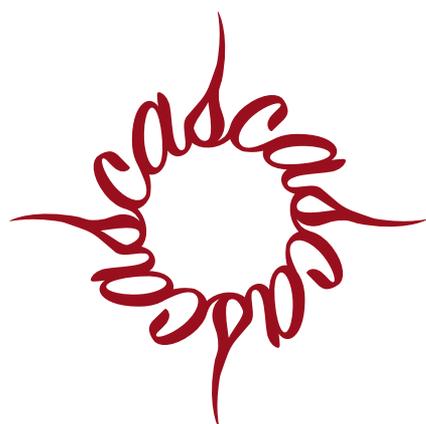


ASC–TUFS Working Papers 2018

Development, Migration, and Resources in Africa

Edited by

Hitomi Kirikoshi, Yasuo Matsunami, and Shinichi Takeuchi



ASC-TUFS

African Studies Center – Tokyo University of Foreign Studies

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Address) 3-11-1, Asahicho, Fuchu-shi, Tokyo, 183-8534, Japan.
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E-mail) africanstudies-center@tufs.ac.jp
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Foreword

It is our great pleasure to publish this volume compiling the results of the research activities of the African Studies Center – Tokyo University of Foreign Studies (ASC-TUFS) in 2018. It derives mainly from a research project and two research meetings that are mutually related. First, assisted by the Japan Society for the Promotion of Science (JSPS), we started the three-year research project titled ‘Resource Management and Political Power in Rural Africa’ in April 2018 (JSPS Grants-in-Aid for Scientific Research (B). Principal investigator: Shinichi Takeuchi). This project has constituted a centre of the ASC’s research activities since then. The second is a joint seminar that the ASC organised with the University of Pretoria on 13 and 14 September 2018 in Pretoria, South Africa. Around 50 researchers, students, and practitioners from six countries (Cameroon, Ghana, Japan, Mozambique, Rwanda, and South Africa) attended the UP-TUFS seminar, at which 23 papers were presented. Broad themes related to Africa and Japan were discussed on the first day of the seminar. The discussion focused on resource management on the second day. Third, the ASC also jointly organised a panel (Resource Management and Political Power in Rural Africa) and a roundtable session (Resource Management and Political Power: Comparison Between Africa and Asia) with the Institute of Developing Economies – JETRO at the Africa-Asia ‘A New Axis of Knowledge’ Second Edition, an international research conference held on 20-22 September at the University of Dar es Salaam, Tanzania. As an official partner of the conference, the ASC invited a dozen of researchers from Asian and African countries.

Contributors to this volume are either members of the research project or participants at the research meetings, or both. This volume, containing 11 papers, is divided into two parts. Part I is composed of three papers dealing with development and migration. These papers were originally prepared for the first-day meeting at the UP-TUFS seminar. Part II includes eight papers focusing the topic of resource management and political power. All papers in this volume are works in progress, and comments and suggestions are most welcome.

January 2019

Hitomi Kirikoshi, Yasuo Matsunami, Shinichi Takeuchi
African Studies Center – Tokyo University of Foreign Studies



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Part I

Development and Migration

New African debts and natural-resource dependence

Kazue Demachi

African Studies Center – Tokyo University of Foreign Studies, Japan

Abstract

Many African countries suffered from debt overhang from the 1980s to 2000s. As debt cancellation schemes freed the African countries from debt burden, the formerly indebted countries (re)gained access to external borrowing. Using panel data of 36 countries in Sub-Saharan Africa, including 28 heavily indebted poor countries from 2005 to 2016, the impacts of external debts on the countries' macroeconomy, especially on consumption and domestic investment, are tested. Statistics suggest the possibility that current SSA external borrowing is contributing to the economies' stabilization. However, the regression results show that the current external debt does not foster domestic investment. Despite the favourable economic situation with access to international capital, the dependence on external debt is risky for SSA governments given the changes in the international market.

Keywords: Africa, HIPCs, sovereign debt, procyclicality



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1. Introduction

Since the 1980s, many developing countries, including those in Sub-Saharan Africa (SSA), suffered from the external debt problem. When the international special scheme for debt cancellation was initiated, 33 out of the 39 heavily indebted poor countries (HIPCs) were SSA countries. To date, 30 out of 33 African HIPCs have already reached the completion point (IMF 2018).¹ The bilateral debt cancellation was followed by the multilateral debt cancellation under the Multilateral Debt Restructuring Initiative (MDRI), and in most of the countries, a large part of the external debts was forgiven in the 2000s.

As the debt burden was removed, SSA countries, including former HIPCs, started to borrow externally. Their newly gained access to external capital was a big change in the financial environment and has also brought changes in their domestic economies.

The increasing trend of external debt among developing economies was a universal phenomenon in the 2000s, including among SSA countries (Figure 1). The trend indicates the inclusion of less developed economies into the international financial market. In the meantime, most developing economies enlarged their scale of international trade and GDP. The export-weighted debt is hence not necessarily explosive in relative terms. The increase in the value of external trade by SSA countries also suppressed the average debt share in export to around 25% after 2010 (Figure 2).

However, the recent external borrowing by SSA countries is not without reservation. The resolution of the old debt problem does not necessarily mean that their economic structure has changed and the same problem will never be repeated. The following discussion is based on the concern about whether Africa's new debt and economic situations are different from the old ones that brought about the debt crisis.

1.1. External debt

Aside from the international action for debt cancellation, on the background of increasing the external debt of African countries, there exist international investors who searched for higher yield during the period of low international interest rates. Figure 3 shows a comparison of various interest rates. Since the recent international financial crisis, international interest rates (LIBOR, US Treasury bill rate) have been even lower than the average official interest rates for SSA countries. The flow of capital into the emerging and developing economies, including the SSA countries, was further pushed by the high international commodity prices. On the other hand, Figure 3 also shows that the interest rates the SSA governments had to pay for issuing domestic bonds and treasury bills have been quite high partly because of their shallow domestic financial market, so that external borrowing became a very attractive option.

After the debt cancellation, bilateral and multilateral lending to former HIPCs have resumed.

¹Both HIPC and non-HIPC countries such as Kenya and Nigeria benefited from the debt cancellation (Merotto *et al.* 2015).

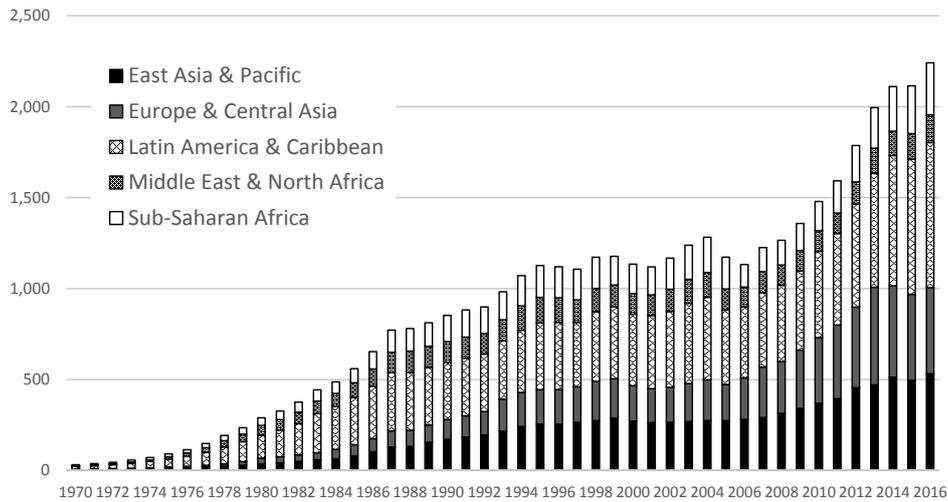


Figure 1. External debt stock by region (current, trillion US\$)

Source: *International Debt Statistics 2018*. Public and publicly guaranteed debt, excluding high-income countries.

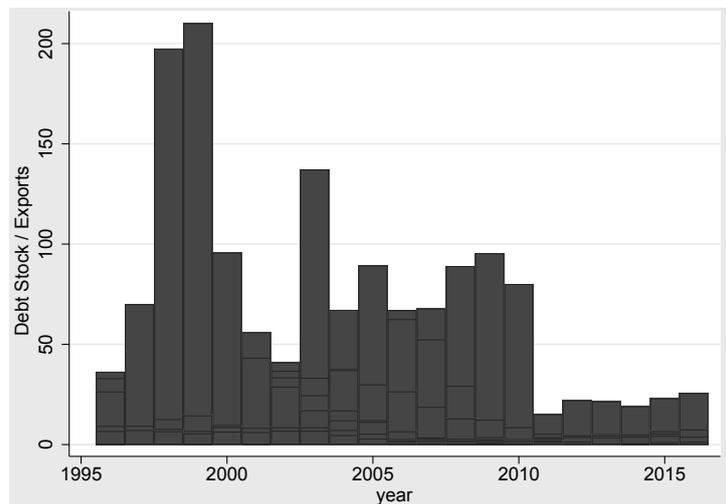


Figure 2. Weighted external debt stock of the Sub-Saharan Africa, 1996-2016

Source: *International Debt Statistics 2018*. Sum of 36 sample countries, weighted by exports.

The completion of the debt cancellation process was an obvious go-signal for some SSA governments to approach the international capital market. In fact, the debt cancellation was not necessarily a requirement for the issuance of sovereign bonds in the foreign market (Eurobond). According to Mecagni *et al.* (2014) and the IMF (2016), most external sovereign bond issuances by African HIPCs occurred well before the completion of debt cancellation, and some countries used the Eurobond proceeds to restructure their debt. The debt maturity (tenor) of Eurobonds issued by SSA countries (including non-HIPCs, excluding South Africa) is 11 years, and the coupon rate is 8.3% on average as of 2014 (Mecagni *et al.* 2014:7).

According to the *International Debt Statistics 2018*, Guinea (2004), Ghana (2004), Senegal (2009), Zambia (2012), Uganda (2012), Rwanda (2013), Mozambique (2013), Ethiopia (2014), Cameroon (2014), Madagascar (2014), and Côte d'Ivoire (2014) issued the Eurobond for the



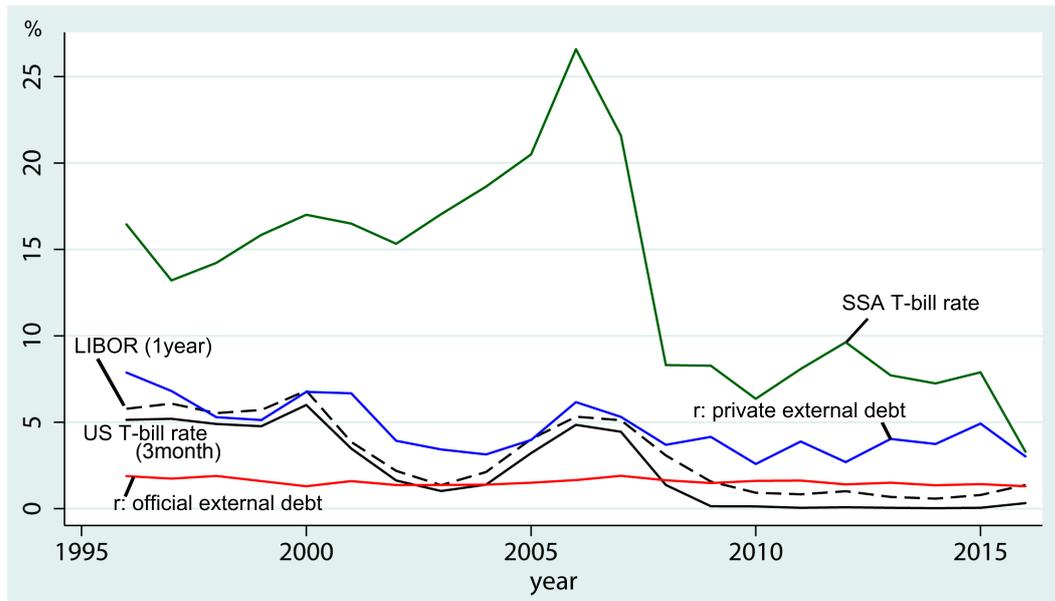


Figure 3. Interest rates, 1996-2016

Source: LIBOR, US T-bill rate, and SSA T-bill rate are based on IFS, and the interest rates for external debt are based on the International Debt Statistics.

