the land and that no buildings may be erected. The second condition is that the tenant may not sub-lease the land.... No payment is ever made for improvements by the tenant, indeed there rarely can be improvements since the land is already cleared and permanent crops and buildings are disallowed. Rent is unusual but it is customary for the tenant after the harvest to make a gift of food or beer to the landowner.... Nevertheless, in some parts, particularly in Bufumbira, payment of rent (isoko) in cash or in free labour is nowadays accepted practice."^{27/}

The defects of tenancy systems are well known and some of them are indicated in some of the passages quoted above: insecurity of tenure, lack of incentive to improve the holdings, exploitative farming, unsatisfactory social relations and general poor economic and agricultural conditions. In Africa these problems are aggravated by special conditions which make remedial work very difficult. An initial difficulty is the uncertainty of rights enjoyed by the parties themselves. "Landlords" are not really owners but in law rightholders because the true landlord in theory is the whole group and often subject to superior rights. In some cases, as in the mailo lands of Uganda the "landlord" is a quasi freehold owner but with limitations in the exercise of his rights. The "tenants" are in an unusually precarious position, if not excepts the Kibanja tenants of Buganda. The tenants in Kigezi (Uganda) and in Nigeria are given very circumscribed rights and everywhere the fear of the "landlord" is that the tenant may acquire proprietary rights by a few years of continuous use. In fact the rent payable is intended chiefly as

^{24/} The Economic Development of the Kingdom of Buganda, Part I, Economic Survey
A Report to the Kabaka's Council of Ministers by the Buganda Planning
Commission, Kampala, 1965(?), p.17

^{25/} Ibid.

^{26/} Ibid., p.18

^{27/} Ryagagaire, op.cit., p.20

recognition of the owner's rights. The bar on permanent crop cultivation or the requirement that it should be expressly sanctioned is inspired by the same fear.

There is an obvious need for clarification and definition of rights. Note should be taken also of the dynamics of the situation. Reform of any of these systems will have to take into account the custom and outlook of the group involved and especially the economic and social position of the parties involved, as well as the requirements of agricultural development. In general there is everything to be said for freeing the tenant from servile or degrading obligations and for a reform that redistributes rights from the rich to the poor and from the absentee landlord to the actual cultivator. There is, however, little to be said in favour of a reform which expropriates a poor "landlord" in favour of a poor tenant unless the former is rentier and can be compensated out and the latter is a cultivator. Finally the question of financing tenancy reform transactions must be fully considered. Thus a socio-economic survey is an essential pre-requisite for such a reform in Africa.

Another difficulty is the device of suitable reforms with a view to promoting better social relations, development of agriculture, and efficiency in production. Advocates of reform merely regulating landlord/tenant relations must consider whether the system proposed will operate. For instance, if rent control is instituted, whether it can be fairly and efficiently administered; if compensation for unexhausted improvements is to be paid for at the end of the tenancy, whether this can be implemented and, if so, whether it will provide sufficient incentive for such improvements by the tenants, and will not instead result merely in more friction and litigation. The whole gamut of alternatives must also be carefully considered.

5. Co-operation in Agriculture: Co-operative Farming

The general issues raised by group action in agriculture have already been discussed. Co-operation at the grassroot level is a marked feature of customary African societies. Communal obligations and group action for capital or public works are characteristic of life in these societies.^{28/} Here some experience of organized co-operation is reviewed. Co-operation in agriculture in forms other than co-operation in production and especially farm operation, has been tried in Africa on a fairly wide scale. Experience has, therefore, been accumulated although it is by no means conclusive, especially since co-operative development under conditions of national independence, being very recent, has yet to yield meaningful lessons.

The role of credit in agriculture through or independently of co-operative societies and the problems and prospects involved have often been discussed^{29/}

^{28/} See, e.g., Levine, R.A. "Gusli Family" in The Family Estate in Africa: Studies in the Role of Property in Family Structure and Lineage Continuity ed. by Gray, R.F. and Oulliver, P.H., Routledge and Kegan Paul, London, 1964, p.65; and

Mould, P.S. "Rural Improvement by Communal Labour in the Bombali District of Sierra Leone: A Case Study", Journal of Local Administration Overseas, V, 1, January 1966, p.30; and Galletti et al, op.cit., p.87

^{29/} E.g., Report on the Development Centre on Agricultural Credit for Africa (Addis Ababa, 7-17 May 1962) FAO, Rome, 1963; and Digby, Margaret and Surridge, B.J., Agricultural Investment in Developing Countries with Special Relation to Tropical Africa, Horace Plunkett Foundation for Co-operative Studies, London, 1964

even though not often specifically and thoroughly in connection with African countries. The role of marketing is also beginning to be appreciated, even though not to the same extent.^{30/}

An even more neglected aspect of group action in African agriculture is co-operation in production. Some scattered efforts have been made in the past but since independence more and more attention is being paid to it. In the majority of cases this attention takes the form of an expression of intent rather than immediate action on a significant scale.^{31/} In economic development plans the emphasis is on co-operative running and organization of plantations or large-scale farm enterprises. There has been, however, experience of group action in farm operation in Uganda and Kenya.

In Uganda the movement in its current form started in 1963.^{32/} The development to date takes place presumably on public land or individual but consolidated land with no land tenure disputes outstanding, and is carried out by the Department of Agriculture. The plots are laid out in a way that they may "enjoy the benefits of large scale modern agricultural systems" which is achieved by division of the whole area into rotation blocks and the provision of roads and other infrastructure as well as services. Operation is in the main on an individual basis, each farmer having a plot in each rotation block. Beneficiaries are selected from among members of an existing co-operative society, which has been in operation for a number of years, who have proved themselves. Each project is under a Farm Manager who implements the decisions of a Management Committee consisting of government specialist staff and elected members of the Group Farm.

Every member of the Group Farm agrees in writing to devote his own and his family's hand labour to weeding and harvesting his crop at the right time and, during the development phase, to certain community jobs. Certain jobs, like ploughing of a whole rotation block, are done mechanically by the Group Farm Society; this Society also markets all the produce and before paying the members the Society deducts the cost (pro rata) of the Group operations. Some of the jobs which are the responsibility of individual members are often carried out communally by a group of members. It is intended that members will eventually live on the farm.

There have been no evaluatory studies of the performance of these farms but it is government policy, reflected in regional government policies also, that this movement should be encouraged.

