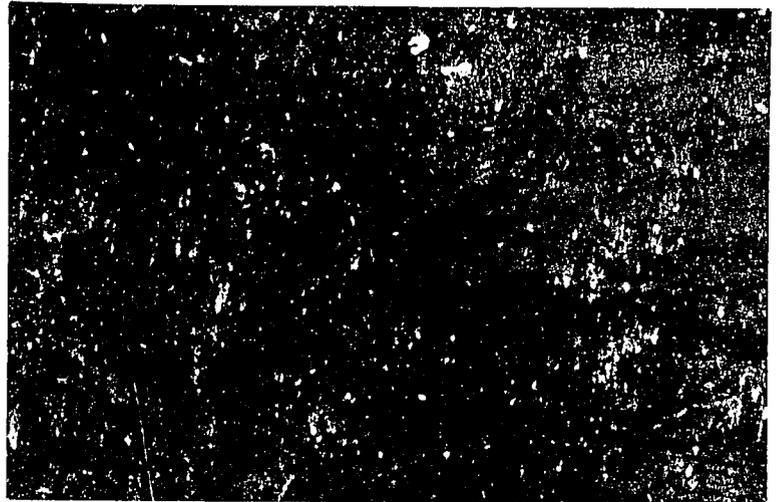


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Mixed Farming Technical Report



GAMBIAN MIXED FARMING AND RESOURCE MANAGEMENT PROJECT

Ministry of Agriculture and
Natural Resources
Government of The Gambia
Consortium for International Development
Colorado State University

TRADITIONAL GAMBIAN LAND TENURE AND THE
REQUIREMENTS OF AGRICULTURAL DEVELOPMENT

BY

Clyde Eastman

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Contents

Introduction	1
Evolution and Change of Tenure Systems	6
Western Ownership and Traditional African Tenure	10
Grazing Tenure	12
Cropland Tenure	13
Traditional Tenure and Development Requirements	21
Adoption of Technology	21
Efficient Resource Allocation	23
Use of Credit	25
Equity	25
Resource Conservation	27
Security	28
Conclusions and Recommendations	30
Bibliography	34

Introduction

As long as man has been on earth he has been dependent on the land for his sustenance. He may have ranged widely over a great area as do nomadic hunters or herders. Alternatively, he may have carefully tended a small irrigated plot never traveling more than a few kilometers from his birthplace. In either case there were always rules which governed his rights to gather or produce his subsistence from the land. The rules were typically simple in hunting and gathering societies becoming more complex as the technology of food production became more complex.

Man's control over the land he uses profoundly influences the production of both crops and livestock. Any attempt to increase agricultural production must therefore take existing tenure relationships into account. While every culture has some unique features in its system of land tenure there are also many common features which occur across cultures and at various stages of development. Moreover as production processes commercialize there is also a set of forces which impinge in more or less predictable ways on the traditional tenure system. Experiences from around the world provide a valuable perspective for development of land tenure policy in any particular country.

The purpose of this paper is to assess how the traditional Gambian tenure structure will constrain agricultural development efforts. After a brief discussion of the evolution of property rights in other parts of the world and the requirements of commercial agriculture the traditional tenure system of The Gambia is described. Next the ability of the traditional tenure forms to meet the requirements of a developing agriculture are systematically assessed. Finally alternative tenure strategies are presented and discussed.

Materials for this study were drawn from a variety of sources. Qualitative data were drawn from a survey of 102 key informants in a countrywide sample of 52 villages. Insights were obtained on grazing tenure as well as on specific, contemporary aspects of cropland tenure. These data were supplemented by interviews with additional informants who either directly observed or participated in agricultural land transfers. Studies by Dunsmore, et. al.(1976) and by Dey (circa 1980) provided an extensive description and analysis of cropland tenure in The Gambia. A review of selected literature on management of communal lands and on agrarian reform provided a broader historical perspective against which The Gambian case is set.

The Gambia is a small country on the western tip of Africa with its own unique melange of cultures and history. While every culture has some unique features in its system of land tenure, there are also many common features which occur across cultures at various stages of economic development. Moreover, as agricultural production processes develop and become more commercial, there is a set of forces which impinge in predictable ways on the traditional tenure system. Experiences from around the world provide valuable perspectives although not a definitive prescription for development of land tenure policy in any particular country.

A land tenure system is a set of rules which defines the rights of landholders. Tenure rules provide answers to such practical questions as: how does one obtain land to cultivate, graze or to build a dwelling on, what must one do to maintain that access, what may one do or not do with the land, and others. In most traditional societies, tenure rights are unwritten rules which are enforced by group consensus. In contrast, tenure rights in modern societies are established by written laws and recorded documents. Unwritten rules are no less binding than written laws and in all societies the rules are taken seriously.

This is true for several reasons. First, control over land is a major determinant of social status, wealth and political power. Second, tenure seems to be rooted in biological needs. Territoriality, the defense of a space against intrusions by other members of the same species, is well documented in homo sapiens and in many other species as well.

The terms 'rights' and 'landholders' were adopted for these analyses in an attempt to find neutral terms which are familiar yet which carry a minimum of preconceptions. A large part of Westerners' difficulty in understanding African land tenure stems from problems with terminology. Terms are often used to describe African tenure systems when essential elements of the Western concept that are embodied in the terminology do not exist in the African situation. For example, as will be demonstrated below, the term 'ownership' implies conditions which do not occur either in rural Gambia or in much of the rest of Africa. Therefore, in many situations the term 'ownership' and its derivatives mislead and confuse no matter how they may be qualified. Cowen (1967) recognized the problems created by inappropriate terminology in a very insightful analysis of Lesotho's tenure system. It seems little progress has been made in the intervening years. His description of the problem is as accurate in the mid 1980s as it was two decades earlier.