Note: SSA T-bill rate is the average of 19 countries from the sample. Interest rates for external public and publicly guaranteed debts (to official/private creditors) are averages of the sample countries, and the rates are the average of the interest on new external debt commitments.

first time (The World Bank 2018a), and some of these countries issued it again in the succeeding years (years of the first issuance of Eurobond in parentheses).² Several countries also succeeded in issuing a private (publicly non-guaranteed) Eurobond. The share of the Eurobond and external bank loans in the total debt of the SSA countries is still small, given the fact that bilateral and multilateral debts share the majority of external borrowing for most of the SSA. However, the debt cancellation has changed the financial environment, especially for SSA governments, as it offers new options for financing their deficit.

1.2. Conventional challenges and new debts

The SSA countries experienced relatively fast growth in the 2000s, especially compared with the 1980s and 1990s. One important factor supporting the growth was the commodity boom. International commodity prices, especially those of natural resources such as metals and energy increased in the 2000s. There was a volatile period around 2007 and 2008, but prices remained high compared with the 1990s. The high prices have fostered new exploration and development of new natural resource production projects, even in geographically and politically difficult areas in the SSA. Today, majority of SSA countries, though in varying degrees, export mining-related natural resources. While the volume of natural resource export differs by country, the sample statistics (explained in the next section) show that their dependence on resource export, measured

²As in the case of Mozambique, in some countries, 'sovereign debt' is sometimes issued through an unofficial opaque process, and the debt statistics may be understating the reality of debt.

by the share of natural resources in the total goods export by SSA countries, is increasing year by year. This reflects the high international resource prices in the 2000s on one hand, and on the other, suggests that majority of SSA countries are not succeeding in diversifying the revenue source and economic structures.

It is a stylized fact in the literature that resource-dependent economies are unstable, economically and politically, and prone to shocks. The problems of economies with abundant exhaustible natural resources and economic dependence on them are often discussed as ‘resource curse’ (Auty 1990, Gelb *et al.* 1988, Sachs and Warner 2001). A wide range of problems, from changes in exchange rate and industrial structure (Dutch disease) to corruption, incidence of violence, and domestic conflicts, are included in the resource curse (Corden and Neary 1982, Corden 1984, Karl 1997, Collier and Hoeffler 2000). On the other hand, Van der Ploeg and Poelhekke (2009) argue that the resource price volatility is negatively correlated with per capita output growth, and growth volatility is higher in resource-dependent countries. This suggestion is noteworthy given the analysis by Ramey and Ramey (1995) that volatile economies in general grow slower.

While natural resource abundance and dependence are old problems and present conventional challenges to many developing countries, it is worth noting that natural resource abundance post debt cancellation can have a different meaning, as the future natural resource revenue can be viewed as the collateral for external debt, which enables external borrowing even for a relatively low-income country (Ketkar and Ratha 2009).³ Moreover, it is widely known that some countries, especially China, are offering loans (or grants) in exchange for the natural resources. Such decisions can be also backed by the recent high prices of the resources.

Among the economic problems stemming from natural resources, one problem closely linked to external debt and capital inflow is the procyclicality of the macroeconomy. For resource-rich countries, external credit often tends to be readily available when the resource revenue is high and the economy is buoyant, but it becomes more costly and harder when the economy slows down, which is exactly when the government is in need of hard currency. Aside from this problem, most African countries suffer from weak tax collection systems, which lead to chronic budget deficits in meeting the high demand for spending on development projects. In countries where fiscal rules are not established or institutionalized, government expenditure easily increases when revenue and capital inflow increase, but it is difficult to reduce spending even when revenue decreases. Alesina *et al.* (2008) analyse the reason for fiscal procyclicality in developing countries based on a theoretical model and empirical tests. They conclude that governments spend more on the demands of voters, and more corrupt governments tend to

³The distinction between resource *abundance* and resource *dependence* is critical. Determining how the resource endowment is measured has been an issue in examining the existence of the ‘resource curse’ (e.g., see Alexeev and Conrad 2009). On the other hand, in this analysis, resource dependence is the focus since it suggests the absence of other industries within the economy to buffer the resource price and revenue volatility. Resource abundance does not necessarily mean economic dependence.

have a procyclical fiscal policy. Thornton (2008) also analyses the economic procyclicality of African countries using data from 37 African countries and shows that their *consumption* is more procyclical than the economy itself. On the other hand, Berg *et al.* (2013) discuss the procyclicality of resource-dependent economies and analyse the validity of resource funds to stabilize the economy by enabling countercyclical government spending.

The nature of the international capital flow is indeed procyclical: Capital flows in when the economy is growing, and the flow reverses when the economy is slowing down. The literature suggests that resource abundance is a disadvantage for developing economies and resource dependence should be overcome, but economic procyclicality (or the ‘boom and bust’) is also often discussed as one of the challenges for stabilization of the economies, regardless of natural resource dependence. Easterly *et al.* (2000) highlight that the stability of growth is correlated with higher growth, and they additionally suggest that financial development is important for stabilizing the growth. Related to this point, Talvi and Végh (2005) reveal the contrasting facts between developing and developed economies that while fiscal policies in developing countries tend to be procyclical, they tend to be acyclical or countercyclical in developed economies. Using a similar argument, Alesina *et al.* (2008) conclude that procyclical governments incur a large debt when the economy is buoyant. Frankel *et al.* (2013), on the other hand suggest that institutional quality has a strong correlation with the countercyclicality of fiscal policy.

These previous findings leave us with several questions related to the procyclicality of the new external borrowings by SSA countries. The first question is about whether resource-rich countries are externally borrowing more, given the recognition of future resource revenue as a collateral for external borrowing. The second question is about procyclicality and whether recent external borrowing is cyclical to the economic conditions of debtor countries. The third question is whether the negative correlation between government fiscal procyclicality and growth, as suggested by Talvi and Végh (2005), is also applicable to SSA countries in the new debt period. The final question is more fundamental: Are the new external borrowings contributing to investment, or are they consumed, and by whom?

The rest of this paper is constructed as follows. Section 2 describes the data and model specification. Section 3 addresses the first three questions regarding procyclicality. Section 4 discusses the econometric model to address the third question and presents the regression results. Section 5 concludes.

2. Data

A panel dataset is used in this analysis that consists of debt and macroeconomic statistics of 36 countries in the SSA, including 28 HIPCs, for the period from 2005 to 2016. Several countries, such as Angola and Nigeria, are excluded due to the large scale of their economies. Some observations are missing depending on the country and year, and this resulted in an unbalanced panel. The list of the countries is presented in Appendix B.

External debts of a country consist of bank loan and bond, both public ('public and publicly guaranteed,' PPG) and private ('publicly non-guaranteed,' PNG). In addition, developing economies receive bilateral and multilateral loans, both concessional and non-concessional. Regarding the sample countries, the composition of external debt varies from country to country, but bilateral and multilateral debts still share the majority of debt for SSA countries. Given that, for most countries, the debt problems of the 1980s and 1990s arose due to the accumulation of bilateral and multilateral debt, the situation of public-led capital flow has not changed dramatically.

The debt statistics are obtained from the *International Debt Statistics 2018* (The World Bank 2018a), and macroeconomic indicators are obtained from the *World Development Indicators* (World Bank 2018b). In using the debt data, some studies use the net statistics (such as net transfer) of debt flow. However, as Powell and Tavella (2015) discuss, cancelling out the inflow and outflow of capital leads to loss of information on the capital movement, because large capital inflow is often associated with large outflow. Therefore, in this analysis, the inflow (disbursement) is used to capture the flow of external capital as debt.⁴

The official debt information is recorded by international institutions, and the statistics are recently compiled under the *Joint External Debt Hub* by the Bank for International Settlements, International Monetary Fund, Organization for Economic Co-operation and Development, and the World Bank. On the other hand, despite its large existence in the African economies, the official statistics for Chinese loans are not obtainable. In this analysis, the estimates of Chinese loans are considered based on the database constructed by the *China Africa Research Initiative* at Johns Hopkins University (China Africa Research Initiative 2018).

Trade statistics of SSA countries often suffer serious defects, and there are often huge gaps between the figures reported by different data sources. In this analysis, the export statistics are based on the UN Comtrade database, but taken in the reverse way. That is, the export of SSA countries is calculated as the sum of imports by other countries (reporters) in the world, as long as they are in the database. The import statistics reported in UN Comtrade is CIF data (including cost, insurance, and freight), and the export statistics are FOB data (free on board). Thus, the export and import values differ in exclusion (inclusion) of insurance and freight besides cost, and therefore this method overstates the export values and understates the import values. Nonetheless, the reversed trade statistics are the best available approximate for the sample countries to maximize the data coverage of the countries.

To control the dependence on natural resources, the share of natural resource export is also calculated using the UN Comtrade database. Natural resource here include oil and ores (specified under the UN HS codes 26 and 27) and the articles thereof (specified under the UN HS codes 71, 72, 73, 74, 75, 76, 78, 79, 80 and 81). Summary statistics are reported in Appendix C.

⁴In the previous versions of the analysis, the outflow of capital, amortization of debt, and interest payment were also included in the analysis. However, as amortization usually takes place regularly at a constant amount, no statistically significant results were obtained.

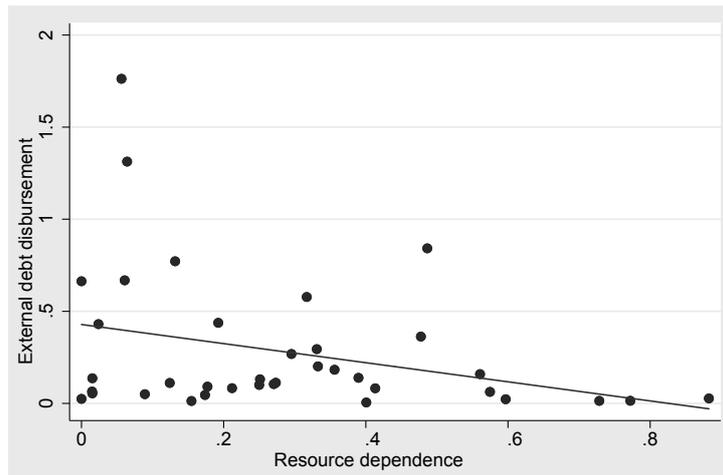


Figure 4. Resource dependence and external debt, 2016

Note: Resource dependence is calculated as the resource export divided by total goods export (UN Comtrade), and the debt disbursement is denominated by total export to control the economic size. For statistical details, see Appendix.

3. External debt and procyclicality

3.1. Resource dependence and external debt

Resource abundant countries may be able to incur debt using the natural resource as *de facto* collateral. However, movement of the international commodity prices will directly affect the value of the collateral, and thus the capacity to access the external credit increases when resource revenue is high, which can lead to procyclical government spending. In this context, as Van der Ploeg and Poelhekke (2009) argue, the linkage between natural resource dependence and external debt may exacerbate the volatility of the economy.

Figure 4 shows the plot of correlations between resource dependence (country mean for the sample period) and external debt disbursement (weighted by export) for 2016. It shows a clear negative correlation, and the tendency does not change in different years, even when debt disbursement is replaced by total debt stock. Against the expectation, existence of the natural resource and the future prospect of resource revenue does not necessarily result in more external borrowing. While the sample excludes some big economies, such as Angola and Nigeria, inclusion of those countries does not affect the negative correlation between resource dependence. This suggests that mere abundance of natural resources does not grant access to credit.

3.2. External debt and procyclicality

If the government of faster growing countries are borrowing more, it suggests an existence of economic procyclicality. Table 1 shows the partial correlations between external debt and output growth rate of the sample countries. Various lags are included, but none of the correlations are statistically significant, suggesting that there is no correlation between past and current growth and external debt disbursement. This at least suggests that recent external borrowing by the SSA countries is not triggered by their rapid growth.

Table 1. Correlations between output growth and external debt

	ppg disbursement	png disbursement	total disbursement
gdp	-0.0019 (0.9586)	-0.0126 (0.7289)	-0.0046 (0.8982)
with 1 year lag of gdp	-0.0078 (0.8345)	-0.0131 (0.7242)	-0.0105 (0.7768)
with up to 2-year lags of gdp	0.0130 (0.7328)	0.0030 (0.9366)	0.0134 (0.7245)
with up to 3-year lags of gdp	0.0238 (0.5415)	-0.0062 (0.8727)	0.0219 (0.5739)

Note: P-values are in parentheses. *gdp* denotes GDP growth rate, and *ppg* and *png* denote ‘public and publicly guaranteed’ and ‘publicly non-guaranteed’ debt, respectively. Debt disbursement is denominated by export value to control the economic size.