The attempt at "Planned Group Farming" in Kenya was a short-lived experiment in the early post-war period and is described by Clayton.^{33/} The main intention

^{30/} See Abbott, J.C. et al. Marketing - Its Role in Increasing Productivity, FFHC Basic Study No. 4, FAO, Rome, 1962

^{31/} See e.g. Ten-Year Plan of Economic and Social Development for Sierra Leone 1962/63-1971/72. Government Printer, Freetown, 1962(?), p.56; Second Development Plan 1959-64, Government Printer, Accra, Ghana; The Economic Development of the Kingdom of Buganda, Part I, Economic Survey, op.cit., pp.67-69; African Socialism and its Application to Planning in Kenya, Official Document, Nairobi, 1964, p.37

^{32/} Warren, J.B. "Co-operative Group Farming in Uganda". Paper prepared for the Meeting of East African Machinery Specialists, Egerton College, Kenya, March 1965, Cyclostyled, p.2. Much of the information given here is taken from that paper.

^{33/} Clayton, E. Agrarian Development in Peasant Economies: Some Lessons from Kenya Pergamon Press, New York, 1964, pp.27-28

was to rehabilitate some of the depleted areas of Nyanza Province by soil control measures in natural blocks which cut across individual farm boundaries. These farms were eventually to be re-allocated to obtain better sizes and shapes. It is reported that the programme went through up to the point when the free financing for the purpose of tractor terracing, ploughing, fencing and water supplies began to decline. At this point most of the participating farms withdrew and re-allocation proved difficult on account of fragmentation and the "reluctance of the people to change their traditional land tenure system".^{34/}

Any experienced observer will refrain from drawing general conclusions from this experiment. Obviously the objective was not a structural reform but a technical (soil conservation) measure with land tenure reform thrown in as an unavoidable necessity. In present day conditions with the African farmers being more receptive, a well-conceived reform measure should attempt first to assess the institutional barriers and design the project with a view to effecting the maximum necessary structural change with the minimum possible dislocation. Incidentally, it will be observed that the "group" element of this Kenya project was only at the initial stage of the operation, i.e. the agreement to participate in the soil conservation and other infrastructural measures. Once the re-allocation took place there was no planned effort to maintain a group approach except for minimum works for preservation purposes.

Group action in agriculture of a far more comprehensive nature has also been tried in Africa. Examples can be quoted from Tanzania and Dahomey. In Tanzania direct information has become available^{35/} from the Upper Kitete Pilot Village Settlement, the first of similar schemes started in the country since 1963. Their aims are: by introducing co-operative farming to enable adequate government loan to be obtained, and a large area to be efficiently farmed; and by bringing people together in villages on these schemes to enable the Government to provide social services such as school, hospital and water supplies, and training in the techniques and disciplines required for large-scale mechanized farming. The Upper Kitete Scheme situated in the north of Tanzania comprises an area of 2,600 ha., less than one third of which is good arable land, while the rest is good grazing country. It is thought to be one of the highest potential farming areas of the country - an ideal mixed farming area with good opportunities for mechanization. The Government was anxious to avoid misuse of it in uneconomic and backward farm holdings.

By August 1964, 100 settlers joined the scheme to practise co-operative farming on communal land. The costs of production and the profits are divided equally among the 100 farmers. Furthermore, every farmer has his own house and an individual homestead plot of a little more than a hectare in the village mainly for growing food.

Work on the co-operative farm sector is divided among ten groups, each with an elected leader. Jobs are assigned at weekly meetings attended by the manager (who is appointed by the Government) and the group leaders. Some farmers have been trained for specialist jobs and every effort is made to avoid employing paid staff.

Ellman reports that technically the scheme shows every sign of being a success and already a piece of uninhabited bush has been converted into a flourishing farming community enterprise. The essential problem has been, as Ellman emphasizes, a

^{34/} Ibid., p.28

^{35/} Oral communication and notes by Mr. A.O. Ellman, until recently Settlement Manager of this project.

social engineering one: to introduce a community feeling and sense of ownership and to effect strict discipline. To this end a special social and political system has been evolved within the scheme, including a legislative body, an executive and a judiciary.

Long-term problems remain however. Socially a feeling of pride and involvement in the scheme is reported to have developed; institutions have been set up; and a momentum acquired. What should not be lost sight of is that the scheme had an enlightened, able, experienced and well-trained expatriate manager. The Government has helped considerably. The crucial test will be the successful transition into a state of self-management on democratic lines and self-reliance administratively, socially and economically - retaining at the same time the high performance and the momentum.

There can be no doubt that schemes like this may help, as Ellman emphasized to the writer, to make good use of what is viable from the cultural outlook of people brought up in traditional customary societies. "The fact that the farmers at Kitete had not lost touch with their traditional social structure, made it easier to set them on the lines along which their community is now developing."

The farmers of Kitete came from the Iraqw tribe among whom tribal ties are still strong, and the older generation are very resistant to change. The new generation often seeing no prospect in staying at home on their fathers' 2.5 ha or so, tend to break away and start on their own. Settlers for Kitete have been chosen from among these enterprising, young, experienced but practically landless farmers.

A general, as distinct from an *ad hoc*, approach has been adopted by the Republic of Dahomey. By Law No. 61-27/1961 enacted on 10 August 1961 provision has been made for the formation of "free" or "compulsory" farming co-operatives. The co-operative capital including land of "free" societies is made up by the contributions of its members and comes under the control of its administrative council. The co-operative capital of a "compulsory" society (which is formed either on the initiative of the state puissance publique or at the request of at least three-quarters of the proprietors who must own at least two-thirds of the area of the land to be affected) is made up by contributions of all persons with rights inside the affected area. This capital is in land and agricultural capital but also in pledged labour which can be contributed by proprietors or propertyless workers. In the case of a compulsory co-operative society the selection of the area to be included (or périmètre) is decided on criteria such as soil conditions and other such technical agricultural grounds and the area is expected to form a natural unit and the procedure is in accordance with Law No. 61-27/1961 of 10 August 1961 dealing with utilization of areas of rural improvement (mise en valeur des périmètres d'aménagement rural) and declared of public utility under Law 61-27.

Information on two co-operative farms developed by 1964 was given at an FAO meeting.^{36/}

These farms of 600 ha and 4,000 ha respectively have both been developed for the planting of oil palms. Each co-operative is managed as a unit and control is vested in its administrative council which is elected by a general assembly of the shareholders. Two ex-officio members of the council represent the state. In addition, there are sectional committees. The technical and specialized expertise

^{36/} Christodoulou, D., Report of the Development Center on Land Policy for West African Countries, EPTA Report No.1860, FAO, Rome, 1964, pp20-21

provided either by nationals of Dahomey or initially by foreign companies, such as a Belgian concern in the case of the larger co-operative.

The aim is large-scale operation along modern lines. The larger farm is aiming at full employment for 1,000 people; some 850 ha had already been planted and about 200 people were employed regularly, with additional labour brought in during peak seasons.

The ultimate objective of the government, which offers financial support for such co-operatives over a period of five years, is to enlarge the area of integrated development as much as possible. Its merit is not only that it introduces modern large-scale agriculture and increased capital but also that it associates landless labour with management, and gives it a stake in the achievements of the farm.