The term 'development' also needs to be defined for somewhat different reasons. When a term is so widely used it tends to take on various meanings for different users. Development is no exception. For our purposes, development is defined as increased total production of crops or animal products. Development also involves improvements in efficiency, i.e. increased output per unit of labor and increased output per unit of land (yield) among other things. Simply put, in The Gambia agricultural development means producing more groundnuts, cotton, maize, millet, sorghum or rice per hectare and more milk and/or meat per animal.

Most development agencies today also voice a concern for equity. Not only should development increase agricultural production but the benefits should be equitably distributed among the rural population. Helping 'the poorest of the poor' is but one phrase reflecting this concern among the technical assistance programs in Gambian agriculture. It should be emphasized that there are frequent trade-offs between efficiency and equity. More of one is often obtained only at some expense to the other. Often, a few large producers have or can get the required resources to obtain large production increases more easily than can numerous smaller producers. Relatively small efforts with this group can produce rapid and impressive production increases. However, the gap between the have and the have-nots also widens. Nowhere are the choices between equity and efficiency tougher than in the subject of land tenure.

A second form of costs also arise from tenure changes. If land is privatized there will be significant costs associated with boundary identification and boundary maintenance. Boundaries of all holdings must be surveyed in some fashion and the agreement of all claimants must be obtained. Surveys are expensive and time consuming legal proceedings to adjudicate claims can also be lengthy and expensive. Once boundaries have been identified they must be maintained. On relatively small areas of high value cropland these costs may not be disproportionate to the rest of the undertaking. However, livestock development situations are another matter. In practical terms when livestock is involved this usually means fencing. In addition a water source has to be provided in each holding. The high cost of fencing semiarid ranges has been a big factor restricting the privatization of community grazing lands even in the developed countries. In the developing countries the economics of fencing are likely to be even less favorable. The

magnitude of these costs often poses a substantial constraint to the adoption of the technology which requires them.

At this point it is also appropriate to consider what development involves. Characteristically when a term is so widely used it tends to take on various meanings for different users. Development is no exception. In this context we will define development as increased total production of crops or animal products. Development involves improvements in efficiency, i.e. increasing outputs per unit of input. Typical outputs would be grain, milk and meat. Typical inputs include labor, land rent, machinery, pesticides, feed seed and all the other scarce resources required to produce the desired commodity. Development typically involves increased output per unit of labor, increased output per unit of land (yield) as well as increased profitability calculated by assigning prices to all inputs and outputs. In The Gambia agricultural development means producing more groundnuts, cotton, maize, millet, sorghum or rice per hectare. It also means increasing the offtake rate of cattle or more milk per cow among other things.

Most development agencies today also voice a concern for equity. Not only should development increase agricultural production but the benefits should be equitably distributed among the rural population. Helping "the poorest of the poor" is but one phrase reflecting this concern among the technical assistance programs in Gambian agriculture. It should be emphasized that there are frequently conflicts between efficiency and equity. More of the one is often obtained only at some expenses to the other. It is often the case that a small group of large producers have or can get the required resources to obtain large production increases more easily than numerous smaller producers. Relatively small efforts with this group can produce rapid and impressive production increases. However the gap between the

have and the have-nots also widens. Nowhere are the choices between equity and efficiency tougher than in the subject of land tenure.

Evolution and Change of Tenure Systems

When people lived by hunting and gathering, the only claims to territory were made by the group or tribe. A tribe normally occupied and defended definite territory. Tribal members satisfied their needs by moving about according to the seasons and/or movement of game animals. These people had a limited ability to store food or move possessions around. If a large animal were killed or a large amount of plant material were found it was shared widely and consumed quickly before it spoiled. Since the availability of both plants and animals varied according to the seasons and to geographical areas, movement over a somewhat heterogeneous range was common. In such situations it was difficult and uneconomic for individuals or even small family groups to identify and defend any territory. Individual and family welfare were enhanced by moving about and cooperating within a larger group. In such societies, land was an open common while the plants, animals, water and air were treated as free goods to be used as needed by all alike. Many North American Indian tribes operated in this fashion until the arrival of the white man forced a change.

Animal agriculture when practiced at the subsistence level operated with much the same freedom. Herders of grazing animals were often nomadic or semi-nomadic and were required by climatic conditions to range over an extensive area according to the seasons. Even settled herders found it advantageous to move their animals over relatively large grazing areas. As with hunters and gatherers, it was generally uneconomic for an individual to try to identify with or defend a particular piece of land.

When sedentary agriculture replaced hunting and gathering the situation changed. It became essential for an individual cultivator to be assured the right to harvest what he sowed. Since effort was generally required to prepare land for cultivation, e.g., clearing and/or irrigating it, this often became the criteria on which the use right was established. Thus, the individual or group which brought a plot of land into production gained the right to cultivate for a period of time, which varied according to the customs of the particular society. The Gambian tenure system illustrates this level of development.

As long as hunting and herding were subsistence operations, free access to an open common worked very well. However, once the operations were commercialized, the situation changed as pressure on the resource base intensified. While subsistence activity meets immediate needs which are essentially finite, commercial activity is directed at wants which tend to be infinite from the view of the individual producer. For example, North American Indians who lived by hunting and gathering only evolved private property rights after they began to engage in the fur trade (Baden & Stroup, 1977: pp 230-231). Similarly, as livestock numbers increased on the American Great Plains, competition for grass and water became so intense and the situation so chaotic that a system of private rights evolved to replace the open access which had prevailed before (Anderson & Hill, 1977: pp. 200-216).