Given that neither the natural resource nor high economic growth is enabling external borrowing by SSA countries, it is worth to examine the characteristics of countries that have access to external capital. Asiedo (2003) and Djimeu (2018) offer a hint regarding this point. They suggest the importance of the institutional quality of SSA countries for attracting foreign direct investment (FDI) and ensuring growth after debt relief. Figure 5 shows a scatter plot of institutional quality and external disbursement in 2016. The countries with higher institutional quality have relatively larger external borrowing. This positive correlation is stable since 2009 and 2010 even if another index of institutional quality or detailed statistics for debt disbursement is taken, or another year is taken. However, before 2009, positive relations between institutional quality and bilateral and multilateral disbursement are absent (the index for institutional quality is only available since 2005). This suggests a possibility that public loan conditions for the SSA have changed since 2009 or the institutions of loan-taking countries have improved. A further investigation is beyond the scope of this study, but the bottom line is that as the external borrowing of the SSA increased after 2009, international capital flowed into the economies with higher institutional quality.

3.3. Government fiscal procyclicality and external debt

The existing literature suggests that economic volatility is negatively correlated with growth (Ramey and Ramey 1995, Van der Ploeg and Poelhekke 2009). This point is tested with the current dataset. Figure 6 shows the scattered plot of growth volatility (standard deviation of the annual growth rate) and long-term growth rate (mean for the period between 1996 and 2016). The negative correlation is in accordance with the existing studies, suggesting that the higher the economic volatility, the lower the long-term growth rate.

On the other hand, Talvi and Végh (2005) suggest a positive correlation between economic volatility and government fiscal procyclicality. Based on the current sample, Figure 7 shows the correlation between growth volatility and the government fiscal procyclicality calculated as the covariance of GDP and government consumption. The results should not be compared directly, as Talvi and Végh (2005) use the standard deviation of real output as the measure

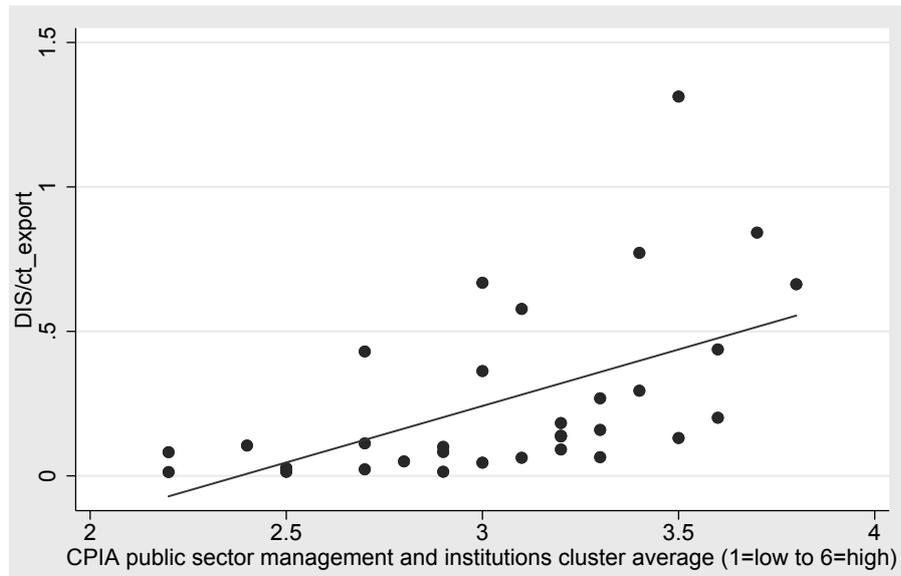


Figure 5. Institutional quality and external debt, 2016

Note: The index for institutional quality is taken from *Country Policy and Institutional Assessment* by the World Bank. For details of statistics, see Appendix.

of economic volatility.⁵ Nonetheless, it is interesting that, contrary to their suggestion, the correlation between economic volatility and government fiscal procyclicality is negative for the SSA countries, suggesting that the higher the government fiscal procyclicality, the lower the growth volatility. Figure 8 further shows that the higher the government fiscal procyclicality, the higher the rate of long-term growth. Finally, Figure 9 shows the positive correlation between long-term growth rate and government external debt procyclicality measured as the covariance between external debt disbursement and government consumption. These correlations suggest that recent African government spending is positively affecting the economies' stabilization, and government spending supported by external debt is associated with higher long-term growth rate. Given the relatively large economic share of the government sector in SSA countries, these results should not be surprising. The private sector is still small in African countries; thus, government consumption has a large influence on the whole macroeconomy, and government spending can be strongly linked to external borrowing.

4. External debt for investment or for consumption?

Externally raised capital is often used to finance the current account deficit in developing countries. The question then is, what is imported? This is indeed a recurrent question, as Wall (1968) discusses the relationship between import and growth (in criticizing Raúl Prebisch for his argument of 'trade, but not aid') stating that if the import is to serve for economic growth, it needs to be of capital goods, not consumer goods.

⁵The difficulty in calculating real values for the statistics of African countries hinders the usage of the equivalent statistics in this analysis.

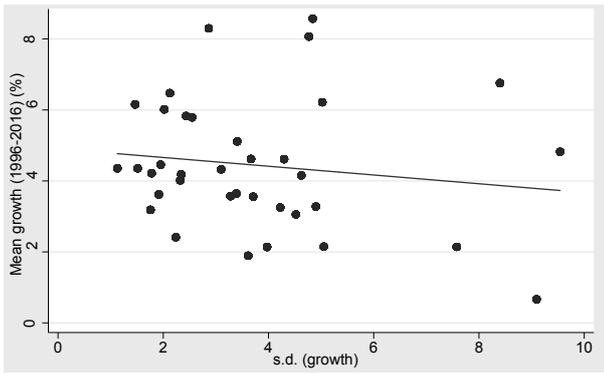


Figure 6. Growth volatility and growth

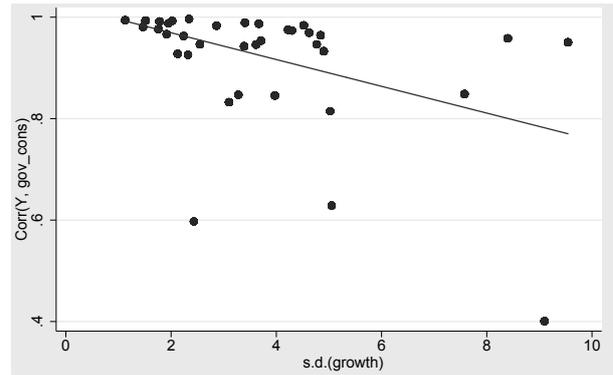


Figure 7. Growth volatility and fiscal procyclicality

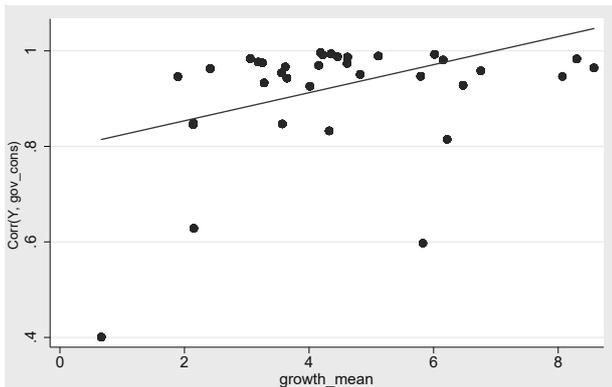


Figure 8. Growth and fiscal procyclicality

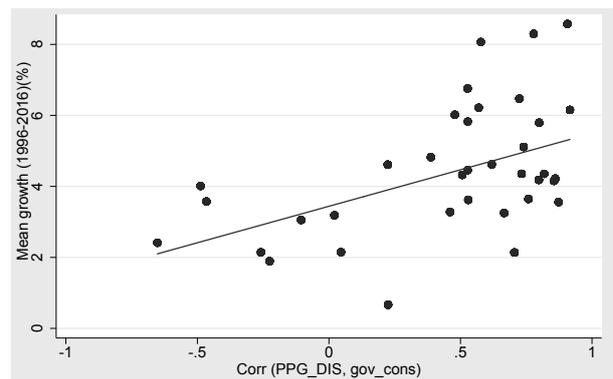


Figure 9. External procyclicality and growth

In an economic sense, the borrowed money needs to be invested in productive projects so that the debt can be paid back in the future with interest. However, in reality, external debt, especially concessional debt tends to be incurred and granted to support a consumption of the government in trouble. The discussion about the purpose of *international aid* is clearer on this point. Burnside and Dollar (1998) argue that if the development aid is not allocated for productive investment, it should support the consumption of the poor. In case of aid for very poor countries, they suggest that supporting the consumption is not necessarily a problem, but ‘the issue is, whose consumption’ (ibid.:10). The discussion about aid should not simply be applied to public loans and sovereign debts, as the difference between aid and sovereign debt is vague, especially for developing countries.

Based on this understanding, the econometric model is specified to observe the influence of external debt on investment and consumption. As Talvi and Végh (2005) point out, it is often very difficult to classify government spending into investment and consumption. While this is basically due to the limitation of the official statistics, they also argue that government investment in unproductive projects should be regarded as consumption since it does not produce future revenue, although the criteria for classifying productive and unproductive project is very vague. In this study, consumption is categorized as private or government, although government consumption may include investment. On the other hand, investment statistics do not distinguish

between private-led or public-led.

To capture the movements in domestic investment, two different statistics, capital goods import (*ct.k*) and gross fixed capital formation (*gfkf*) are used. The former statistics are based on the assumption that external borrowing must be closely related to changes in imports, while the latter are understood as changes in domestic investment as a result of trade and transactions. To capture the changes in consumption, three different statistics are employed. Consumer goods import (*ct.cons*) is assumed to reflect the changes in imports closely related to consumption, while private consumption (*p.cons*) and government consumption (*gov.cons*) reflect consumption of the private and public sectors respectively. Categorization of imported goods into consumer goods and capital goods is based on the UN Comtrade Broad Economic Categories.

4.1. Model

The regression models are specified for investment and consumption separately, as following.

$$\Delta \mathbf{Investment}_{i,t} = \alpha + \beta_1 \mathbf{Debt} + \beta_2 \mathbf{X}_{i,t} + \lambda_i + \varepsilon_{i,t}, \quad (1)$$

$$\Delta \mathbf{Consumption}_{i,t} = c + \theta_1 \mathbf{Debt} + \theta_2 \mathbf{X}_{i,t} + \mu_i + \epsilon_{i,t}. \quad (2)$$

$\Delta \mathbf{Investment}_{i,t}$ denotes domestic investment (first difference), and $\Delta \mathbf{Consumption}_{i,t}$ denotes consumption (first difference). \mathbf{Debt} is the vector of public debt disbursements, as described below. $\mathbf{X}_{i,t}$ is the vector of control variables such as grants, technical grants, FDI inflow, exchange rate, resource dependence, resource revenue changes, and changes in institutional quality. λ_i, μ_i are country-specific time-invariant effects, and $\varepsilon_{i,t}, \epsilon_{i,t}$ are error terms. The regressions are run as the fixed effect model.

External debts are categorized into four basic types: bank loans, bonds, bilateral loans, and multilateral loans. Bank loans and bonds are further categorized as public and private. Bilateral and multilateral loans are further categorized as concessional and non-concessional. As is clear from the Figures A.1 and A.2, the majority of external borrowing by SSA countries is public. For this reason, only public debt information is used in the regression analysis. Both multilateral and bilateral loans include concessional and non-concessional debts. For all variables, stationarity is checked beforehand by unit root tests.⁶ The list and detailed definitions of the variables are shown in Appendix D.

4.2. Results

4.2.1. External debt and investment

Table 2 reports the regressions of investment on external debt. Surprisingly, none of the debt variables are statistically significant except for Chinese loans, suggesting that external debt after 2005 is does not affect the domestic investment of debtor countries. Chinese loans are negatively correlated with the domestic investment, but this may indicate not the causality but

⁶Results of the unit root test are not reported but provided on request.

the tendency of the Chinese loan receivers. When the investment is measured by the gross fixed capital formation (regressions 1 and 2), the technical grant (*tech.grant*) is positively correlated with investment. Resource dependence (*resource.r.ct*) has a negative coefficient, suggesting that resource-dependent countries tend to invest less, though they do import more capital goods when resource revenue (*D.resource*) increases. Changes in nominal exchange rate (*mpd.ex.r*) are negatively correlated with domestic investment, suggesting that currency depreciation negatively affects domestic investment. Changes in the index of institutional quality (*D.CPIA.public*) are positively correlated with investment, suggesting that improvement in institutional quality (measured as the quality of public sector management) is associated with increases in domestic investment.