There has been no attempt as yet to evaluate systematically these two or other similar experiments in Africa and in any case it is perhaps too early to do so. That there are difficulties inherent in a complex and sophisticated system which requires special outlook, motivation and discipline, exceptional planning, organizational and administrative ability, trained personnel and possibly also advanced infrastructure and marketing - making it thus not suitable for general application (as yet at any rate) cannot be gainsaid. Successfully applied and established, however, it provides numerous basic advantages which a system of small individual farms, least of all in Africa, cannot hope to match: direct transition to modern farming and economy; economies of scale; new democratic institutions and self-help. It would be a short-sighted policy if this system and similar group action programmes were to be condemned on partisan grounds, or their "failure" proclaimed too soon. They must be given a fair and sufficient trial and adaptation until they prove their worth or otherwise. Sometimes their presumed failure may be due to faulty planning or to its application under extremely difficult circumstances and often to marginal land and people.

6. Plantations, Nucleus Plantations and other "European" Farms

The first use of land in customary tenure for modern farming was through the introduction of plantations or large commercial farms run by European or other non-African people on what may be termed industrial lines for the production of a very narrow range of crops for export. These lands were acquired by the companies concerned under a variety of conditions: bona fide purchase or long-term lease, manipulation of local and sometimes venal chiefs, the use of political influence and occasionally outright plundering.^{37/} The process of converting land in customary tenure into foreign-run plantations has now come to an end but existing plantations experience difficulties in the present political climate created by independence.^{38/} Many groups are agitating for the return of their lands; there is sometimes resentment against the presence of foreigners and foreign companies making enviable profits while the Africans live in poor conditions and experience land hunger; labour on plantations is less amenable to the old disciplines and general hostility may develop. Many large farms and small plantations have been acquired either genuinely or ostensibly by African entrepreneurs but it is doubtful whether these will abate anything but nationalist fervour or "xenophobia".

^{37/} See for instance, Ardener, E., Ardener, S., and Warmington, W.A., Plantation and Village in the Cameroons, O.U.P., London, 1960, p.313

^{38/} See for instance, Rapport au Gouvernement de la République fédérale du Cameroun sur une mission inter-organisations d'enquête sur la main-d'oeuvre, ILO, OIT/TAP/Cameroun/R3, Geneva, 1962, p.33

Independent African governments are now actively interested in attracting foreign investment in the advancement of large-scale modern farming and guarantees are often offered to that effect. These moves are unlikely to affect land in customary tenure unless the land is completely undeveloped or tsetse infected and, therefore, not much used by the group concerned. This may not always avoid resentment by the group as evidenced by recent developments in Kenya on Masai land carried out in association with German interests.

A new development in the field of large-scale farming more in tune with the spirit of present day African realities is what has come to be known as the establishment of "nucleus plantations". In broad terms it means a central plantation containing a processing plant surrounded by small-holdings growing mainly the same crop as the plantation and using its processing services. The central plantation is established and run by a foreign firm who offer technical advice and services to the small-holders associated with it. The aim is to develop land, establish new farming, a sound enterprise, train the farmers and other personnel on the spot, co-exist and co-operate for a relatively long period and it is often stipulated, or at least hoped, that the whole enterprise will be purchased in the end by the associated farmers and be run as a co-operative or company in partnership perhaps with the government. The government is involved from the very beginning negotiating the terms, guaranteeing all parties involved, arbitrating when necessary and supervising and helping financially the small-holders. These are new ventures often pioneered by enlightened firms and governments and contain many desirable elements and much promise of success. The ones seen by the writer or from which information has been obtained^{39/} seem to be overcoming their establishment difficulties fairly successfully. This is an experiment well worth watching.

The problem of "European" farms in Africa is a complex and entangled one and volumes have been written about it. A forward-looking policy has to decide two things; how to solve the problems of the existing ones and how to deal with possibilities of the establishment of new ones. The problem of the existing "European" farms in African countries is linked with political considerations of a complex nature which is made more acute by the fact that these farms play an important, if not crucial, role in the economy of the country concerned. Any political decision, therefore, will have to ensure that long-term desirable national, economic and social goals are achieved with the minimum of dislocation and short-term harm to the economy.

The problem of the attraction of foreign entrepreneurs to start farming in Africa varies with the country involved (its social, agrarian, agricultural, economic and political circumstances) and the entrepreneurs concerned and especially their intentions and whole outlook. In the present climate of opinion in Africa it is perhaps advisable that foreign enterprises should enter into a partnership with the government concerned and the cultivators involved.

7. State Action in Agriculture

It has often been argued that in conditions of underdevelopment there are strong reasons why the State should undertake a large share of responsibility and direct participation in economic activity. Whatever the theoretical or practical pros and cons of the case the fact remains that in all African countries the State plays an increasing and often a dominant role in economic life.

^{39/} E.g. Tanzania and Nigeria

State action in agriculture in Africa takes various forms, many of them similar to those found in most countries of the world and many of them have influenced the structure of agriculture, at times profoundly. Here are only a few selected for comment.

(a) Direct Farming: This applies, in addition to experimental stations, to state farms which have been tried in many countries, notably in Ghana and Somalia. State farms are set up to fulfil various objectives: they are brought into being for the purpose of undertaking major land reclamation or development schemes; for fostering large-scale agriculture on modern, almost industrial lines; for developing new, desirable lines of production - desirable on grounds of improved nutrition such as the development of dairy or meat production or for the development of industrial crops to support a parallel industrial development, e.g. sugar and rubber production; and generally to foster new methods of labour organization and social relations. The Ghana Second Development Plan 1959-64 mentioned as objectives: to demonstrate to farmers the profitability of new crops and new methods and to develop some of the empty spaces in this large and under-populated country in the quickest way.

Experience in Africa in state farming is short and the results obtained to date inconclusive. The large-scale operation has in some cases, notably in Somalia, come up against problems of management in that African personnel were quite unprepared to shoulder such colossal responsibilities entailed in running complex production processing and trading units. Ghana to date presents the only example of an African country where large-scale development of state farming has taken place. The lines of production include livestock (for dairy and meat), palm oil, arable food crops, cotton and rubber. Some of the units are truly colossal. The rubber estate at Abura is expected to cover 40,000 hectares of which 6,000 have already been planted. It already employs 4,000 people but there is need of 2,000 more workers if the planned development is to be achieved. In some cases like the rubber estate mentioned, expatriate managers are employed and this is especially true of new lines of production like rubber. There are, however, state farms run by Ghanaian staff. The lines on which the state farms are run are similar to those of commercial plantations except that the owner and entrepreneur are the State. Practically all the state farms of Ghana are in the process of development and their economic viability remains to be tested. Certainly they have brought into production on modern lines vast areas of unutilized and underutilized lands. Problems of land acquisition do persist, however, and resettlement of people affected has had to be resorted to, not always to the liking of all people affected. This is presumed to be counter-balanced by the creation of an unprecedented volume of regular employment and wages and to be particularly attractive to the young. Certainly it has led to a sudden and widespread creation of large numbers of wage labourers in place of traditional farmers with profound, actual and potential, social implications. Thus, where it has been applied on a large scale it has completely transformed the face of the land, the social structure and the institutional base. This is the most radical change to date of customary land tenure and society.