There are many indications that similar forces and processes are currently at work in Africa. As agriculture shifts from a subsistence to commercial basis, traditional tenure may become less satisfactory. Moreover, European colonists introduced the model of freehold tenure along with commercial production into many parts of the continent. Private ownership has thus become associated with modern agriculture in the minds of many people.

This has undoubtedly hastened pressures toward privatization in some areas.

While the examples above demonstrate a clear evolutionary trend, care should be exercised in extrapolating from them. Since property rights frequently evolve from collective to private, during the transition from subsistence to commercial agriculture, many analysts assume that the privatization of production is a necessary condition for development. An article by K.H. Parsons provides one example of an uncritical belief in the Western economic model (Parsons, 1971). According to Parsons, customary tenure is an integral part of traditional subsistence agriculture; therefore development will require innovations in tenure (Parsons, p.15). He goes on to say:

"It is not enough to consider whether or how customary systems of tenure restrict or retard agricultural development. The basic problem is that of how innovations in tenure are achieved which give positive support to the modernization of agriculture." (ibid. p29)

The problem with Parsons' argument is that he does not demonstrate persuasively which tenure systems restrict development nor does he offer an example of a positive and supportive alternative. The implication, never rigorously analyzed, is that private ownership would somehow provide the needed stimulus. What is needed first of all is a detailed description of the existing tenure system and secondly a rigorous assessment of the specific constraints imposed by it on agricultural development. Finally there needs to be a creative assessment of what changes in tenure will be required as agriculture develops, together with an assessment of the likely benefits and difficulties of each change.

Land tenure is of central importance to human existence and the feelings regarding it are correspondingly strong. For this and other reasons, significant planned changes in land tenure always impose costs. In developing countries, these take two forms. First there are transaction costs. Traditional systems are widely known and widely accepted. Moreover, mechanisms are already in place to adjudicate disputes. Any new system would have to be explained and the population convinced that benefits outweigh the uncertainties of dropping institutions that have served them well. A new consensus would have to be developed. This would invariably require substantial effort and resources of the government over an extended period of time. Some elements of the population, particularly those who lose economically or politically under the new system would have to be coerced. No government has a superabundance of resources; those devoted to an agrarian reform cannot be allocated to other uses. For this reason more than any other, tenure evolution is widespread but tenure revolutions are relatively rare. If the primary development goal is to enhance agricultural production and to make only those land tenure changes required by that goal, then making those changes which disrupt the current system least will generally be the most efficient way to proceed.

A second form of costs also arise from tenure changes. If land is privatized there will be significant costs associated with boundary identification, recording of ownership and boundary maintenance. Boundaries of all holdings must be surveyed in some fashion and agreement of all claimants must be obtained. Cadastral surveys are expensive and time consuming. Legal proceedings to adjudicate claims can also be lengthy and expensive. Once boundaries have been identified they must be maintained. On relatively small areas of high value cropland, these costs may not be disproportionate to the rest of the undertaking. However, development of grazing land is another matter. In practical terms, when range livestock is involved this usually

means fencing. In addition, a water source has to be provided in each holding. The high cost of fencing semiarid ranges has been a significant factor restricting the privatization of community grazing lands even in the developed countries. In the developing countries the economics of fencing are likely to be even less favorable. The magnitude of these costs poses a substantial constraint to the adoption of any technology which requires fencing.

Western Ownership and Traditional African Tenure

It must be recognized at the outset that any discussion of capitalistic vs. socialistic tenure systems has profound ideological overtones. The issues are so closely bound to our central economic and political beliefs that emotion can easily obscure objectivity. Indeed it is probably for this very reason that so many analyses are based on implicit and even inconsistent assumptions. However, no thorough treatment of land tenure and economic development can avoid these issues. The purpose of this comparison is not to establish the superiority of either system but to examine the characteristics of both systems in an explicit and detailed fashion and to establish the basis for the analyses in the following section.

The Western understanding of land ownership is based on the concepts of 'freehold' and 'fee simple'. Freeholders have the right to use or occupy the landholding for some productive purpose or to leave it idle. Even when it remains idle, the freeholder may exclude others from using the lands. Freehold in fee simple bestows the right to transfer the landholding without restriction; that is, it may be leased, mortgaged, sold or inherited. Proof of ownership depends on a written and recorded document - a title or deed. Essentially complete control over

land plus the freedom to buy and sell it for profit, are central to the Western notion of landownership.

The rural African landholder has a very different set of rights. Traditional African tenure bestows the right to use land for specified purposes. Beyond that, depending on the particular example, there are restrictions. In The Gambian case, the restriction most obvious to Westerners is the restriction on transfer of rights. The original cultivators of the land who cleared it from the bush and mixed their sweat with the land thereby have a usufruct right that is heritable. However, their right is not alienable; the land may not be leased, mortgaged or sold. Moreover, if the original cultivator or his heirs cease to use a landholding it may be reassigned by the village chief to another cultivator. Right to use depends on the recognition and consensus of the community, there are almost no written records concerning agricultural land.

The Land (Provinces) Act of January 1, 1946 reinforces traditional tenure customs in rural Gambia and officially vests authority to settle disputes in the village and district officials. Banjul and the Kombo St. Mary (adjacent urbanized area) are governed by a separate section of the law which does permit freehold in fee simple.