4.2.2. External debt and consumption

Table 3 reports the regressions of consumption on external debt. For government consumption, bilateral debt is correlated negatively. This implies that bilateral loans to SSA countries tend to be countercyclical. However, the coefficients of multilateral debts are larger, positive, and statistically significant. This suggests that multilateral debt disbursement fosters government consumption. For consumer goods imports, bank loans are negatively correlated, but the reason is unclear from this analysis. On the other hand, external bond is negatively correlated with private consumption while bank loan is positively correlated with private consumption. This can be interpreted to mean that disbursement of sovereign bond is functioning countercyclically, but the linkage and time lags between the government decision of sovereign debt issuance and negative shocks in private consumption are unclear. On the other hand, Chinese loans are positively correlated with private consumption. Again, this may indicate the existence of bias that Chinese loans are granted to countries whose market is large and consumption growth is strong. Resource dependence has no correlation with consumption, although an increase in resource revenue is positively correlated with increases in government consumption and consumer goods import. The exchange rate is correlated negatively with all indicators of consumption, suggesting that currency depreciation negatively affects consumption behaviour. The coefficient is especially large (with a negative sign) for private consumption, and this should reflect the fact that private consumption is strongly affected by the cost of imported goods. Finally, institutional quality has no correlation with consumption.

Table 2. External debt and investment: 2005-2016

	(1)	(2)	(3)	(4)
	gfkf	gfkf	ct.k	ct.k
fdi	-0.01 [0.08]	-0.00 [0.09]	-0.01 [0.03]	-0.00 [0.03]
tech.grant	4.19*** [1.21]	4.23*** [1.29]	0.74 [0.45]	0.78 [0.48]
grants	0.03 [0.06]	0.01 [0.06]	0.01 [0.02]	0.01 [0.02]
ppg.bi.dis	0.14 [0.21]	0.14 [0.22]	-0.11 [0.08]	-0.13 [0.08]
ppg.bd.dis	0.22 [0.16]	0.22 [0.17]	0.02 [0.06]	0.02 [0.06]
ppg.bk.dis	0.30 [0.27]	0.23 [0.28]	-0.01 [0.10]	-0.05 [0.11]
ppg.mi.dis	-0.20 [0.33]	-0.26 [0.36]	0.08 [0.12]	0.07 [0.13]
D.resource	0.05* [0.03]	0.05 [0.03]	0.02** [0.01]	0.02** [0.01]
resource.r.ct	-0.53** [0.22]	-0.52** [0.24]	-0.17** [0.08]	-0.18** [0.09]
mpd.ex.r	-1.76*** [0.31]	-1.78*** [0.33]	-0.70*** [0.11]	-0.74*** [0.12]
china.loan	-0.34*** [0.08]	-0.34*** [0.09]	-0.00 [0.03]	-0.01 [0.03]
D.CPIA.public		0.85** [0.40]		0.40*** [0.15]
cons	0.29* [0.17]	0.30* [0.18]	0.08 [0.06]	0.10 [0.06]
r2	0.328	0.342	0.272	0.301
N	386	355	424	389

Note: Standard deviations are in square brackets. *, **, and *** denote 10%, 5%, and 1% significance levels, respectively. All regressions include year dummies and country fixed effects. For the debt instruments, bi, bd, bk, and mi denote bilateral, bond, bank, and multilateral, respectively.

Table 3. External debt and consumption: 2005-2016

	(1)	(2)	(3)	(4)	(5)	(6)
	gov.cons	gov.cons	ct.cons	ct.cons	p.cons	p.cons
fdi	0.06 [0.06]	0.07 [0.07]	0.00 [0.02]	-0.00 [0.03]	-0.14 [0.22]	-0.16 [0.25]
tech.grant	0.40 [0.89]	0.35 [0.95]	1.01*** [0.34]	1.07*** [0.37]	-1.79 [3.33]	-1.28 [3.57]
grants	0.02 [0.04]	0.02 [0.05]	-0.01 [0.02]	-0.02 [0.02]	-0.06 [0.15]	-0.12 [0.17]
ppg.bi.dis	-0.29* [0.16]	-0.31* [0.16]	0.05 [0.06]	0.04 [0.06]	-0.07 [0.58]	-0.20 [0.61]
ppg.bd.dis	0.06 [0.12]	0.07 [0.13]	-0.04 [0.05]	-0.05 [0.05]	-0.84* [0.46]	-0.85* [0.48]
ppg.bk.dis	0.28 [0.20]	0.29 [0.21]	-0.16** [0.08]	-0.18** [0.08]	1.67** [0.75]	1.44* [0.78]
ppg.mi.dis	0.62** [0.25]	0.65** [0.27]	0.09 [0.09]	0.09 [0.10]	0.65 [0.88]	0.44 [0.95]
D.resource	0.08*** [0.02]	0.08*** [0.02]	0.02** [0.01]	0.02** [0.01]	0.05 [0.08]	0.06 [0.08]
resource.r.ct	0.06 [0.16]	0.07 [0.18]	-0.05 [0.06]	-0.05 [0.07]	-0.83 [0.61]	-0.90 [0.66]
mpd.ex.r	-1.22*** [0.22]	-1.25*** [0.24]	-0.22*** [0.09]	-0.24** [0.09]	-4.59*** [0.82]	-4.84*** [0.88]
china.loan	-0.03 [0.06]	-0.03 [0.07]	0.04 [0.02]	0.04 [0.02]	0.82*** [0.23]	0.78*** [0.24]
D.CPIA.public		0.17 [0.30]		0.18 [0.11]		1.79 [1.10]
cons	0.06 [0.12]	0.05 [0.13]	-0.02 [0.05]	-0.01 [0.05]	1.35*** [0.45]	1.50*** [0.48]
r2	0.231	0.240	0.236	0.248	0.206	0.213
N	398	367	424	389	424	389

5. Conclusion

This study analysed the nature and influence of new external debt on SSA countries after cancellation of the old debt. The results suggest that the new debt disbursement is not based on the favourable economic situation of debtor countries. This clearly reflects the fact that new African debt is not yet purely market-based, and the main actors are not private companies but still governments. Recently, the economies of SSA countries have been growing, and government spending associated with obtainable external loans is an important factor behind this growth. This can be understood as an evidence of the international capital market (re)gaining its function in helping the macroeconomic stabilization of developing countries after the debt cancellation. However, as the international market tightens, the sustainability of new debts becomes a concern. For example, Ghana has rolled over its Eurobond issued in 2007 (US\$750 mil., 8.5%, 10 years) in 2016, with a higher interest rate and shorter period (US\$750 mil., 9.25%, 5 years). While the majority of bilateral and multilateral lending is still concessional, the share is declining by year, and the past experience of HIPC's that accumulated bilateral and multilateral debts suggests that it does not warrant an optimistic view. What is equally serious, based on the regression analysis, is that the new debt disbursement after the debt cancellation is fostering not investment but consumption, and this result is consistent with other studies showing that debt cancellation in African countries did not boost domestic investment.

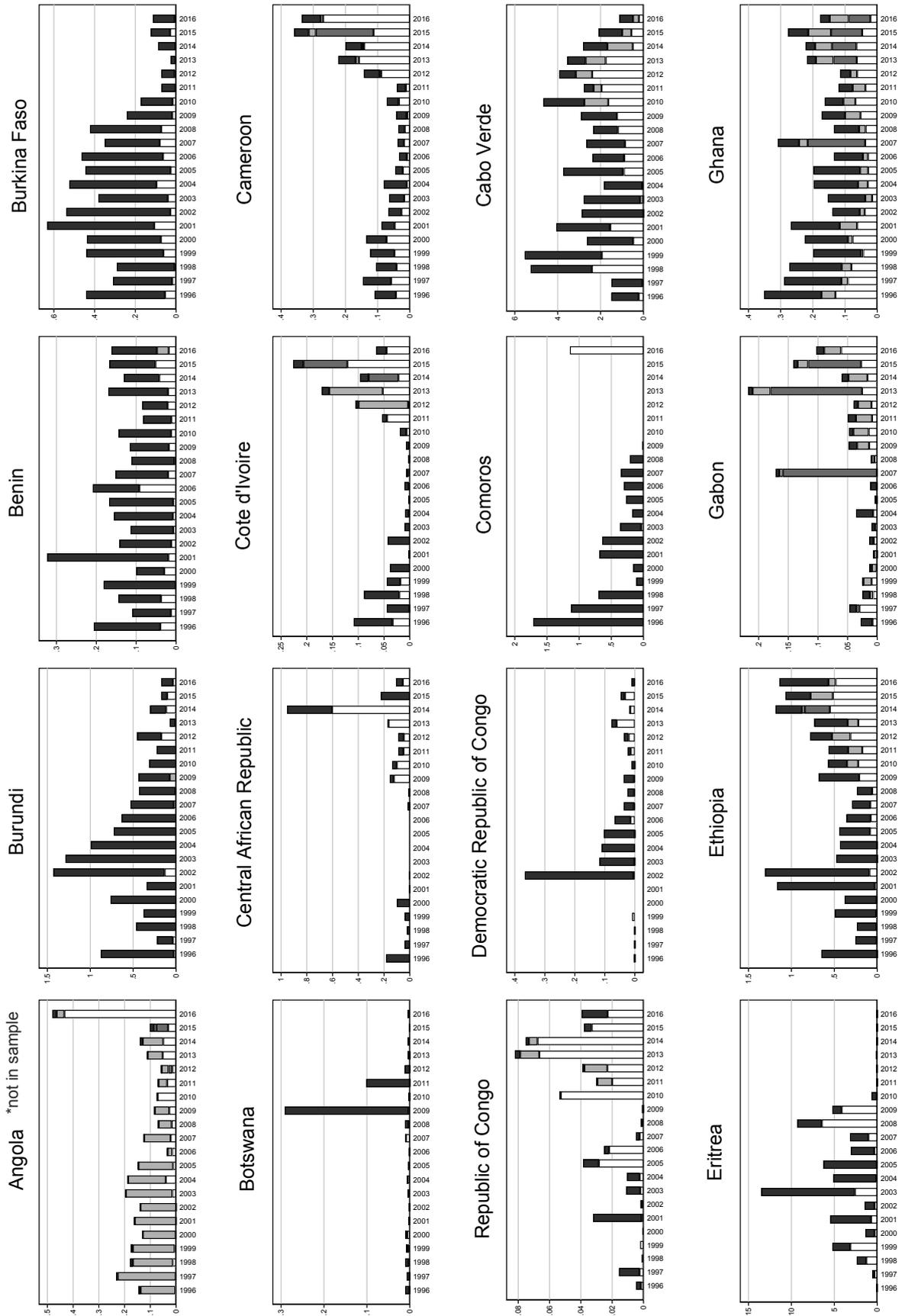
After the recent changes in the financial environments of SSA countries, these countries have already passed the crisis period and have been welcomed into the international capital market. However, this analysis suggests that the current debt still supports government consumption. According to Burnside and Dollar (1998), this implies that capital flows to SSA countries are still of the old type: money to support the consumption of the poor through government consumption, although the reality may differ by country. SSA economies are becoming more open to the international market, but whether the situation under the African new external debt is really 'new' requires a further look.