(b) Gezira-type of agricultural organization: This type derives its shorthand name from the celebrated Sudan Gezira Development Scheme which has been a tripartite venture into a large-scale agricultural development and land settlement project for the production of a commercial crop for export. The three parties concerned originally were the State, a private firm and the Board set up for the purpose. The project is well-known enough not to need any description or appraisal here.

Projects resembling the Gezira Scheme, but generally on a smaller scale, have been tried in various parts of Africa notably in Nigeria and in (what was then)

Tanganyika. In both countries the projects were inspired by the need to solve Europe's postwar shortage of fats through the development of oilseed production in schemes which combined large-scale mechanized cultivation and individual tenant farming. The Nigeria project has been described and appraised by Baldwin.^{40/} The project lasted nearly six years (1949-54) and the Nigerian (pre-independence) Government contributed fifty per cent of the share capital and of the directors of the company formed for the purpose. The other partner was the Colonial Development Corporation. With the benefit of hindsight one can conclude with Baldwin^{41/} that the project foundered largely from failure to improve on local African agriculture because very little, if anything, was known before the scheme started about the existing agriculture in the Mokwa area where the project was established. Besides, however, the lack of knowledge of agricultural conditions there was clearly even less appreciation of the population, social, political, tribal and human problems involved which yielded insurmountable difficulties affecting the attraction of tenants, the selection of settlers, the creation of stable settlements, the provision of incentives to work and development, and the ensuring of harmonious co-operation.

Similar shortcomings on a large scale were witnessed in the notorious case of the Groundnut Scheme established in Tanganyika. This again is a well-known case and need not be described here.

What should be stressed here is that although these were projects inspired by a colonial mentality which aimed primarily at solving problems of the metropolitan power, they contained also elements which are of permanent interest to Africa tackling its own development today. The haste, the impatience with basic investigations, the obsession with size of project and especially the total neglect of the crucial human factor involved are not totally absent today.

The fundamental question which has to be faced by all developers is that development is not a good per se nor can it be achieved without taking into serious and effective consideration the degree of participation, the preparedness, and the aspirations of the people affected. After all, development is essentially intended to increase their welfare, their self-reliance and will to progress.

8. The Pastoral Societies and their Special Problems

It is not easy to draw the line which is assumed to exist between pastoralists and agriculturists nor can one make a neat contradistinction between these two groups. Very few groups are purely pastoral and few agriculturists are completely divorced from livestock activities. It is probably true to say that a good number of African communities which today are largely or almost exclusively agricultural, in earlier stages of their development were mainly pastoral. This indicates that the long-term trend is for pastoral communities to settle in agriculture and reduce, if not completely give up, their pastoral activities. The opposite is reported, however, to have been happening recently, namely that for purposes of specialization, expansion of herds is resorted to so that livestock can be exchanged for grain thus eliminating the necessity for cultivation of grain.^{42/}

^{40/} Baldwin, K.D.S., The Niger Agricultural Project. An Experiment in African Development. Blackwell, Oxford, 1957

^{41/} Ibid., p.166

^{42/} Scheider, Harold K., "Economics in East African Aboriginal Societies" in Economic Transition in Africa, ed. by Harskovits, M.J. and Harwits, M., Routledge and Kegan Paul, London, 1964.

There are certain characteristics of the economy and society of pastoral people which are important factors to consider in every effort at development and modernisation. The understanding of the special function of cattle among pastoral or quasi-pastoral communities is of primary importance. Certain important features reported by students of pastoral societies merit careful appraisal. Cattle were rarely used as draught animals in the past and only small beginnings have been made in this direction in recent years.^{43/} Some people (other than the Nilotics) obtain only insignificant quantities of milk considering the number of cattle kept but they do obtain blood as an important source of food. Meat is consumed only on special ceremonial occasions or when the animal is sick, dying or dead. Relatively few groups have learned to use the manure of the fields for crop growing. The cattle remain, however, the most convenient and most coveted form of wealth, the most important medium of exchange and in the form of bride wealth serve a most useful social function of primary importance in polygamous societies. Cattle serve as bride wealth not only among primarily pastoral groups but also even among groups who now keep the cattle for that purpose only.^{44/} This is a key function in the life and economy of these groups since it is crucial to family building in societies where the family is the foundation of their existence and its primary institution. It has often been said with truth about these societies that every man's key aspiration is a larger herd and a larger family. The two are, of course, usually interdependent.

Cattle being also the most readily accepted and admired form of wealth, possession of them confers prestige, status and social (and political) influence. Gifts of cattle not only keep the loyalty of family members but also buy followers and supporters.

Besides cattle many African groups keep smaller animals such as goats and sheep, and these fulfil more mundane roles such as providing food, raw materials and manure but are used also as smaller denominations of "currency" in exchange. They rarely, if ever, enjoy the prestige of, or can be substituted for cattle in religious and social functions. In some groups small animals can be given as gifts marking a wedding especially when a small token gift is intended.

The brief comment given above is sufficient to indicate that some of the assumptions for livestock development so common in most other regions of the world need to be re-examined as regards Africa. If cattle are used for the production of milk and meat and if efficiency in production is the objective, then improvement of the stock both with regard to health and yields and the consequent need to improve management and breeding and perhaps to reduce numbers, is the logical and scientific answer to development of a pastoral economy. In the context of the considerations given in earlier paragraphs however, care should be taken to see that "development" and "improvement" objectives are not at cross purposes with the objectives of those who are intended to be the "beneficiaries". Thus development projects affecting pastoral or quasi-pastoral groups should take fully into account the economic, socio-religious and institutional factors involved. Variety in these latter factors in Africa (even within one ethnic group) is so great that in every project careful study and investigation should precede formulation of the project. Data obtained outside the group should not be substituted or projected instead.

Land tenure is another key factor which needs investigation. Generally speaking in pastoral areas of Tropical Africa land is considered as belonging to

^{43/} See e.g., the reference to the Valley Tonga of Zambia in Allan, W. The African Husbandman, Oliver and Boyd, London, 1965, p.291-292

^{44/} E.g., the Kara in Uganda and the Hill Pagans in Cameroun; see Allan, *op. cit.*, pp.201 and 248

no-one. This, however, is often a mere academic issue because in most, if not all cases, areas of grazing and pasture have come traditionally to be held by groups - as large as a tribe or as small as an extended family - and used exclusively by them except that in time of distress (especially severe drought) they may accept neighbouring groups to share in the grazing for the time being. Often some groups have youth clubs which inter alia defend the group's grazing grounds; but in all cases the groups defend their own lands vigorously.