Gambian agriculture consists of a mixture of crop and livestock operations. Almost every household produces grain for home consumption, groundnuts for sale and keeps at least a few head of livestock. Both crop and livestock production require access to land. However, the production processes are sufficiently distinct that very different sets of rules have evolved to govern the use of cropland and the use of grazing land.

In the typical configuration of a Gambian village there are four more or less concentric zones of land use. The central zone

contains the residential areas and public areas of the village proper. The only cultivated lands in this area are the backyard gardens. Planted and fallow cropland immediately surrounds the village proper. Grazing land often surrounds or lies adjacent to the cropland but it may also be located at some distance away from the village center. The fourth category of land is the women's gardens and the rice fields. Since they are planted in the dry season, gardens are located in a low area adjacent to a source of irrigation, usually a shallow well. If the village has wet rice land, this may be several kilometers removed from the village center. The exact configuration of each village depends, of course, on the local geography but most agricultural land is organized and operated in some combination of these components.

Grazing Tenure

Gambian grazing lands are an open commons to which every Gambian has free access. Grazing land includes almost all national territory which is not built on or cultivated or set aside in the national forest preserves.

Livestock owners have an obligation to keep animals out of crops until after they are harvested. At that time, even the crop land becomes part of the open commons. Most livestock owners herd their animals on an area of bushland traditionally used by their own village. While these lands are normally located near the village, livestock may be moved with few restrictions to distant areas in search of water or forage. Non-farmers or farmers from villages without adequate grazing may place their animals with a contract herder in the herder's village without obtaining special permission to do so.

When asked about water and/or forage shortages, Gambian livestock owners express considerable concern over water problems but are much less concerned with forage. The need for water is apparently more acute than the need for forage and farmers take a more active role in providing water, i.e., lifting it from a well

or taking the animals to a watering point. Livestock owners recognize that animals become thin and even die, especially towards the end of the dry season, but their attitude seems to be that the bush is there and the animals can always find something.

To determine if pressure was building toward any change in grazing tenure, respondents were asked whether there was resentment or any conflicts over livestock grazing. With only two rather isolated exceptions no one cited any conflicts or resentment. Incoming herds might eat some scarce forage but they belong to other Gambians and cannot be excluded. Besides the manure at the night-tethering sites is beneficial. A few conflicts over water were reported, but even these did not seem to be particularly serious. They usually involved use of a well where water was scarce. In contrast, conflicts over intrusions into crops are both frequent and intense. These findings indicate that there is not yet any serious pressure for grazing tenure reform in The Gambia.

Death losses, while serious in dry years, are still not perceived as unacceptably high by livestock owners. There is only a limited awareness that it is possible to produce more and better forage and thereby reduce weight loss and animal deaths during the dry season. Only when there is an active desire on the part of livestock owners to increase dry season forage will there be a felt need for restrictions on access to the grazing commons. Even then such restrictions will not be easy to impose.

Cropland Tenure

As was indicated in the introduction, this study seeks to determine how Gambian farmers obtain land to farm and how they maintain access to it. In The Gambia land is sometimes operated

by the whole work unit and sometimes operated by individuals. Smaller households generally have only one work unit, larger households may have two or more units. There are two basic ways by which either a farming unit or an individual may obtain cropland. By clearing land from the bush one gains the largest and most permanent package of rights. Taking land on any one of several forms of assignment confers fewer and less permanent rights.

When a new village is established on land which has not been previously cultivated the founding settlers each clear cropland from the bush. By that action they establish their right to cultivate the land as long as the family continues to reside in the village and to use the land. Should a family move away for a period of time they may generally expect to resume use of their original holdings when they return to the village, however, they are not compensated for permanently relinquished holdings. As might be expected, the original settlers tend to take up more of the better quality and easily accessible land. Founding families also tend to rank at the top of the village status hierarchy. Subsequent arrivals in the village petition the village chief for permission to clear unused bushland within the village boundaries.

Some of the land is cleared and operated by the whole work unit with the produce going into a store controlled by the head of the unit. Individuals, both male and female, may also clear and cultivate land. In these cases, the individual controls the disposition of the produce. As groups or individuals produce more, both social status and political influence are enhanced. The oldest male in the largest founding lineage is the most likely candidate to be village chief. The increasing use of elections since independence has modified but not completely displaced the traditional selection procedure.

After the more fertile and accessible lands have been taken up, later arrivals in a village may petition the chief for an assignment of land which has already been cleared. The chief may assign unused land from his own family or some other family to the newcomers. This assignment is now generally renewable on an annual basis. If the land should be reclaimed by its original user, however, other land would probably be assigned to replace it. Residents in a village who depend on borrowed land even for all their food production are rarely, if ever, dispossessed of all their land, being allowed to retain enough to support their households (Dunsmore, p. 283).

Any household without enough land to provide subsistence may borrow a plot from another household with excess land. There is usually a ceremonial return of the land after the cropping season and the arrangement may or may not be renewed for another year. What does the borrower or assignee give in return for the use of the land? To the village chief he would give political support. Recipients would also offer a gift of kola nuts at the time of negotiations and perhaps give the charity tenth of the production to the original holder as well. According to tradition land is not rented. However, that may be slowly changing. According to Dey "the distinction between giving kola and paying rent is becoming increasingly tenuous" (1982; p. 388). She also found evidence of open, though limited, renting of irrigated rice land.

Another common variation in assignment is the practice of taking in "strange farmers." A household with excess land may assign a plot to a young adult male to cultivate. These young men move into the household and give about half a week's labor to the household's fields in return for their board and room. During the balance of their time, they cultivate their own plot of groundnuts. At the end of the season, they repay any seed or other loans from their hosts, sell their groundnuts and return to

their original homes with cash in pocket. Strange farmers may come from Senegal and Guinea Bissau as well as from The Gambia.