Acknowledgments

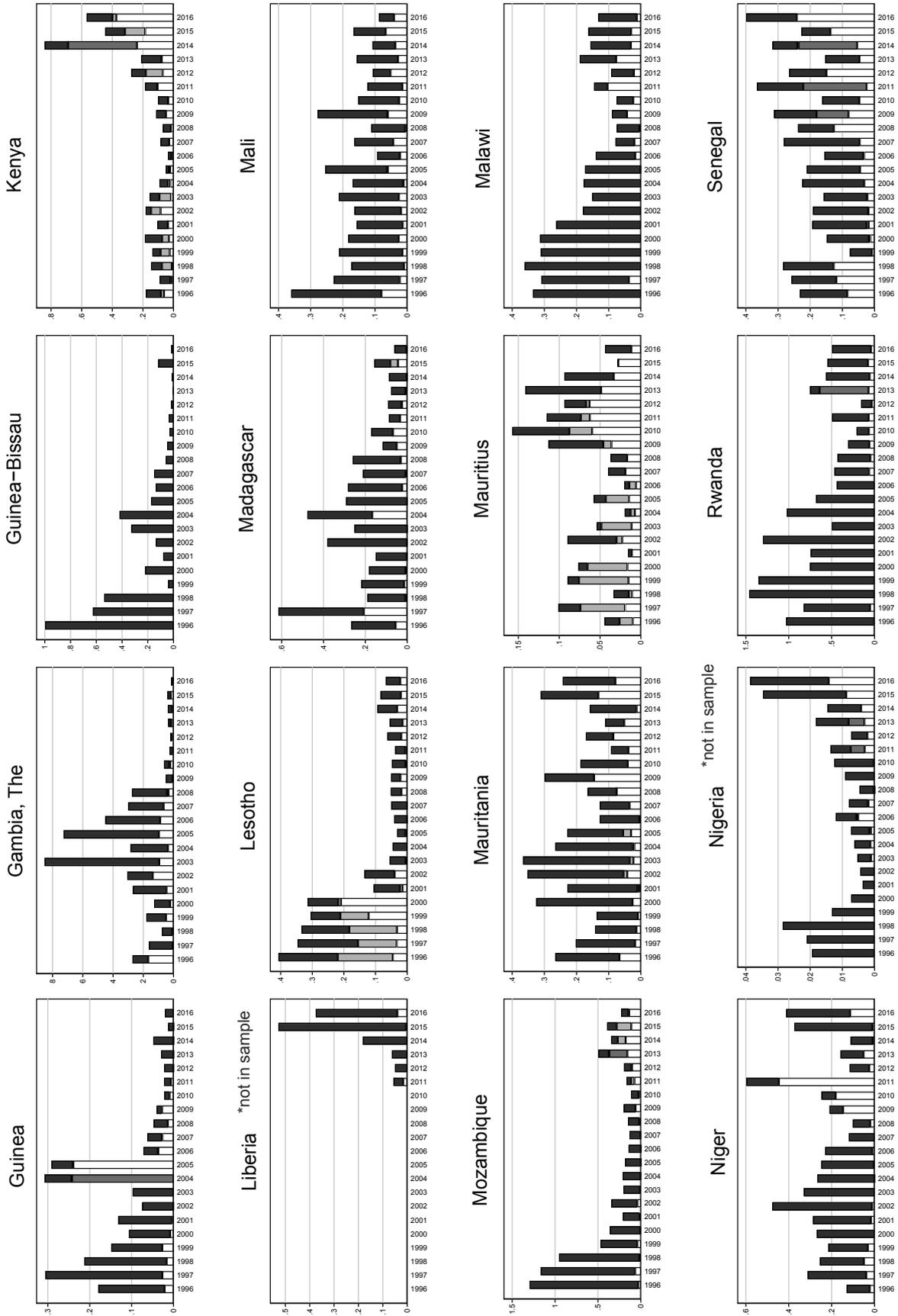
Previous versions of this analysis were presented at the 8th Spring Meeting of Japan Society of International Economics at Hokkaido University on June 16, 2018, and the International 'UP-TUFS Seminar' at the University of Pretoria on September 13, 2018. The author is grateful for valuable comments and suggestions by the commentators and participants of the sessions. The remaining errors are exclusively the author's. This research is financially supported by the ASC-TUFS and JSPS KAKENHI Grant Numbers JP15K16581 and JP18K18248.

A. Debt statistics

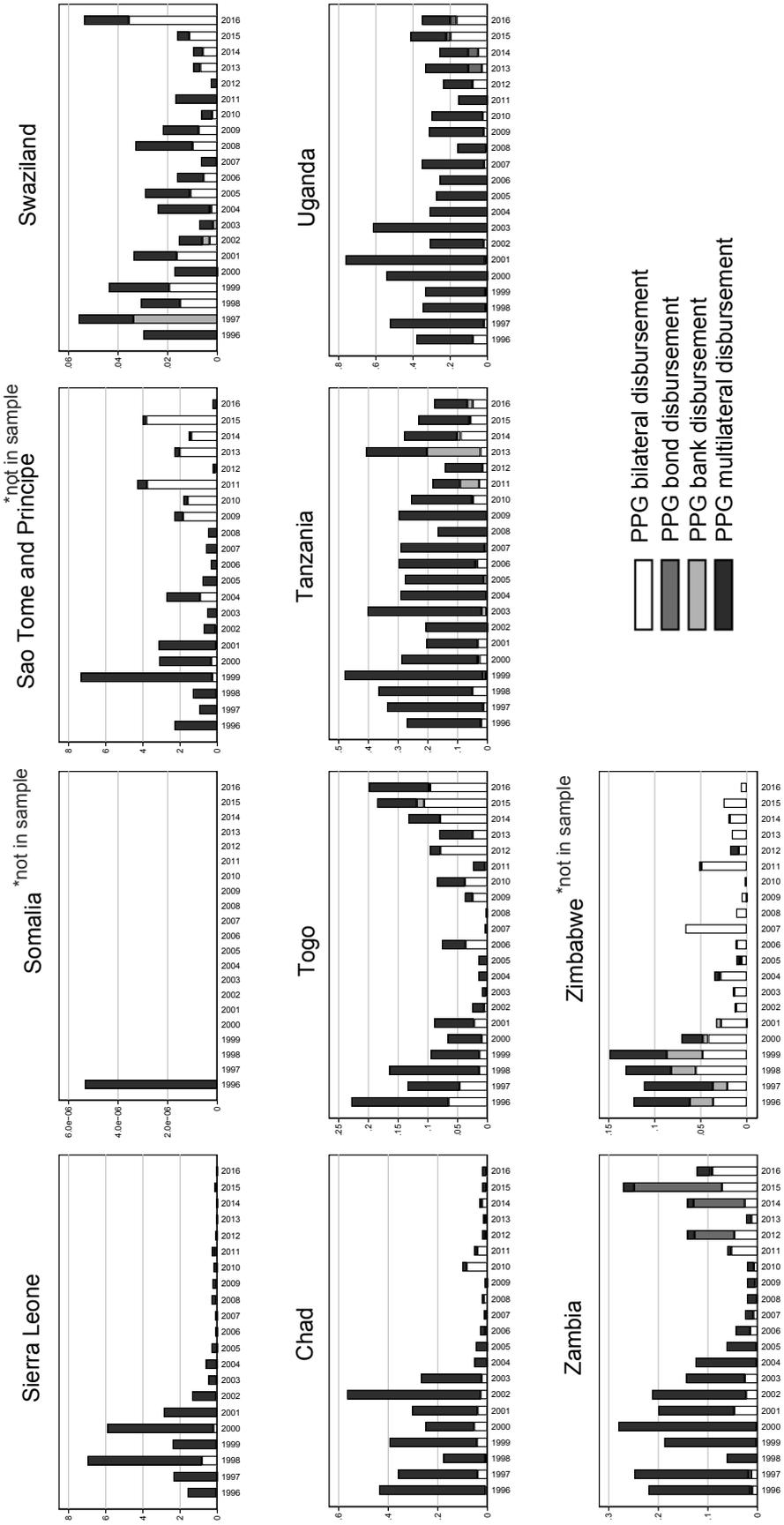
Figure A.1. Public and publicly guaranteed debt disbursement (share of goods and service exports, %)



Continued from Figure A.1.

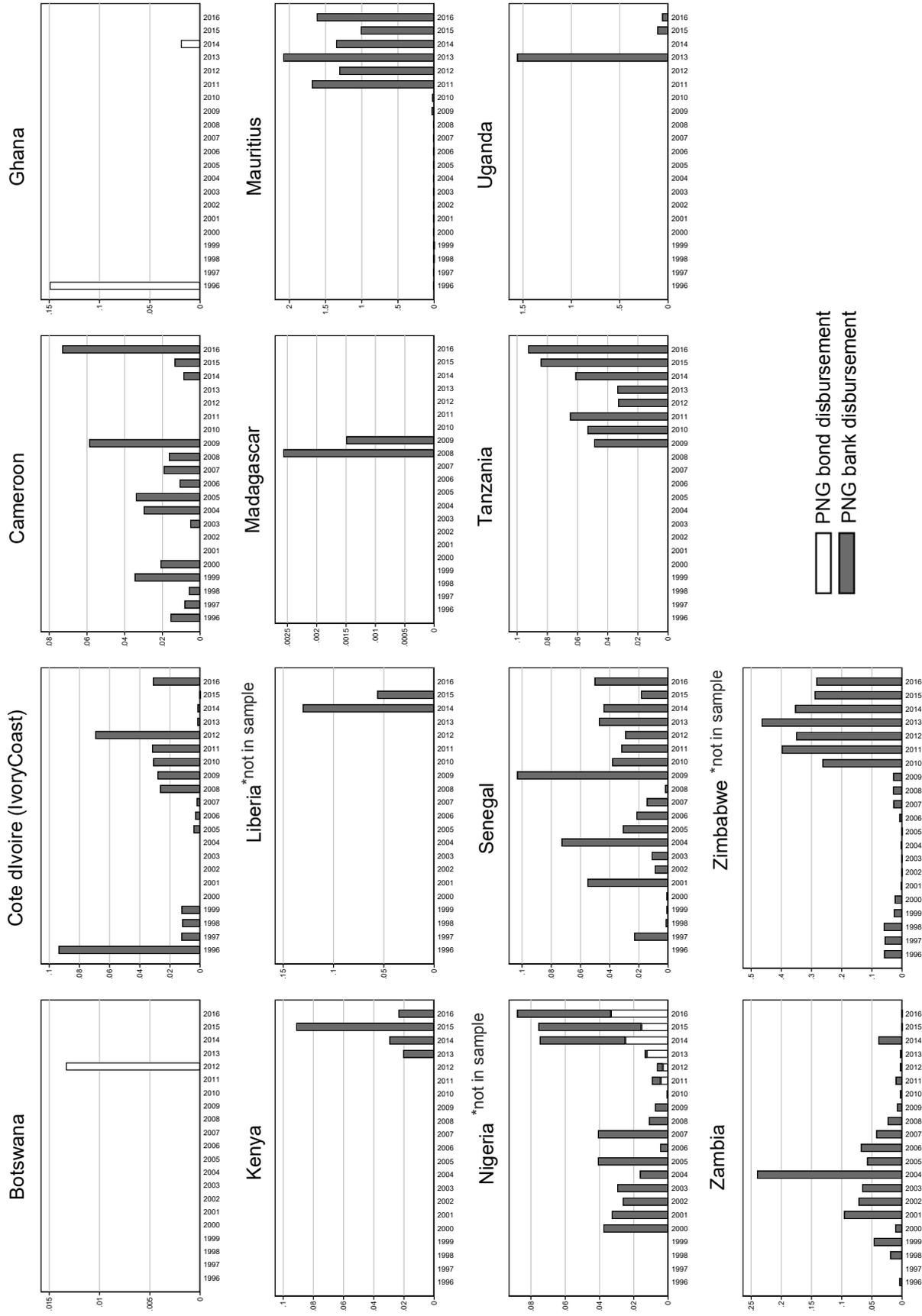


Continued from Figure A.1.



Data source: *International Debt Statistics 2018* (The World Bank 2018a).

Figure A.2. Publicly non-guaranteed debt disbursement (share of goods and service exports)



Data source: *International Debt Statistics 2018* (The World Bank 2018a).