Within the group, however, there is no restriction as to grazing whether with regard to location (on the group's lands) or the number of animals to be grazed. It has already been noted that the effort of every man is in the direction of larger herds. Left to themselves the groups always prefer unrestricted grazing. Among many cultivating groups it is the custom to throw the arable open to grazing after harvest - the timing of cultivation and the commencement of grazing being regulated by chiefs or family heads.

This unrestricted grazing coupled with the tendency to inflate the size of the family herds errs against all the fundamental precepts of modern pasture and livestock management. The total destruction of plant cover was only prevented in the past by a kind of Malthusian law affecting livestock and human populations. The introduction of better hygiene and medical and veterinary services have suspended or at least attenuated the operation of that law and have enabled the populations to increase rapidly thus threatening the irremediable destruction of all source of grazing. Thus the introduction of modern technology in the form of hygiene, without at the same time reforming the institutional and social structure of the human groups involved, has created an imbalance which can have disastrous results.

The institutional framework varies from group to group and it is essential that it should be fully investigated and understood before its reform is undertaken - as undertaken it must be if modern management is to be successfully introduced. Livestock development projects designed and introduced by veterinarians and plant ecologists alone without the help of experts in African institutions and their reform (without a competent team of human ecologists being closely associated in other words) have a slender chance of success.

In the discussion of development of pastoral economies it is useful to classify broadly the groups concerned into three classes which may not always be easy to distinguish because they do not lend themselves to clear-cut classification: (a) nomadic; (b) largely settled pastoralists; and (c) cultivators with partial interest in livestock.

Nomadic populations present special characteristics and raise peculiar problems of development. The basic issues involved have been discussed in another paper by the writer^{45/} (albeit the groups covered there were mainly nomadic people of North Africa and the Near East) and will not be elaborated upon here. The fact remains that natural conditions and ethnic distribution is much more varied in Tropical Africa and these affect the pattern and range of movement, the economic activities and social relations found there. Furthermore, these communities are less well-known than even those of North Africa and the Near East.

^{45/} Christodoulou, D., "Problems of Land Tenure and Settlement of Nomadic Populations". Working Paper prepared for the ILO Technical Meeting on Problems of Nomadism and Sedentarisation held in Geneva, 6-17 April 1964.

Efforts have been made to improve livestock management in Tropical Africa, both by essentially leaving the people themselves in their nomadic state as in the Masai schemes of Konza and Ilkisongo described by Allan,^{46/} or by attempting to settle them as in the case of the Fula in Sierra Leone. Of the two Masai schemes the Ilkisongo especially was reported^{47/} to have been designed with much care, study and forethought on the traditional nomadic pattern and on the customary division of water and grazing between clans. In each case the main difficulty arises when attempts are made at de-stocking, which is essential for upgrading both pasture and livestock. This comes up against the difficulty of persuading the people concerned to resist the temptation of increasing their wealth and influence in the terms understood and practised by their society. Individual schemes should, therefore, be seen in the general context of social and general economic development of the groups involved. Some powerful leaders of a few nomadic groups back these efforts by playing up their "progressiveness" which appeals to developers. Some genuine progressiveness may exist in special cases but often this tendency turns out to be a disguised land grabbing effort at the expense of weaker members of the group. Commercial ranching with government supervision and support should aim at developing unutilized areas provided the economic and social implications of such an enterprise are carefully assessed in advance. Creation of landless people and displacement of families from their traditional sources of livelihood should not be favoured in the hallowed name of development unless alternative acceptable provisions are made for them.

The Fula cattle owners of Sierra Leone are nomadic in the sense that they move their camp every two or three years completing the whole range of their movements in some twenty years. In order to reduce overgrazing and consequent deterioration of pasture and soil erosion and also to eliminate the damage to crops of cultivating indigenous groups, the Government introduced a settlement scheme which amounts to this:^{48/} individual cattlemen are settled in blocks of one square mile each and at a distance of more than a mile from an established human settlement; on the basis of an agreement with the local authority the cattleman is allowed unrestricted grazing within his block for seven years with option of renewal for another seven-year period. It is aimed at a cattle density of one per seven acres and breaking of good husbandry rules laid down renders the cattleman liable to eviction. He is helped to practise rice cultivation and the long-term aim is to make him a mixed farmer. The scheme seems well conceived but during the writer's visit early in 1964 it did not seem to have had much momentum. Furthermore, the transient nature of the project at this stage deprives it of much of its utility in that it makes it appear a pilot project - but a pilot project with no perspective. What for instance will be the future of these groups? Will they settle in these blocks? Will they be integrated with the surrounding populations?

The class of cultivators with partial interest in livestock is more numerous and perhaps even more important as regards future developments in Africa. These people have passed from the pastoral, perhaps even nomadic, stage to a settled agriculture with the vestiges of pastoral activities still surviving. Since mixed farming is in the current phase of agriculture in Tropical Africa the type to aim at, these people provide lessons which should be carefully studied.

^{46/} Op. cit., pp.323-326

^{47/} Ibid., p.325

^{48/} See: Murray, A.K., "The Fula Cattle Owners of Northern Sierra Leone, their Cattle and Methods of Management", Tropical Agriculture, 35, 2, April 1958; and Watson, D.J., "The Cattle-Owner Settlement Scheme in Sierra Leone", Empire Journal of Experimental Agriculture, XXX, 117, January 1962, pp.42-48

The Kara of Uganda are reported by Allan^{49/} to have reached the stage of looking upon their cattle as an integral and essential part of their farming system. He also observes^{50/} that the Hill Pagans of Cameroun are engaging in the very unusual practice in traditional African agriculture of conserving as hay for supplementary feed the wet season flush. These and other examples constitute clear evidence of genuine possibilities. There are serious institutional barriers to overcome, the main one being the limitation of unrestricted grazing even over lands which part of the year are under crops. Hitherto both in Africa and in other regions the solution suggested for this integration is the setting up of individual holdings and the integration of animal and crop husbandries inside each one of them. This has been attempted in land consolidation areas of Kenya where, it must be observed, the ecological conditions are more favourable than in most other parts of Africa and in addition there was the example of European farming at their doorstep to observe. Another solution tried in Africa is co-operative farming which lends itself to such an integration but the lessons to be drawn have not yet been yielded.

Co-operative ranching is advocated as a solution to problems of unrestricted grazing in conditions of group holding of the grazing land. Under African inspiration and leadership properly planned and intelligently run these may prove a success from the management and production point of view. The commercial aspects, however, should also be carefully handled and processing should also be considered. Large enterprises require planning in the general economic context as well as in themselves.