Rural Gambian landholders have a well defined set of rights which differ from the Western concept of ownership. What may not be obvious are two implications which flow directly from the traditional rights. Both the security and the equity implications of traditional African tenure are frequently misinterpreted in that the right to alienate land is frequently confused with security (e.g. Block, 1985). The lack of a written deed or title and the inability to sell or mortgage land is frequently said to contribute to insecurity of the landholder. In fact, it should be noted that the right to alienate land is obtained only at the expense of security. When rights are alienable and particularly when land is mortgaged, it can be taken from the holder in satisfaction of the debt. Moreover, land can be taken for nonpayment of Taxes and for other debts of the owner not related to his farming operation. In contrast, traditional holders in The Gambia may only lose their land for nonuse. This is not to say that the ability to mortgage land is not desirable since it does permit mobilization and movement of capital. However, it also reduces security, occasionally substantially so, and this should not be overlooked.

As the foregoing section illustrates land tenure systems are dynamic. They evolve in response to changing conditions as for example when agriculture shifts from subsistence to commercial production. The evolution of a tenure system can generally not be completely controlled. However, the process can be influenced in significant ways. Governments can significantly influence the form of their emerging tenure systems through their legal codes and through the various policies which impact on

land. If the evolution is to be effectively guided the process and the options must be understood.

What are the major differences between freehold and usufructuary systems of tenure? Freehold, in fee simple, bestows the right to actively use the land for some productive purpose or to leave it idle. Even when he leaves the land idle, the freeholder may exclude others from using it. Further these rights may be transferred without restriction. Thus freehold land is heritable and alienable, i.e., it may be leased, mortgaged or sold. Proof of ownership depends on a written and recorded document - a title or deed. The Western concept of land ownership generally refers to freehold in fee simple.

Usufructuary tenure bestows the right to use land for specified purposes. Beyond that, depending on the particular example of usufruct there are restrictions. In The Gambian case even the right to use the land is effectively restricted to crop production. As soon as the crop is harvested the land is returned to the open grazing common. If the landholder or his ancestors were original settlers on the land, i.e., they cleared it from the bush, they "mixed their blood with the land" and their right to use it is heritable. However, their right is not alienable, the land may not be leased, mortgaged or sold. An original settler may relinquish use of a plot of land and reclaim it at a later time. For example, if a family moves away from their village for a time their land may be reassigned to other cultivators. However, on the return they may reclaim their original holdings. Right to use depends on the recognition and consensus of the community, there are usually no written documents or records concerning the land.

The right to alienate land is frequently confused with security (e.g. Bloch). In fact it should be noted that the right to alienate land is obtained only at the expense of secur-

ity. When rights are alienable and particularly when land is mortgaged it can be and frequently is, taken from the holder in satisfaction of the debt. Moreover, it can be taken for nonpayment of taxes and even for other debts of the owner not related to its operation. In contrast, unfructuary holders in The Gambia may only lose their land for nonuse. This is not to say that the ability to mortgage land is not desirable, it certainly does permit mobilization and movement of capital. However, it also substantially reduces security and this should not be overlooked.

Fee simple ownership provides a mechanism for control over land to become concentrated to an extent which is quite impossible in a traditional system. While it does not always happen, there has been a widespread tendency for landholdings to become highly concentrated under systems of private ownership. Further this concentration often goes well beyond the requirements of economic efficiency. It generally arises from the larger landowners' ability to manipulate the appropriate political and financial institutions. Situations with extreme concentrated landholdings, where a few are very rich while the masses lack the minimum necessities of life, are offensive to modern standards and are frequently politically unstable as well.

One of the immediately obvious differences between much of rural Latin America and The Gambia is the lack of marked rural class differences in the latter which are so evident in Latin America. In almost every country of Latin America there is currently or has been a small group of large landowners, a great mass of small holders and not infrequently a large class of landless rural workers (Eastman 1984).

The original indigenous population in South America operated under a usufruct tenure system not greatly different from that found in the Gambia today. However, the Spanish introduced the

concept of private ownership and many early European colonists were granted large landholdings by the Spanish Crown. Large landholdings were often expanded at the expense of surrounding small holders. The educated elite were far more adept at manipulating the legal system, water rights and the financial institutions than were illiterate peasants (Klaren, 1973; Passim). While the semi-feudal tenure system endured for centuries in much of Latin America, eventually the extreme disparities between "haves" and "have nots" contributed to political instability. Cries of "tierra o muerte" (land or death) reverberated across the continent. The dissatisfaction of the landless peasants and small holders was a major driving force in the bloody and destructive Mexican Revolution. Other land based revolutions were also violent, e.g., in Bolivia and Cuba.

Grants from the Crown were not the only source of latifundia. Landholdings were often expanded at the expense of surrounding small holders. The educated elite were far more adept at manipulating the legal system, water rights and the financial institutions than were illiterate peasants (Klaren, 1973: Passim). While the semi-feudal tenure system endured for centuries in much of Latin America eventually the extreme disparities between "haves" and "have nots" led to political instability. Cries of "tierra o muerte" (land or death) reverberated across the continent. The dissatisfaction of the landless peasants and small holders was a major driving force in the bloody and destructive Mexican Revolution. Other revolutions were also violent, e.g., in Bolivia and Cuba.

The phenomenon of land concentration been limited to one continent or historical epoch. Both the ancient Greeks and Romans conducted agrarian reforms. Nasser initiated an agrarian

reform in Egypt and Japan experienced a thorough land reform under the American occupation (Tuma, 1965: Passim).