B. Sample countries**non-Heavily Indebted Poor Countries**

Botswana	Cape Verde	Eritrea	Gabon
Kenya	Lesotho	Mauritius	Swaziland

Heavily Indebted Poor Countries

Benin	Burkina Faso	Burundi	Cameroon
Cape Verde	Central African Republic	Chad	Comoros
Congo	Coté d'Ivoire	DRC	Ethiopia
Gambia	Ghana	Guinea	Guinea-Bissau
Madagascar	Malawi	Mali	Mauritania
Mozambique	Niger	Rwanda	Senegal
Sierra Leone	Tanzania	Togo	Zambia

C. Summary statistics

	mean	sd	min	max	observations
gfkf	3.06	3.71	0.02	28.83	398
ct.k	0.80	0.89	0.02	5.31	432
gov.cons	1.75	1.71	0.05	9.42	409
ct.cons	0.83	0.84	0.03	4.90	432
p.cons	8.13	9.50	0.00	56.05	432
fdi	0.40	0.67	-0.68	5.50	428
tech.grant	0.07	0.07	0.00	0.36	432
grants	0.67	0.92	0.00	6.98	432
resource.r.ct	0.32	0.31	0.00	0.98	432
mpd.ex.r	0.05	0.13	-0.23	1.22	428
ppg.bi.dis	0.12	0.25	0.00	2.13	432
ppg.bd.dis	0.05	0.23	0.00	2.75	432
ppg.bk.dis	0.04	0.15	0.00	1.25	432
ppg.mi.dis	0.16	0.21	0.00	1.67	432
china.loan	0.13	0.45	0.00	6.32	432
mpd.ex.r	0.05	0.13	-0.23	1.22	428
resource	1.17	1.99	0.00	11.93	432
CPIA.public	2.70	1.05	0.00	4.10	432
growth.mean (1995-2016)	4.44	1.81	0.67	8.57	432

D. Data definitions and sources

variable	definition and source
ct.cons	Consumer goods imports, UN Comtrade, based on Broad Economic Categories (BEC), includes foods, consumer goods, and non-industrial transport.
ct.k	Capital goods imports, UN Comtrade, based on BE classification, capital goods.
gfkf	Gross fixed capital formation, current US\$. World Development Indicators (WDI) 2018.
gov.cons	Government consumption, current US\$. WDI 2018.
p.cons	Private consumption, current US\$. WDI 2018.
export	Export, current US\$. UNCTAD.
resource	Resource export, sum of imports by the world, based on HS codes 26 (ores), 27 (crude oil), 71 (precious metals), 72 (iron and steel), 73 (iron and steel article), 74 (copper and articles thereof), 75 (nickel and articles thereof), 76 (aluminium and articles thereof), 78 (lead and articles thereof), 79 (zinc and articles thereof), 80 (tin and articles thereof), and 81 (metals n.e.s and articles thereof), UN Comtrade.
grants	Grants, excluding technical cooperation, current US\$, International Debt Statistics (IDS) 2018.
tech.grants	Technical cooperation grants, current US\$, IDS 2018.
fdi	Foreign direct investment, net inflows, current US\$, IDS 2018.
gdp	Gross Domestic Product, current US\$, WDI 2018.
mpd.ex.r	Exchange rate, annual change divided by the country mean for the sample period, WDI 2018.
CPIA.public	Indicator for institutional quality, Country Policy And Institutional Assessment (CPIA) public sector management and institutions' cluster average (1=low to 6=high). WDI 2018.
china.loan	Chinese loans. <i>Chinese loans to African governments, 2000-2017</i> , estimated by the China Africa Research Initiative at Johns Hopkins University.
png.bd.dis	Publicly non-guaranteed, bonds (disbursement, current US\$), IDS 2018.
png.bk.dis	Publicly non-guaranteed, commercial banks and other creditors (disbursement, current US\$), IDS 2018.
ppg.bi.dis	Public and publicly guaranteed, bilateral (disbursement, current US\$), IDS 2018.
ppg.bd.dis	Public and publicly guaranteed, bonds (disbursement, current US\$), IDS 2018.
ppg.bk.dis	Public and publicly guaranteed, commercial banks (disbursement, current US\$), IDS 2018.
ppg.mi.dis	Public and publicly guaranteed, multilateral (disbursement, current US\$), IDS 2018.

Note: All US\$ values are in billions.

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Multilateral migration governance in SADC countries

Yumi Nakayama

African Studies Center – Tokyo University of Foreign Studies, Japan

Abstract

The remarkable number of migrants in southern Africa has brought various problems to the region. This paper focuses on the history of efforts to establish regional migration governance in the region and reveals that regional migration governance by the SADC countries has emerged in line with regional migration governance theory. The emergence of regional migration governance in southern Africa proceeded through three waves of activity during the mid-1990s, the early 2000s and the 2010s regarding the formal and informal features of the framework and the successful approach to achieving agreements. The liberalization-oriented approach of the first wave aiming for a formalized framework failed, whereas the second wave's informal framework encouraged intraregional networks and various efforts indicate that member states were seriously interested in non-traditional security issues related to migration problems. In the third wave, regional migration governance progressed to practical collaborations within the region beyond networking and dialogue, although establishing a formal framework remains elusive.

Keywords: south-south migration, regional migration governance, SADC, MIDSA



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1. Introduction

The significant increases in international migrations since the 1990s has led to the emergence of multilateral migration governance frameworks primarily concerned with South-to-North migrations. This governance reflects the eagerness of the developed states in the global North (as global rule makers) to enhance their border controls and combat irregular migrations. South-to-South migration is less interesting to the global North, but regional migration governance also has developed in the global South since the 1990s. Africa is of particular concern because its number of international emigrants has rapidly increased. In 2017, more than 36 million emigrants originated in Africa, which was a 68 per cent increase since 2000 (United Nations 2017: 9-10). About 19 million relocated within Africa, while about 9 million immigrated to Europe.

Africa's growing numbers of international emigrants is causing various problems, both on the African continent overall and sub-regions coping with the migration issues under regional migration governance. Regional migration governance has evolved in Africa during the past two decades, although the forms of governance differ by region. This paper focuses on regional migration governance in southern Africa, which has a relatively underdeveloped migration governance framework.

2. Migration in Africa

2.1. International migration in southern Africa

According to the United Nations Department of Economic and Social Affairs, Population Division, the number of international emigrants from the Southern African Development Community (SADC) countries continually increased through the 2000s, with about one-half of them moving to other SADC countries. Although the destination countries vary, within-region migration remains prominent in southern Africa. In 2017, South Africa is the most popular destination, with more than 2,000,000 immigrants, which is much more than immigration in the other member states. In contrast, Zimbabwe experienced the most emigration (780,193) followed by Mozambique (563,648). Figure 1 shows that, during the 2000s, the number of emigrants to locations outside the SADC exceeded intraregional migrations, and immigration from outside the SADC decreased. However, the numbers of immigrants from outside the SADC have significantly increased since 2010.

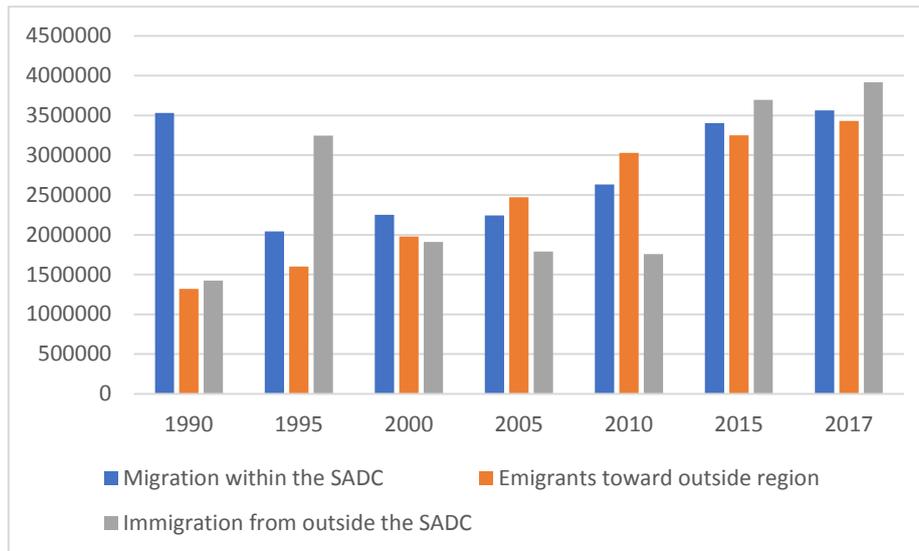


Figure 1. International Migration^a of SADC Member States (numbers of persons)
Sources: United Nations, Department of Economic and Social Affairs, Population Division (2017a)

^a The number of refugees reported by The UN Refugee Agency (UNHCR) are included in the estimates.

2.2. History of southern African migration

Southern Africa has a long history of intraregional migration flows. For example, labour demands in the mining sector increased after diamonds and gold were discovered in late 19th century. The mining sector has supported regional economies for more than one hundred years, and South Africa particularly benefited from mining during the 1980s, which, at its height in 1980, contributed 21% to the country's gross domestic product (Mining Review Africa 2018). South Africa's mining industry created job opportunities beyond South Africa's borders, and more than 760,000 jobs were provided to southern Africans at its peak in 1987. Migrant miners were required to be clearly documented and controlled under bilateral agreements.

The end of apartheid in South Africa significantly changed southern Africa. Political instability, economic inequality between South Africa and her neighbours, and drought and environmental degradation are some of the factors that caused the region, particularly South Africa, to experience escalated migrations (SAMP 2001: 4). The demand for labour in the mining sector decreased during the 1990s, but immigrant miners remained in South Africa, which led to a proportional increase in immigrants and the externalisation of the mining workforce (Maja and Nakanyane 2007: 10). The mining industry tended to use subcontractors that situated many workers in irregular employment situations (SAMP 2001: 8). Simultaneous labour demands were emerging in other sectors, such as commercial farming, construction and services and domestic workers, which became a pull factor. Therefore, the numbers of South Africa's undocumented workers significantly increased along with the immigrant labourers with official contracts.

In addition, refugees and asylum seekers fleeing regional conflicts provided informal labour in their host communities. Refugees' movement in southern Africa began in the 1960s when people fled conflicts in Angola and Namibia. During the 1980s, a flood of Mozambican refugees swept into the region. International frameworks to protect refugees aimed to protect these people, but some of them were not formally recognized as such, and, therefore, they were considered illegal immigrants. Further, some ex-refugees avoided repatriation programmes and remained in their host communities as undocumented workers. Even now, although illegal immigrants tend to be poorly paid and live in exploitative situations, crossing borders is an important strategy for survival and combatting poverty.

In addition to economic migration, small-scale informal traders have increasingly worked across borders since 1990. Some of them cross borders for short periods of about one to four days, whereas others stay for longer periods of about one week to two months, to sell various items, such as fruit, vegetables, mattresses, stereos and household goods (Peberdy 2002: 35-36). Although we have little reliable data, irregular migration is a well-known phenomenon and problem in the SADC region. South Africa's Department of Home Affairs reported that, since the 2001 – 02 fiscal year, the number of deported people continually increased, reaching 280,837 in 2008 – 09 fiscal year compared with 156,123 in 2001 – 02 fiscal year (Africa Check 2016). As irregular migration increased, xenophobic statements escalated and erupted into violent attacks, the largest of which claimed 60 victims and created 800,000 internally displaced persons in 2008. After the Zimbabwean Documentation Project was implemented in 2010, the number of internally displaced persons decreased, and 54,169 people were deported from South Africa during the 2014 – 15 fiscal year.

The end of apartheid also engendered fears in the SADC region that highly trained or intelligent people would flow to South Africa. Many skilled migrants tried to enter South Africa from other SADC states (SAMP 2002: 3), but South Africa's restrictive immigration policy temporarily controlled the "brain drain" problem in other SADC states. However, the problem recurred during the 2000s. For example, Malawi lost 103 nurses and midwives, whose destinations focused on the United Kingdom (Record and Mohiddin 2006). As Figure 1 above shows, emigration to outside the SADC region consistently increased after 1990 and exceeded intraregional migration in 2005 and 2010.

3. Regional migration governance in Southern Africa

3.1. Theory of regional migration governance

Lavenex *et al.* (2016: 459) identified three types of regional migration governance: liberalization-oriented, security-based and rights-based. In general, governance roots are found in the regionalism movement for liberalization. For example, the 1985 Shengen Agreement that mostly abolished border checks within the Shengen Area is well known as the most progressive governance framework. Lavenex *et al.* (2016: 457) insisted that regional migration governance has two purposes. First, it aims to achieve freedom of movement of persons within a regional integrated framework based on the understanding

that liberal internal mobility might be needed to establish a broad market. In this approach, the four Regional Economic Communities (RECs) of the African Union are the favoured formal governance structures with legal and political instruments that are expected to play key parts in regional migration governance. Second, it aims to encourage dialogue and cooperation within informal transnational networks.

3.2. Formal migration governance in Africa

The Economic Community of West African States (ECOWAS) has put forth the most advanced migration governance framework on the African continent. Since its establishment in 1975, the ECOWAS has aimed to achieve intraregional freedom of movement through the Protocol Relating to Free Movement of Persons, Residence and Establishment (adopted in 1975). It has achieved internal freedom of movement by issuing the ECOWAS passport during the 2000s, and about 5.6 million intraregional migrants have benefited from the freedom of movement. In 2015, it is estimated that 64% of the region's emigrants chose to remain within the region rather than relocate outside it (Table 2).