IV. Conclusions

The review of the issues raised in the adjustment of African customary tenure to the needs of agricultural development has indicated the variety and complexity of the problems involved. It is often stressed that the solution of these problems lies in industrialization or generally in the development of non-agricultural employment. This is no doubt true in the long run, but as Professor Lewis wrote^{51/} more than a decade ago in the case of Ghana, "the most certain way to promote industrialization in the Gold Coast is to lay the foundation it requires by taking vigorous measures to raise food production per person engaged in agriculture".

Thus we come back to agricultural development. The basic facts emerging from the review are the long road African traditional agriculture has to travel, the obstacles in the way and the pressures building up for major break-through and rapid development. The problems posed by customary tenures are both real and basic. Analysis of agricultural development projects attempted often as post-mortem by experts with hindsight is presented as a long and depressing record of almost unrelieved failure. That is perhaps true of "projects". But slow progress and development has been going on. Planned development now has a better chance of success. This is because a large number of African countries have become independent. Admittedly they have lost many of the trained expatriate staff. Outside experts can, however, be replaced. What is new and promising there is that resentment and non-co-operation bred by direct foreign control are now gone and Africans have assumed responsibility and leadership. Provided these Africans have not been alienated from their people and they can lead and inspire their wards, immense and hopeful prospects open up. The great bottleneck is training. Skills of a great variety and volume are required, and soon. Beyond this training, however, there is need for vision. Africans with mental make-up and social outlooks borrowed unadapted from Europe and

^{49/} Op. cit., p.20

^{50/} Ibid., p.248

^{51/} Lewis, W. Arthur, Report on Industrialization and the Gold Coast, Government Printing Department, Accra, 1953, p.2

America urging solutions unsuited to their countries, run the same risk of being alienated from their own people as the expatriate colonial officers in days gone past.

Over and above the planning and operation of development projects there is the need for vision in orientation of development. Economic development which carries on from where the colonial regime left off and with the same goals, assumptions and content, is likely to be irrelevant to the present needs of the population with its new political power, aspirations and needs. Thus efforts in some countries to emulate European farmers need careful re-examination and should be more critically scrutinized.

In the field of institutions, and especially African customary tenure, a genuine understanding of the outlook of the people concerned is absolutely essential. Solutions should accord with the needs and potentialities of these people and should be genuinely adapted to their circumstances. Rigid systems borrowed from Europe or America with ideological and professional obsessions irrelevant to African conditions should be re-assessed. The most basic issue is that of incentives to and motivation of African farmers. Observations and preconceptions borrowed from outside cannot be a substitute for observations and experience obtained in African conditions in realistic circumstances. The challenge for creative institution-building is a unique historic opportunity in Africa. The temptation should be resisted in Africa to open the door to all the agrarian ills of the other continents. Agricultural development in Africa has a long road to tread. The extremely low incomes and elementary technology, the small size of holding, the keeping of animals for prestige reasons, present a picture depressing to the "developer". As Lewis wrote,^{52/} "a high standard of living cannot be built upon an economy in which half the people are scratching the ground for food with a hoe". Colonial governments believed in "gradualness": replacing the hoe by a primitive plough or perhaps only a better hoe; creation of small individual holdings through the medium of land registration aimed at building up a class by European analogy called "middle class" or "yeomen farmers"; introduction of sales of land and trade in agricultural produce. In deciding the strategy of institutional reform in Africa and the farm organization to be aimed at, the key question to ask is whether in the present climate of opinion in Africa it is essential that Africa should go through the same stages of development as Europe did in the past or whether the process can be short-circuited. germane to this are the related questions of whether the technological change should be a gradual one with a number of intermediate stages reproducing the historical processes of European evolution. The answer to the latter question will decide the design of holdings and the tenure to be instituted. Thus if one is aiming at a gradual evolution from simple implements to improved ones; from primitive practices to backward ones; from neolithic agriculture to backward peasant one - if this is the aim then the small family farm is the right vehicle and framework. This implies the creation of new holdings which in the rest of the world will be considered as farms with built-in obsolescence. If, however, the aim is rapid technological change and fast modernization then new types of holdings are required, able to absorb new technology successfully and to use scarce skills and resources, especially capital, effectively. This can be achieved in an organized system of common services including modern and trained management and some regulation of operations.

^{52/} Op. cit., p.2

The success of such a system, like any other, depends on the people's involvement and their motivation. The planner's skill is to devise systems which enlist whatever is best in human societies involved in the service of the development proposed. Co-operation holds great promise and co-operative systems, however difficult to establish, should be encouraged. It is a debatable point whether a not so successful co-operative system which has promoted modern production and marketing methods is not in the long-run preferable to another generation of primitive family farming with, at the end of it all, abandonment of agriculture by all but the most unenterprising and the least gifted member of the group. From the point of view of the government it is also an essential decision to take whether scarce resources of capital and trained personnel are spread thinly over the whole of the agricultural sector aiming to reach every family practising the traditional methods in the hope that some effect will be achieved, or concentrate it on setting up structures which will absorb progress more readily. Remembering also that the new generation of Africans should be attracted to agriculture and food production, modernisation of structures becomes vital. As Lewis wrote^{53/} "it is useless to expect the primary school leaver to fit into the three-acres-and-a-hoe farming of his father".

53/ Lewis, W. Arthur, "Education and Economic Development", Unesco International Science Journal, XIV, 4, 1962, pp.688-9
 See also, Christodoulou, D., "The Place of Agrarian Structural Problems in Agricultural Education". Paper contributed at the First Near East Meeting on Higher and Intermediate Agricultural Education, held at Beirut, 21-31 October, 1963, FAO, Rome, 1963

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ASIA

R E P O R T
on the
JOINT FAO/ECAFE/ILO SEMINAR ON LAND REFORM IMPLEMENTATION
IN ASIA AND THE FAR EAST

Manila, Philippines

1 - 12 July 1969

I. REVIEW OF THE LAND REFORM PROGRAMMES IN ASIA AND THE FAR EAST

Review of the Agrarian Situation in Asia and the Far East

Land reform (including land settlement) was looked upon as an integrated set of measures to improve the agrarian structure and make it more conducive to economic and social development. The agrarian structure was viewed as being comprised of the tenurial structure, the production structure, and the structure of supporting services. These are sustained by a system of social, administrative and political institutions, which would have to be changed in the process of land reform.

Two recent developments were seen to have a considerable impact on the agrarian situation, namely:

- i) the large increase in population, and
- ii) the technological advances represented in the "green revolution".

The population explosion is making tremendous additions to the work force in agriculture. Consequently, pressure on land is increasing, and there is growing competition among small farmers and the landless for the limited land available. The bargaining power of the tenants and the landless agricultural workers was thus declining rapidly.