Examples of concentrated land holdings are also to be found in sub-saharan Africa.

-"...the Kenyan goal of small relatively prosperous landowning farmers with a stake in a stable capitalist system and an interest in progressive farming practices is increasingly threatened by the rise of land concentration, exploitive tenancy, landlessness and other patterns other patterns which seem to go hand-in-hand with the tolerance of unregulated freehold tenure..." (Cohen, 1978: p. 24).

While Kenya has some very prosperous farmers, it also has one of the highest proportions of landless agricultural labor in Africa (ibid. p.25). Whether the disparities will lead to political unrest remains to be seen.

The traditional Gambian land tenure system precludes absentee ownership and the extreme concentration of control which characterized the prereform situation in all of the above mentioned countrys. Whatever other agrarian problems it may have, The Gambia does not have to contend with that kind of unrest.

Traditional Tenure and Development Requirements

What constraints does traditional Gambian land tenure pose to agricultural development? To answer this question, we will examine six separate dimensions of agricultural development. Due to their inherent differences, it was also necessary to separate crop and livestock production.

Specification of the six dimensions of development permits a systematic analysis and provides an opportunity to critically examine assumptions which frequently occur in the literature. The major concerns of development agencies, both donor and recipient, in the 1980s are also reflected.

Land tenure policies can never be based on totally objective criteria. There are no objective criteria to ultimately decide if a system should be more socialistic or more capitalistic, for example. However, well informed decisions are possible and history provides a large amount of experience to instruct anyone who wants to learn from it. It is recognised that every country and situation has unique elements. Nevertheless, at least the broad outlines of the consequences of any policy can be estimated in advance of implementation. Trade-offs among alternatives can be made explicit.

Adoption of Technology

Agricultural development requires the introduction and use of new technology. Upland crop production in The Gambia is devoted primarily to food grains, groundnuts and cotton. These are all annual crops produced during the rainy season. The technologies which will increase yields or production efficiency of these crops consist of improved varieties, chemical fertilizer, pesticides, mechanization and various management practices

all of which produce essentially all of their benefits in the crop to which they are applied. Past experience indicates that some package or combination of these practices generally provides the most efficient way to increase crop production. Consequently this will be the line along which crop production will probably be developed.

In the Gambian land tenure system, the entire crop yield, even on borrowed land, goes to the cultivator. The innovative producer captures the total benefit from any new technologies employed. Thus, the producer has the maximum motivation to increase production. No manipulation of the land tenure system would increase that motivation, i.e., provide greater benefits or incentives to the adopter.

Wet rice and vegetable gardening pose a somewhat different situation. Since they are dependent on irrigation, capital intensive improvements such as wells and water control structures may also be required for development to occur. Benefits of capital investments are recovered over the life of the item involved. Major irrigation improvements have and will very likely continue to be the exclusive province of the government due to the amounts of capital and expertise required. These projects have operated under a usufruct tenure scheme. Once selected, a participant has the implicit right to continue using the same plot as long as performance is satisfactory. There is little, if any, evidence that this tenure system has created any problem on the recent Jahaly-Pacharr project. The earlier Chinese sponsored irrigation schemes, required labor input for land clearing in return for what has turned out to be essentially a traditional tenure right to the plots. Beyond that, since the total benefit from improved seed, fertilizer, pesticides, etc. is captured annually by the cultivator, the motivational situation is the same as with upland crops. Any vegetable garden on land originally cleared by the tiller or her family would tradition-

ally carry heritable and permanent use rights. Therefore in most cases, the gardner could expect to have continuous access to any improvement such as a better well.

Livestock production poses a very different situation than crop production. This analysis focuses on grazing livestock, cattle, sheep, donkeys and horses. These animals all depend on forage for the bulk of their nutrition and have similar needs so far as land tenure is concerned. What new technologies would be used to increase meat, milk production, and/or draft power? Selective and controlled breeding, improved pest and disease control, various management practices and improved nutrition in some combination would constitute the necessary package of practices. Improved nutrition might require supplemental feeding, but certainly in the Gambian situation, also enhanced forage production. Almost all livestock forage now comes from the common grazing or bushland.

While the other technical practices might possibly be employed under the traditional grazing tenure system, increased forage production will almost certainly be constrained. Forage production and management requires exclusive control over the land just as crop production does. This includes control of the stocking rate and control over the time animals may graze any particular area. No such control is possible under the traditional open commons arrangement. Without improved forage there are definite limits to livestock improvement. Therefore, some tenure changes will likely be necessary to remove this constraint.

Efficient Resource Allocation

In order for development to occur, land must be allocated among those cultivators who put it to the most productive use.

That is, it must be combined with other inputs and managed in a way which achieves an optimum output in relation to those inputs. Western economists tend to favor private ownership and a free market as the mechanism to allocate land and other inputs. However, it is fair to ask whether a similar result might be achieved with an alternative mechanism.

The traditional Gambian system allocated cropland first to those who are willing to clear it and cultivate it. After that, need and ability to plant a crop are the dominant criteria for assignment of land by village and district chiefs. Status, family connections and political influence may also enter the decision process just as they do in free market situations. While compensation is rarely paid for vacated holdings, changes of residence are not rare.

A 1986 survey of 293 participants in the Jahaly-Pacharr Smallholders Project indicated some mobility. One third of the sample respondents indicated their household had been in their village more than 40 years, one third had been there between 20 and 40 years and one third of the households had lived in their present village less than 20 years. These were all agricultural households and nearly all the relocation occurred before, and independent of, the project.