Table 2. Comparison of formal migration governance between southern Africa (SADC) and western Africa (ECOWAS)

Characteristic	Southern Africa	Western Africa
Total Population (2015) ^a	325 million	348 million
Number of international migrant stocks (2017) ^b	7 million	6.4 million
Share of intraregional migrants as share of all emigrants from region (2017) ^c	51%	64%
Reciprocal open visa policies (2016) ^d	52%	100%
Regional integration framework	Southern African Development Community (since 1992)	Economic Community of West African States (since 1975)
Legal instrument for intraregional movement	Protocol on Facilitation of the Movement of Persons (2005)	Protocol Relating to Free Movement of Persons, Residence and Establishment (1975)

^a Source: United Nations, Department of Economic and Social Affairs, Population Division (2017b)

^{b, c} Source: United Nations, Department of Economic and Social Affairs, Population Division (2017a)

^d African Development Bank (2017:21)

Following the ECOWAS, other African RECs, such as the Common Market for Eastern and Southern Africa (COMESA) and the SADC, have continued discussing introducing freedom of movement to their regions. The SADC has 52% of reciprocal open visa policies (means having reciprocal visa exemptions) among member states, but only 51% of the region's emigrants have remained within the region, partly because the Protocol on Facilitation of the Movement of Persons adopted in 2005 has not been implemented because of ratification delays. To date, Botswana, Mozambique, South Africa, Swaziland, Zambia and Lesotho have ratified the protocol, which requires ratification by two-thirds of the SADC member states.

3.3. Informal migration governance in Africa

In addition to the formal migration framework, efforts are being made to encourage dialogue and cooperation by developing informal transnational networks. In particular, the Regional Consultative Processes on Migration (RCPs) are popular because of their informal non-binding features. Although the first RCPs were established in 1985 by states in the global North, the numbers of RCPs in the global South have increased since about 2000. Currently, RCPs in Africa are either within-region or African-European dialogues (Table 3).

Table 3. RCPs in Africa

Type	Content
Within-region	Intergovernmental Authority on Development (IGAD) Regional Consultative Process on Migration (IGAD-RCP)
	Migration Dialogue from the Common Market for Eastern and Southern Africa Member States (MIDCOM)
	Migration Dialogue for Central African States (MIDCAS)
	Migration Dialogue for Southern Africa (MIDSA)
	Migration Dialogue for West Africa (MIDWA)
African-European	5+5 Dialogue on Migration in the Western Mediterranean
	EU-Horn of Africa Migration Route Initiative (Khartoum Process)
	Euro-African Dialogue on Migration and Development (Rabat Process)

Source: based on International Organization for Migration (IOM) n.d. 'Inter-state consultation mechanisms on migration'. <https://www.iom.int/inter-state-consultation-mechanisms-migration> / accessed on 02 January 2019

Migration Dialogue for West Africa (MIDWA), established in 2001, has contributed to a continuous dialogue among the ECOWAS member states through a regional initiative led by its Steering Committee.

The establishment of the Regional Secretariat within the ECOWAS Commission in 2017 indicates that MIDWA had successfully created a formal dialogue among the member states. However, Migration Dialogue for Southern Africa (MIDSA) is believed to have had little influence on developing regional migration governance. Although MIDSA had an important role as a regional clearing-house, it has lacked follow-up procedures for implementing recommendations (Köhler 2011: 81-83).

4. Emergence of regional governance in southern Africa

4.1. The first wave

Regional cooperation in southern Africa began in 1980 when the Southern African Development Coordination Conference (SADCC) was established by Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Zambia and Zimbabwe. In 1992, the SADCC was transformed into the SADC. The initial purpose of the SADC was to achieve development and economic growth, alleviate poverty, enhance the people's standards and quality of life, support socially disadvantaged people, promote and defend peace and security and promote self-sustaining development through regional integration.

As soon as it was established, the SADC began preparing for freedom of movement within the region. The SADC Secretariat, with general guidance from the former Secretary General (Dr Kaire Mbuende) and the SADC's Chief Economist (Dr Charles Hove), held its first workshop on freedom of movement in 1993 (Oucho and Crush 2001: 142-143). It seems clear that the SADC Secretariat was seeking to promote regional migration governance through the liberalization-oriented approach because one of the supervisors was a Belgian expert on the European Schengen Agreement.

The draft Protocol on the Free Movement of Persons in the SADC was introduced in 1995, but it was rejected by the member states, most vehemently by South Africa. The Human Sciences Research Council of South Africa raised concerns that the Protocol might increase unmanageable flows of economic migrants and bring job competition to South Africa (Oucho and Crush 2001: 145-147). Therefore, South Africa rejected the Protocol in 1996, and began instead to draft the Protocol on the Facilitation of Movement for submission to the SADC. However, the SADC Secretariat rejected South Africa's draft and redrafted the 1995 Protocol draft, renamed the Protocol on the Facilitation of Movement of Persons in the SADC. Although the words changed from 'Free Movement' to 'Facilitation of Movement', the SADC Secretariat was still seeking liberalization of the region regarding migration. In 1998, the SADC Council of Ministers rejected that draft Protocol, with South Africa, Botswana and Namibia particularly opposed (Oucho and Crush 2001: 144).

At that point, efforts to achieve regional integration through migration policy were suspended. South Africa was the obvious major obstacle to liberalization, which was related to the new post-apartheid South Africa's confrontation with international migration pressures from the outside and South Africans' dissatisfaction with migrants taking jobs away from South African citizens (SAMP 2001: 5). South Africa's immigration policy had become increasingly restrictive since 1994 (SAMP 2001: 9-12), and,

although prospective immigrants could apply for entry while they were in the country of origin, they just obtained temporal residency.

Besides, the Protocol on Education and Training adopted in 1997 has had scant influence on regional migration governance, although it refers to ‘freer movement of students and staff within the Region for the specific purposes of study, teaching, research and any other pursuits relating to education and training’ (Article 3, g), and it aims to ‘facilitate movement of researchers within SADC countries for purposes of research, consultancy work and related pursuits’ (Article 8, 3).

4.2. The second wave

The second wave of effort began in the early 2000s. The SADC Protocol on Facilitation of Movement of Persons again attracted the attention of the member states. However, it was the SADC Organ on Politics, Defence and Security Cooperation (SIPO), which was launched in 1996 as an institution under the SADC to achieve and maintain security and rule of law in the region, that raised concerns in 2003 about the protocol (SAMP 2006: 5). After the draft Protocol on Facilitation of Movement of Persons was approved by the SIPO’s Ministerial Committee, it was forwarded to the SADC Summit and adopted in 2005.

The protocol’s main objective was to facilitate entry into member states without visas for a 90-day maximum period. It required the states to establish sufficient numbers of border crossing points, at least one of which must be open 24 hours every day. However, it does not mention migrants’ rights in terms of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Bamu 2014: 37). Thus, the protocol was promoted under the security-based approach.

Surprisingly, South Africa changed its position and supported the protocol. Before the protocol’s adoption, South Africa had announced its intention to offer preferential treatment to highly skilled workers in its Immigration Amendment Act 19 of 2004. However, only six of the required nine member states signed and ratified the protocol of the second wave, partly because it created financial burdens for them, particularly the sending states.

On the other hand, some of the member states have had success regarding bilateral agreements. Table 4 indicates that South Africa has been a key party to these bilateral agreements. The agreements correspond with each other on the following five points: (1) identification of the competent responsible authorities, (2) objectives and areas of cooperation, (3) methods of cooperation, (4) coordination of programmes and financial arrangements and (5) rules governing amendments (Bamu 2014: 24-25).

Some of the bilateral agreements aimed to combat problems regarding irregular migrants. For example, under the first agreement, undocumented Zimbabweans in South Africa were provided opportunities to apply to the South African government for amnesty and, if granted, they were officially allowed to work in South Africa. However, these agreements were inadequate regarding human rights

or entitlements because migrants were given no legal standing to claim their rights. Because these agreements did not require international instruments on migration (Bamu 2014: 26), the cost to member states was less than that of the Protocol.

Table 4. Bilateral agreements between SADC member states

Agreement	Date
South Africa-Mozambique Cooperation Agreement in the fields of Migratory Labour, Job Creation, Training, Studies and Research, Employment Statistics, Social Dialogue and Social Security	17 January 2003
Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the Republic of Zimbabwe in the Fields of Cooperation and Labour	1 October 2004
South Africa-Democratic Republic of Congo Memorandum of Understanding on Cooperation in Immigration and Population Matters	30 November 2004
South Africa-Lesotho Memorandum of Understanding on Cooperation in the Field of Labour	30 October 2006
South Africa-Tanzania Agreement on Cooperation in areas of Migration Matters	4 May 2007
South Africa-Namibia Memorandum of Understanding on Cooperation in the Field of Labour	20 October 2008
South Africa-Zimbabwe Memorandum of Understanding on Cooperation and Mutual Assistance on Migration Matters	4 May 2009
South Africa-Zimbabwe Memorandum of Understanding on Cooperation in the fields of Employment and Labour	27 August 2009

Source: Bamu (2014: 58-59)

In 2003, the SADC member states began expressing interest in workers' rights and the Charter of the Fundamental Social Rights in SADC ('Charter') was adopted that year. In 1998, the International Labour Organization (ILO) had adopted the Declaration on Fundamental Principles and Rights at Work, which commits the member states to respect and promote the principles and rights of the eight core ILO Conventions. Thus, the norms regarding social rights were imported from outside the SADC and disseminated among member states through their ratifications of the ILO Conventions. The Charter required them to ensure the tripartite structure of governments, employers and workers and to promote the formulation and harmonization of legal, economic and social policies and programmes (Article 2, 1(a) and (b)). Because the Charter's objectives were to promote labour policies, practices and measures that facilitate labour mobility and eliminate distortions in the labour markets (Article 2, 1(c)), its content secured a space for providing a rights-based approach to regional migration governance.

Another feature of the second wave of regional migration governance was transnational networks.

The Southern African Ministers' Conference on Population and Development (SAMCPD) is a regional cooperation body for government agencies. Its branch, the Southern African Forum for Population and Development (SAFPAD), had recognized migration as a regional priority in 1999 and started conducting research on migration (Segatti 2017: 54). Although SAMCPD and SAFPAD were integrated into the SADC structure, prominent results have yet to be produced.

The MIDSAs are another networking effort that created a framework for frequent dialogue among SADC member states to enhance interstate cooperation towards improved regional migration governance. Since 2000, MIDSAs have collaborated with the International Organization for Migration (IOM) and other international organizations to organize numerous workshops and conferences. Participants have included representatives of member states and presenters and observers from international organizations, such as the UN Refugee Agency (UNHCR), the IOM and the United Nations Office for Drug Control and Crime Prevention, and regional organizations, such as the African Union and the European Union. Table 5 lists the non-traditional security issues, such as trafficking, irregular migration, forced migration and smuggling, that have frequently been discussed at MIDSAs workshops; notably, liberalization-oriented topics, such as development and human capital, have been less prominent. In other words, the member states apparently have common security issue interests they want to address.

Table 5. MIDSAs workshop agendas

Workshop Date	Agenda
2002	Trafficking
2003	Trafficking
2003	Irregular migration and migrant smuggling
2003	Forced migration
2004	Smuggling
2004	Health
2004	Development
2005	Migration management
2005	Policy harmonization
2006	Irregular migration
2006	Development
2007	Human capital mobility
2008	Trafficking
2009	Health and development
2009	Policy integration

Source: International Organization for Migration (IOM) n.d. 'Migration dialogue for southern Africa (MIDSAs)' < <https://www.iom.int/migration-dialogue-southern-africa-midsa> / accessed on 02 January 2019 >

Since its regional office was established in 1996, the IOM also has supported the SADC member states' efforts to develop national migration policies and regional networks. For example, to reduce migrants' risks of contracting HIV, the IOM established the Partnership on HIV and Mobility in Southern Africa (PHAMSA) in 2004 to 2006. PHAMSA developed four programmes: advocacy for policy development, research and education, regional coordination, and technical cooperation and pilot projects (IOM 2007: 2).

4.3. The third wave

The third wave of governance started in the 2010s, and regional cooperation has developed in a practical and formal multisectoral approach. Regarding transnational networks, MIDSAs made significant progress by launching the Ministerial Conference for high-level dialogue among the member states. The first MIDSA Ministerial Conference in 2010 recommended enhanced migration management coordination. Subsequently, various regional approaches have developed, some led by the Secretariat and others led by individual member states. For example, a Regional Action Plan on Labour Migration for Southern Africa was drafted at the MIDSA Technical Meeting in 2012 and forwarded to the Meeting of SADC Ministers of Employment and Labour Sector in 2013 (SADC 2013: 6). The Secretariat implemented it with the support of the IOM and ILO. As a result, the SADC Secretariat and the member states began preparing the Protocol on Employment and Labour, which concerned labour migration problems, and the SADC Labour Migration Policy Framework was endorsed in 2014 (SADC 2016: 1). However, despite the Secretariat's efforts to establish a legal basis for it, none of the member states have ratified the Protocol on Employment and Labour to date.