While recognizing that the new technology was providing a great increase in agricultural productivity and the prospective achievement of self-sufficiency, it was noted that at present this was confined to only a small percentage of the farmers with large areas and ample resources. It had failed to reach the vast majority of small farmers, whether owners or tenants, who for lack of resources could not apply the package of practices required. This uneven growth would in the long-run affect not only social but also economic development, since the lack of effective demand among the large masses of the rural poor would inhibit the growth of industry and agriculture. Besides, the possibility of higher yields was pushing up land values while at the same time making cultivation through hired farm labour more profitable. Consequently, a tendency was seen among landowners to dispense with their tenants in favour of farm labourers. As of now, the immediate impact of the "green revolution" has been a sharp increase in rentals, insecurity of tenure, landlessness and polarisation in the levels of production and income which could result in increasing social tensions. Its advent has thus emphasized the necessity of urgent adjustments in the tenurial, production and supporting services structures, both in order to provide a base for the absorption of the new technology, as well as for a wider distribution of its benefits.

Abolition of Feudal Tenures

The Seminar then reviewed the progress of the various land reform programmes and noted that satisfactory progress had been made in regard to the abolition of feudal or feudalistic tenures in several countries which had resulted in a considerable redistribution of ownership of lands, strengthening of rural administration and the development of an environment conducive to the evolution of a democratic society. It was recognized, however, that in these countries the reforms had not reached the actual tiller in all cases, and that considerable concentration of land ownership still prevailed.

Ceiling on Land Holdings

The application of "ceilings" or a maximum retention limit on land holdings has been another programme for redistribution of land ownership adopted in the region. Several countries had enacted legislation for ceilings on land holdings - India, Iran, Japan, Korea, Nepal, Pakistan, the Philippines and Taiwan. In India, the Five-Year Plans recommended a

ceiling of 3 family holdings ^{1/}, in terms of area it varies from State to State: 6 hectares in Kerala, 10 hectares in West Bengal, 30 standard acres ^{2/} in Madras and Punjab. In Japan, Korea, and Taiwan, it is generally 3 hectares; in Nepal, 16.4 hectares; in Pakistan, 200 hectares of irrigated land and 400 hectares of un-irrigated land; in Philippines, 75 hectares and in Iran (in the initial stages) one village.

In some countries the ceiling applied to the aggregate area held by all the members of a family, as in Japan, Taiwan and several States in India. In others, it applied to lands held by a person, which permitted of partitions and sub-division among family members.

This led to large-scale transfers, sub-divisions and partitions with a view to retaining the maximum possible area and defeating the ceiling legislation. Besides, many exemptions were made from the ceilings applied. Plantation crops such as rubber, tea and coffee were excluded altogether. Often self-operated farms were exempted from the ceilings provisions; and even where the ceiling was made applicable to them, mechanized farms and "efficiently managed farms" were exempted. As a rule in most countries of this region, the larger estates are cultivated mainly in small holdings through tenants and share croppers, and with the exception of plantations managed generally through joint stock companies, self operated farm were few and far between. Thus the application of ceilings even where effectively enforced had merely distributed titles to the cultivating tenants, and had hardly provided any lands for actual redistribution to the landless agricultural workers.

Tenancy Reform

The Seminar noted that cultivation through tenants and share croppers was widely prevalent in this region, which constituted a major hurdle to rapid development of agriculture. In the past when agriculture was based on traditional inputs of human and animal labour, large estates cultivated in small holdings through tenants or share croppers may not have constituted a major obstacle to agricultural development or economic growth. In certain conditions they could have sometimes even provided an instrument for the mobilization of surplus human labour and savings for investment and capital accumulation. With the evolution of concepts of the welfare state and equality of opportunity for all, the growing need of creating an expanding market for the products of new industries, and, above all, the development of new techniques in agriculture which requires monetary inputs by farmers on an increasing scale in fertilizers, insecticides, pesticides, hybrid seeds, implements and machinery, there is a growing awareness that the agrarian structure should change to meet the needs of the new situation. This has led to an increasing recognition that to provide adequate incentives to farmers it has become necessary to establish, on the widest possible scale, security of tenure, fair rentals, owner cultivation in family farms (in some cases as a first step), fair prices, and an efficient supply line for the inputs of modern agriculture.

Much legislation had been adopted on tenancy reform in the past 20 years in several countries of the Region - Ceylon, India, Japan, Korea, Malaysia, Nepal, Pakistan, Philippines, Thailand and China (Taiwan) ^{3/}. Two different approaches have been adopted in this regard, namely:

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- 1/ A "family holding" was defined as area equivalent, according to local conditions and under existing conditions of techniques, either to a plough unit or to a work unit for a family of average size working with such assistance as is customary in agricultural operations.
 - 2/ "Standard acre" concept was adopted to allow for variations in productivity of land.
 - 3/ For details please refer to the annotated agenda item I - Review of Land Reform Programmes in Asia and the Far East.

- i) the regulatory approach and
- ii) the "abolition" approach.

The regulatory approach accepted tenancies as inevitable, and aimed merely at their regulation in order to mitigate some of their exploitative and harmful features. This was adopted in Ceylon, Malaysia, Nepal and Thailand. The abolition approach assumed that tenancies were a serious impediment to agricultural development and social welfare, and should, therefore, be abolished. It was pursued in Japan, Korea, Taiwan and some States in India (such as Uttar Pradesh), where millions of tenants acquired ownership of their holdings. In the Philippines, though the establishment of owner cultivation in family farms has been accepted in principle, the regulatory approach has presently been adopted due to socio-political considerations with the avowed intention of a gradual conversion of tenancies into ownership.

There was general agreement that the progress made in tenancy reform was rather uneven, and had fallen far short of peoples' rising expectations in several countries.

In Ceylon, where about 43 percent farmers were either tenants or part-owners - part-tenants, the conditions of tenancy were precarious. A tenancy usually lasted less than a year, and personal services were demanded by landlords. Corrective legislation was passed in 1953 and later replaced by the Paddy Lands Act of 1958 (now in force) to provide for permanency of tenure, fixation of rent at a level not exceeding one-fourth of the actual produce, and the establishment of cultivation committees to protect the interests of tenant cultivators and the small owner cultivators. The provisions have proved ineffective in implementation, and the traditional half share of the produce still continues to be paid to the landlord in the large majority of cases.

In India, programmes of land reform were viewed as part of the national five year plans which had outlined the main guiding principles: that rent should not exceed one-fourth or one-fifth of the gross produce; that tenants should have permanent tenure, and where resumption of lands from tenants was permitted to landowners, it should be for bona fide personal cultivation only, and even so it should be restricted both in extent and time; and that in respect of the non-resumable lands, the landlord-tenant relationship should be broken, the tenants being brought into direct relation with the State and transformed into owners of land. The extent of implementation of this policy has, however, varied considerably from State to State, and it is generally accepted that in several States the impact of tenancy legislation on the welfare of tenants has been less in practice than was hoped for, there being large scale evictions in some cases.