Another type of land reallocation has occurred as a result of the project. As participants took up irrigated project plots, they vacated some of their upland plots. Many of these plots have been assigned to strange farmers or loaned to relatives (Eastman and Jammeh, 1986). Clearly the traditional system permits reallocation of land among cultivators willing and able to use it.

Use of Credit

How much does the inability to mortgage land constrain agricultural development? To answer this question, one must look first at the kind of credit which is likely to be most beneficial to Gambian agriculture in the foreseeable future. Given the annual nature of Gambian crops, the major need for credit will be production inputs such as fertilizer, seed, pesticides and to pay hired labor, or to buy implements.

Crops, livestock and machinery provide adequate collateral for agricultural production credit in the developed countries and could be expected to serve equally well in developing countries such as The Gambia. This would be particularly true for the mix of commodities Gambia produces. Much of the production credit has been provided by the government. The rate of repayment has been quite low due in some years to adverse weather. It has proven politically expedient to forgive or write off many loans. Low payment rates threaten the viability of any credit program but the problem cannot be ameliorated by changing land tenure rules.

Equity

Helping "the poorest of the poor" is an oft repeated slogan these days especially in international development circles. "Closing the gap between rich and poor" is another familiar phrase. While other things are also involved, nothing is more central to the distribution of rural wealth or opportunity than land tenure. Land is the basic productive resource therefore access to it is one, if not the major determinant of opportunity in agriculture.

Traditional Gambian land tenure, based as it is on use, is an inherently equitable system. Every rural household has access to some land and an opportunity to produce for their minimum subsistence needs. There are no landless peasants and no tenants being exploited by excessive rents. As was pointed out above, the traditional Gambian proscription on the alienation of land, that is to mortgage, rent or sell it, prevents concentration of land into large holdings. Some will argue that this will prevent aggregation of larger and more efficient production units. However, if fertilizer, genetic material and pesticides are scale neutral as is often argued, then their use should not be dependent on increasing the size of operating units.

Landholding in The Gambia is not yet a zero sum game where one holder acquires land only at another's expense. There appears to be at least a small amount of uncultivated agricultural land available in many villages. However, a large increase in the size of even a few holdings, particularly of the more productive land, would almost certainly create land shortages in many areas. In the current application, equity does not require that everyone have exactly the same amount of land. Rather it is a relative concept. Conditions of complete equality are probably unobtainable and probably not desirable. On the other hand, situations in which a small elite lives super abundantly while the masses of small holders or landless rural residents are unable to meet their minimum material needs, would be judged inequitable by most contemporary standards.

Traditional Gambian tenure does not discriminate among livestock producers. Everyone has the right to own and graze as many animals as they want. The outcome is anything but equal, however, as might be expected. Most households have only a few animals while a handful of owners have herds numbering 1,000 cattle or more. Changes in the grazing tenure arrangements will be necessary if any effective range management is ever to be

achieved in The Gambia. A major issue in any change will be to maintain some degree of equity among livestock owners and prospective owners. Deciding whose access is to be limited and by how much causes more difficulties in communal grazing than any other issue.

Resource Conservation

If agriculture is to be a sustainable activity then attention must be given to maintenance of the primary resource base, in this case the soil, water and vegetation. Casual observation indicates The Gambia is experiencing some soil erosion and degradation of the natural vegetation. Conversations with soil scientists and range ecologists confirms that deterioration is indeed occurring. The question which confronts us is whether the traditional land tenure system causes or encourages resource misuse. Secondly, would the existing system discourage or constrain conservation efforts?

To take cropland first, the land holder's motivation to conserve should be identical in traditional and in freehold tenure systems. If the traditional landholder feels secure in his tenure, as I argued in an earlier section is the case, he should have the same motivation as any freeholder. Ability to alienate the land should not influence conservation practices one way or the other. And since he can expect to leave the land to his heirs, his interest should be equally long term. Borrowers of land might be expected to have the same motivation to conserve as a renter in a freehold system. Therefore, we would argue that traditional tenure would present no special constraints to conservation of cropland. Further, a switch to a freehold system would not in itself provide any special incentive for greater conservation efforts.

The situation with respect to grazing land is quite different. All grazing areas are an open common into which every Gambian can put whatever animals he chooses. Therefore, no control can be exercised over the number of animals that graze in any area or when they graze. Lack of control contributes to severe deterioration and renders conservation efforts virtually impossible. Open commons elsewhere in the world tend to have the same experience, that is, erosion tends to be severe and the quality of grazing low (Eastman and Gray, 1987). The Gambian situation is further complicated by the weather pattern. Forage is relatively abundant during the rainy season becoming very scarce as the dry season progresses. Aside from groundnut residues fed to draft animals, little supplemental feeding occurs.

Increases in feed intake particularly toward the end of the dry season would almost certainly be an integral part of any comprehensive livestock development scheme. Increased forage production, whether improved pasture, deferred grazing or by whatever method, requires a degree of control that the traditional tenure system precludes. Therefore, some changes would be necessary. These could take a variety of forms, a few of which will be explored in the next section.

Security

It was pointed out above that the right to alienate land is frequently confused with security by western analysts. Individuals who do not understand the social structure of an African village find it difficult to believe that land use rights can be held relatively permanently unless they are "secured" by a deed or title. Yet the evidence in The Gambia shows that land is retained by farm families from one generation to the next and that it is not reallocated unless the farmer ceases to use it or leaves the village. Further, in the developed world, land can be

lost for a number of reasons and occasionally is. Thus, there is no convincing argument that African (or Gambian) land tenure is any less secure than freehold tenure.

There is another aspect of security which also merits attention. That is security of livelihood. The traditional tenure system provides a significant security net under every Gambian with roots in a rural village. Even if the whole compound moves to an urban area to seek its fortune, there is also the possibility to return to the land if things go wrong. This option must be reassuring to at least the first generation of migrants. It probably has less value to succeeding generations which have largely lost the husbandry skills necessary for survival on the land.

Conclusions and Recommendations

Governments of developing countries face a delicate dilemma with respect to land tenure. On the one hand tenure systems are dynamic, they evolve in response to a variety of forces that constantly impinge on them. This is especially true in periods of rapid economic development and social change. Commercialization of production often puts severe pressure on resources which were previously plentiful. Consequently the emerging situation must be continually monitored to determine emerging needs.

On the other hand, planned changes in land tenure are often stoutly resisted. Landholding rights have profound social and economic implications. They are a major determinant of social status, wealth and political power. Those perceiving adverse impacts from tenure reforms frequently mount a stout opposition to change. In any situation where changes are attempted, the government may devote substantial resources and only obtain very modest results unless it is well prepared with the proper strategy.

The survey results indicated very little dissatisfaction with traditional land tenure among Gambian farmers and livestock owners. Certainly there is no ground swell of sentiment to support major reforms. However, pressures are building which are likely to hasten the pace of change. Both the human and livestock population are expanding, a factor which is rapidly increasing pressures on cropland and on forage supply. More of both are needed each year. The supply is not expanding and may already be inadequate in several areas. In addition, development has brought the first tentative stages of commercial production, e.g., in the irrigated rice schemes near Sapu. Pressure to alienate these lands would be expected and in fact there is some evidence that land rentals and sales may have already begun to occur (Dey, 1982). If left alone, the situation could evolve

into an intractable and chaotic mess without proper surveys to officially mark boundaries and without written records of holdings and transactions. The emerging situation should be actively monitored.

Results of the analysis in the foregoing section indicate that traditional cropland tenure will not constrain the type of agricultural development which is likely to occur in The Gambia in the near future. The traditional tenure system for cropland is able to accommodate the basic requirements of development. Essentially all the benefits from the use of new technology and from conservation efforts accrue to the cultivator. This provides him or her with the maximum motivation to adopt such practices. Land is being reallocated among producers under traditional tenure. Production credit can be provided on the same basis used in developed countries. Gambian tenure provides cultivators with as much or more security in their holdings as does freehold tenure. Finally, it is an equitable system which provides a minimal subsistence for essentially everyone and precludes the accumulation of very large holdings.

It would seem there is little to be gained from substantial reforms in cropland tenure, at least in the immediate future. In fact, there are good reasons to try to preserve many of the features of the traditional tenure system. For example, introduction of freehold tenure with rights to alienate land would probably require an inordinate amount of resources and produce some undesirable side-effects. It is more than coincidence that Kenya has a large class of landless rural laborers along with freehold tenure. It would be very difficult if not impossible to maintain the level of equity of the present traditional system while introducing the right to alienate land. While it may not prove possible to totally prevent land sales and rentals, equity considerations would argue against active promotion of a freehold type arrangement.

It is recommended that first priority in land tenure matters be devoted to reforming grazing tenure. This is not because short term or highly visible results are likely. They are not. However, grazing livestock - ruminants, horses and donkeys - constitute a substantial segment of Gambian agriculture. If there is to be significant improvement in livestock production, then substantial increases in forage production will be required among other things. Improved forage production, in turn, requires controlled access to grazing land. Animal numbers must be limited and grazing must be managed. Experience elsewhere in Africa and in other parts of the world has shown this kind of control is extremely difficult to achieve in democratic societies. It is difficult to achieve even with substantial coercion. Experience has also shown that open grazing commons reduces animal production to a very low technological denominator, usually well below the minimum level for commercial success in a developed country (Eastman and Gray, 1987). Consequently, development in the livestock sector is very unlikely until there is at least a partial closure of the commons.

A full blown strategy for grazing tenure reform goes well beyond the scope of this paper. However, a few suggestions for such a program are appropriate. The village will probably be the most appropriate unit for grazing enclosures. Smaller units would not likely be feasible for both economic and political reasons. As was pointed out above, small semi-arid pastures for individual producers are often not economically feasible due to the high cost of water development and fencing even in the developed countries. The economics may be even less favorable in a developing country. Many Gambian villages have grazing areas where they have already established more or less exclusive customary rights through many years of continuous use. Such areas could be formally designated exclusive management areas for improvement with minimum disruption to surrounding villages'

livestock operations. Those villages with a low rate of intrusion from outside livestock would be the first candidates for pilot livestock management and forage improvement programs. Among other things, villagers would have to agree to limit animal numbers as part of the livestock development project. This is a fundamental change in tenure and, as emphasized elsewhere, will be difficult to achieve.

If grazing tenure reform is to have any chance of succeeding there must be demonstrable benefits. Livestock owners must be able to see that by limiting the number of animals and by adopting various other practices more meat and milk are possible, even from fewer animals. This is not an easy concept to demonstrate. Most Gambian livestock owners equate greater livestock benefits with greater numbers. With traditional technology that equation is valid. However, at the same time most Gambian livestock owners are well aware of the condition of their animals and can recognize when their condition improves. Lower death losses and larger animals will not go unnoticed.

With persistence and the proper strategy, progress in livestock development should be possible. Changes in grazing tenure will almost certainly be an integral component of that development. Those changes will most likely be evolutionary rather than revolutionary given the existing climate in The Gambia. Leadership will be no less important in such an evolution.

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