In Malaysia, where about half the paddy area is cultivated through tenants and share croppers, the Paddy Cultivation (Control of Rent and Security of Tenure) Ordinance enacted in 1955 was not found to be effective. It was replaced by a new Act in 1967, which is a considerable improvement on the former. It has, however, yet to be enforced.

In Nepal, where share-tenancies are wide-spread, the Lands Act of 1964 provided for permanence of tenure, but the rents were fixed at about one-half of the principal crop raised on the land, which gave little relief to the tenants in general. Recent amendments made this applicable to the major crop only, thus providing an incentive to tenants for a second crop wherever possible.

In the Philippines, where in the high density areas of Central Luzon and the neighbouring provinces between one-half to two-thirds of the area is cultivated by share tenants, the Agricultural Land Reform Code (1963) has provided for the abolition of all share-tenancies and their conversion into lease-holds. Despite the considerable support provided by governmental institutions in its implementation, less than 50 percent of the share-tenants secured some sort of recognition, formal or informal. A large number of them could not secure any written lease agreement from the landlords, and crop sharing arrangements continue on a large scale.

In the Central Plains of Thailand, where about 41 percent of the farmers are either tenant farmers or part-owner-part-tenant farmers, tenancy legislation was enacted in 1951 to provide for the fixation of rent at about one-fourth of the produce and a five year term of tenancy, but it has "remained practically a dead letter".

The above review presented a rather discouraging view of the progress of tenancy regulation. However, the Seminar felt that it would not be correct to assume that the regulatory approach had failed in all cases. Where it has failed, it could be traced to the weakness of the legislation, lack of serious attempts at enforcement, and a weakness on the part of tenants' organizations in fighting for their rights. It had succeeded in pre-war reforms in Japan because the Government provided effective support by fixing rentals and assuming responsibility for their collection and disbursement, and a network of tenants' associations or unions had developed, which watched over tenants' interests and secured them the benefits conferred by law. The "abolition approach" too had also not been uniformly effective. It succeeded in Japan, China (Taiwan) and Uttar Pradesh (India) because the State intervened effectively by outright acquisition of the landlords' interests. On the other hand, in Maharashtra and Gujarat (India), it did not have the desired effect, because the legislation was vague, state acquisition was avoided, and it was left to tenants to apply for ownership and to fight for it.

The success of land reforms in Japan is often attributed to American occupation authorities, and in China (Taiwan), to a unique political situation, the implication being that such an approach was not practicable in democratic societies. To the contrary, the experience of Uttar Pradesh (India) was cited, where a radical measure of land reform was implemented successfully by a dedicated leadership through democratic processes. It was generally agreed that democracy should in itself institute no insurmountable hurdle to implementation of land reforms, provided the difficulties of implementation in such a situation were realized, and appropriate forms of administrative organization and arrangements, as well as farmers' participation and supporting services were provided to make effective implementation realizable.

In this connection reference was made to two hopeful developments:

- (1) a growing awareness among the leading elites that the obtaining patterns of cultivation through landless tenants and cultivation through share-croppers without security of tenure and payment of exorbitant rents, had resulted in lack of incentives and investment, which impeded agricultural development and socio-economic growth; and that unless timely measures were adopted the agrarian situation might become politically explosive; and
- (2) rising expectations among the weaker sections of a welfare State and appreciation of the power of the vote and the power of their own organizations as instruments to bring about change.

Landless Agricultural Workers

The Seminar noted with regret that the conditions of the landless agricultural workers had not shown any appreciable improvement during the past 20 years. The ceilings had hardly made any land available for redistribution to them, and the programme of tenancy reform had not benefitted them either. The minimum wage regulation where adopted had not generally been enforced effectively except in small pockets where plantation crops were raised. Often the agricultural labourers did not own even a few square yards for a homestead, and in many places dismissal from employment meant eviction from the homestead also. If a large section of the community thus remains condemned to such destitution, it will not only impede economic growth but also create social tensions and retard democratisation of the rural society. The Seminar felt it highly desirable that steps should be promoted so that the agricultural labourers may also share in the recent increases in income in the agricultural sector. In this regard the following suggestions were urged:

1. rigorous enforcement of minimum wage legislation;
2. rights to their homesteads now provided by landlords;
3. provision of new home-steads in congested areas through State acquisition where necessary;
4. promotion of agro-industries like poultry, cattle breeding, pig rearing, agricultural processing, etc.;
5. expanding land settlement programmes.

Land Settlement

Over the past 20 years much experience had been gained in developing land settlement programmes in several countries - Ceylon, India, Indonesia, Malaysia, Nepal, the Philippines and Thailand. There had been successes and failures as well. It was recognized that the competing demands of the different sectors of the economy, and within the agricultural sector itself, of various programmes, will naturally determine the availability of the limited capital resources for land settlement projects. It was felt, however, that there was a tendency to view land settlement programmes mainly from the social point of view, while their economic potential had not been fully appreciated. Consequently they did not always receive adequate attention in national plans of economic development. It was emphasized that land settlement projects could provide fresh opportunities for employment to the rapidly increasing population at a much more modest cost than other projects in industrial and tertiary sectors of the economy, which were often highly capital intensive.

Besides, land settlement is of considerable importance in river valley projects, where large areas of government-owned virgin lands are to come under irrigated cultivation, as in the case of the Mekong Basin, the Rajasthan Canal area (India) or the Mahaweli Ganga project (Ceylon). The reclamation and irrigation of land was only the first step in development, and planning for its settlement and productive cultivation was equally important for an adequate return on investment. The latter aspects represented only a fraction of the total investment, but lack of adequate and timely planning in this regard had often resulted in under-utilization of heavy public investment. It was therefore considered necessary that the settlement and development of such unoccupied areas should be planned and budgeted for as part of the project itself.

Consolidation of Holdings

While it was accepted that fragmentation ^{1/} was an obstacle to planned development of agriculture, the problem had presently received attention in a few developing countries only such as China (Taiwan), Pakistan and India, and more recently in Thailand (on a pilot scale). The preventive measures for controlling fragmentation lie in the regulation of partitions and transfers, while the curative measures consisted in the consolidation of holdings, or possibly in cooperative or collective holdings or operations. The advantages of consolidation of holdings within the context of individual ownership, were being increasingly appreciated. The experience of several countries, particularly of China (Taiwan), had demonstrated that consolidation promoted land improvement and minor irrigation projects, and offered an excellent opportunity for the replanning of villages and provision of roads and other social amenities. In river valley areas, it provides for effective utilization of water by restructuring of land holdings and replanning of irrigation channels, and in the water-shed areas it facilitates soil conservation measures by re-laying holdings along the contours. There was general agreement that with increased emphasis on agricultural

^{1/} Fragmentation may be defined as the scattering of a single holding into parcels of land, which are physically separated from each other.

development, consolidation of holdings or alternative measures with similar results, should receive much greater attention in the national development plans than it has received heretofore.