The SADC Regional Decent Work Programme (2013 – 2017) emerged from a workshop held by the Secretariat. The concept had diffused during the early 2000s through international discourse, such as the UN World Summit in 2005 and the UN ECOSOC Ministerial Declaration. The ILO had indicated that promoting the Decent Work Programme might be a priority theme. The SADC region was negatively affected by the global economic crisis of 2007 – 2008, and it experienced serious unemployment problems. The member states became interested in establishing the Functional SADC Labour Market Information System. In collaboration with the ILO Decent Work Team, the SADC Secretariat held a capacity-building workshop in 2013, after which the member states approved three tools to harmonize labour market data: a draft template for employment reports, a module on labour migration, and a module on disability. Then, the member states conducted a Labour Force Survey, although the lack of an evidence-based policy and the lack of capacity in the Secretariat are unresolved problems (ILO 2014).

In 2012, the Declaration on Tuberculosis in the Mining Sector was adopted under South Africa's initiative. Member states have historically been more interested in HIV/AIDS than in tuberculosis, and the 2004 MIDSA workshop recommendation on migrants' health matters referred to 'HIV' or 'HIV/AIDS' 39 times whereas 'TB' was mentioned just three times. Similarly, in the 2009 workshop,

‘Tuberculosis’ or ‘TB’ was referred to four times and ‘HIV/AIDS’, ‘HIV’ or ‘AIDS’ were mentioned 84 times. However, tuberculosis is a serious health problem, particularly in the gold mining sector of South Africa, which reports the increasing number of new tuberculosis cases since 2000 (Republic of South Africa, Department of Health 2007:5). Because South Africa had depended on migrant workers from countries such as Lesotho, Swaziland and Mozambique, regional cooperation is essential to combat the disease. South Africa supported the declaration and the related initiatives, including a 1,000-day campaign to meet tuberculosis and HIV/AIDS targets in the region (IRIN 2013).

The last important feature of the third wave is the migration and tourism nexus. Although the SADC established the Regional Tourism Organization of Southern Africa (RETOSA) in 1998 to develop tourism, many obstacles have been in its path to success, such as contagious diseases and poor transportation (Acheampong and Tseane-Gumbi 2016: 2). RETOSA established a working group to consider introducing the UniVisa system to facilitate the movement of international and regional tourists. Currently, because of tourism’s growth, most of the member states have exempted the others from visa requirements through bilateral agreements.

Conclusion

Establishment of regional migration governance in southern Africa has undergone three waves: (1) a liberalization-oriented approach in the 1990s, (2) a security-based approach in the 2000s and (3) a multisectoral approach in 2010s. In the background, regional migration governance in southern Africa was influenced by the individual interests of the SADC’s member states, particularly South Africa. In addition, implementing regional governance of migration through a formal framework is expensive for member states, and an intergovernmental approach through bilateral agreements continues to dominate regional efforts. The development of an informal framework through regional transnational networks contributed to merging national interests during the second wave. The Secretariat had an important role in establishing regional migration governance. Although it failed to establish a formal framework under the liberalization-oriented approach, its role was more effective and significant during the third wave through its encouragement of practical regional coordination with the generous support of international organizations.

Further research on ways that the SADC Secretariat and member states interact and the processes by which their interests shifted from a liberalization orientation to a focus on multisectoral issues should be conducted to identify the emergence mechanisms. This study’s analysis should be expanded to investigate other frameworks for regional integration in southern Africa, such as the Southern African Customs Union and COMESA, to deepen our understanding of the dynamics of regional migration governance.

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Migrants' participation in cocoa production: Trust building among multi-ethnic groups in West Africa

Hitomi Kirikoshi

African Studies Center – Tokyo University of Foreign Studies, Japan

Abstract

Since the 20th century, cocoa, coffee, and other cash crops have been a major part of the economic foundation of West African countries. These cash crops continue to have great significance as agricultural resources in contemporary West Africa. Cocoa is the second largest export of Ghana (the first being gold), constituting 15 per cent of the country's export value. Peasant farmers have been involved in the production of cocoa in Ghana since the colonial era. Many savanna people participate in cocoa production as agricultural labour in the forest areas of Ghana. During the colonial era, coastal ethnic groups bought savanna people as slaves to work on cocoa farms. Even after the abolition of slavery, savanna people were considered to be an essential part of the labour force for cocoa production. This article focuses on the process of savanna migrants' participation in cocoa production and the trust-building process within forest areas by tracing the historical networks of commerce in West Africa. Cocoa and kola have been produced together in cocoa farms around Kumasi, the capital of the Asante kingdom. Many kola merchants in this area act as mediators between savanna migrants and their host societies. Many savanna migrants connect to cocoa production through the kola trade network that developed in the 18th and 19th centuries between Asante and Hausa.

Keywords: cocoa production, kola, Hausa merchant, commercial network, *gaskiya*, *mai-gida*, *zongo*, West Africa



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1. Introduction

In recent years, issues related to migration have been attracting increasing attention around the world. In West Africa, changes in the political, economic, and natural environment since the 1970s and 1980s have led to increasing numbers of migrants (Rain 1999, Henry *et al.* 2003, Van der Geest 2011). In southern Ghana and Côte d'Ivoire, local communities have become accustomed to, and have generally accepted, the large migrant population that sustains cocoa production in the areas (Hill 1963).

There are several challenges in cocoa production, especially related to land tenure and transactions between indigenous and migrant populations. In the instance of Côte d'Ivoire, the high economic growth of the country, after independence in the 1960s, has depended on the production of cocoa and coffee. The large numbers of migrants in the region - approximately 1.3 million - came mainly from Burkina Faso and Mali. They settled in the forest area of Côte d'Ivoire under political aegis in the period between 1976 and 1980 (OECD 2009). The main reason for this movement of people is attributed to the severe drought that struck from 1972-1974. The highest economic growth of the country was associated with the impact of migrant labour on production. However, relationships between the indigenous population and migrants became disagreeable because of rapid occupation of reserve lands without registration by the migrants. As a result, civil conflict broke out in 2003.

According to Observatory of Economic Complexity (OEC), cocoa products are the second largest export of Ghana behind gold, constituting 15 per cent of the country's export value in 2016. In a situation that is similar to former Côte d'Ivoire, cocoa production in Ghana is depends on the migrant agricultural labour population from the savanna area. Data from the Ghana Statistical Service (2013) shows that Ghana had approximately 400 thousand migrants in 2010. According to this data, the inflow of migrants is not rapid in Ghana, despite a dependence of migrants labour similar to former Côte d'Ivoire. Although this difference of both countries can be explained as arising from commonalities among francophone cultures in West Africa, it can also point to the fact that the Ghanaian people have own migrants acceptance based on strong links with their neighbouring countries through historical trades such as kola trade.

The kola trade created a vast network in the 18th and 19th centuries that covered the area from the Volta Basin to Lake Chad (Lovejoy 1980: 33-35). This commercial network contributed to supporting the primary cocoa production of Ghana in the 20th century (Abaka 2005: 121-122). This article focuses on the process of participation in cocoa production and trust-building with savanna migrants in forest areas by tracing the historical networks of commerce in West Africa through the kola trade.

2. Research area and method

This article is based on bibliographic surveys and three months of fieldwork to study the patterns of migration and social relations of contemporary kola trade. Fieldwork was conducted from 2015 to 2017, mainly in the forested area of Ghana, which is a centre for cocoa and kola production.

During fieldwork I carried out 25 life history interviews, observed the current kola trade and conducted

25 household surveys. The research areas are located in two villages in Kwahu West Municipal District, Eastern Region, Republic of Ghana (Figure 1). Village F is located near the main road and there is a centre of the kola trade in the area. Village S is located approximately 10 km from Village F. These villages belong in the area of Akan people habitat. However large numbers of migrants from the savanna and Sahel regions, including the Hausa, Mossi, Kusasi and Dagaare, live in both villages, and there are cultural, religious and societal differences between Akan people and migrants.

The population of Village F is 1,222, half of which comprises migrants from the savanna and Sahel regions. Each village has an area populated by migrants called a *Zongo*. Symbolic places of migrants such as kola collection stations and mosques are found in *Zongos*.

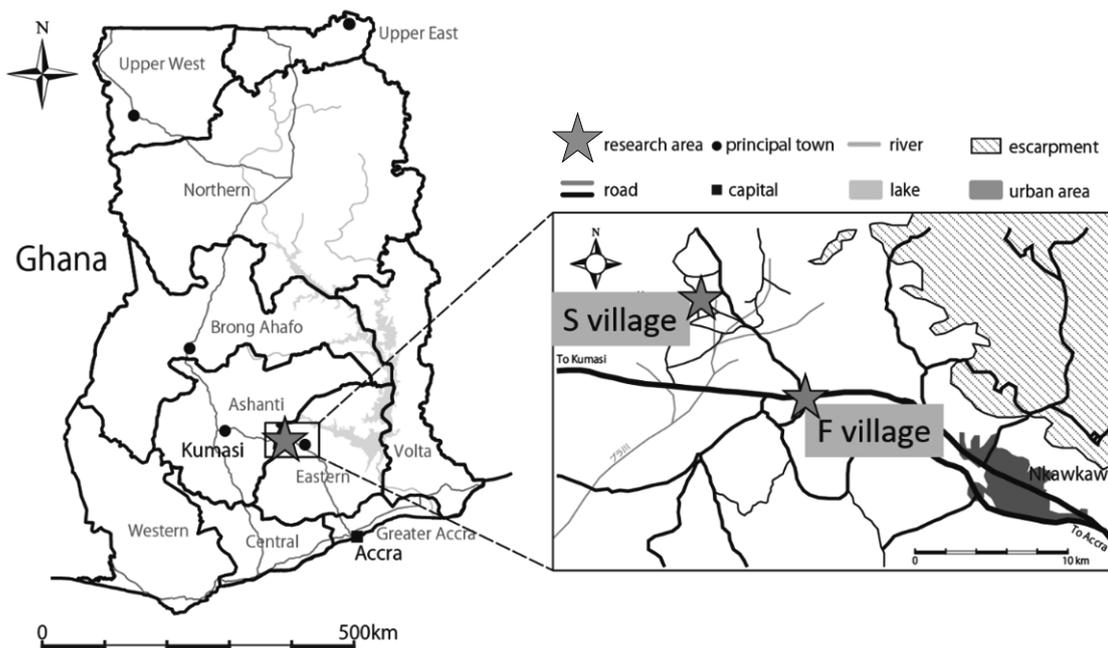


Figure 1. Research area

3. Contemporary kola trade in West Africa

3.1. Characteristics of kola

The kola nut is the fruit of the kola tree (*Cola nitida*). The genus *Cola* originated in tropical Africa, and kola trees grow well in forested areas. The kola nut contains caffeine and theobromine, both of which act as stimulants and energisers when consumed (Lovejoy 1980: 2-5, Burdock *et al.* 2009). Adults, both men and women, commonly chew the kola nut while working. An important characteristic of the kola is the separate locations of the areas of production and consumption. The centre of production is located in the south of the West African forest area, where the Akan people produce the crop. Many Akans are Christians. The area of consumption lies in the north of West Africa, in the savanna and Sahel regions, and the consumers are Muslims, including the Hausa and Mossi. Thus, the kola is transported across climate zones, ethnic groups, and religions.

The kola has high value in several West African Muslim societies (Lovejoy 1980, Abaka 2005). Kola nuts are often offered to guests or friends and exchanged during proposals of marriage. The kola is also highly valued in celebrations in West African societies. For example, kolas are given to guests on the occasion of the public celebration to name a baby, which takes place at the end of the first week after birth. Additionally, the kola is routinely chewed in the savanna and Sahel regions. In contrast, the kola is rarely used in everyday life in the forest areas where it is produced. The harvesting season lasts from September to January, with the peak period between September and October, but it is possible to harvest a small amount of the crop all year round. The fruits mature in 120 - 150 days and fall to the ground. A single kola tree generally produces from 0 to 2,000 nuts per year (Tachie-Obeng and Brown 2001, FAO).

In West Africa, the climate varies with latitude. The south is more humid, and the climate becomes drier as you move north. Kola production is limited to the humid regions such as the southern Ghana forest areas, while the vast area of consumption lies in the northern arid region in the savanna and Sahel regions, which incorporate south Niger, north Nigeria and northeast Ghana. The region is the centre of kola consumption. Here, people mainly cultivate pearl millet, and groundnut in some areas as a cash crop. In the forest production areas of southern Ghana and southern Nigeria, the major staple food is plantain banana. The chief source of income for the Asante people of the area is cocoa production. Tree crops, especially the palm and kola, characterise agriculture in the forest areas.

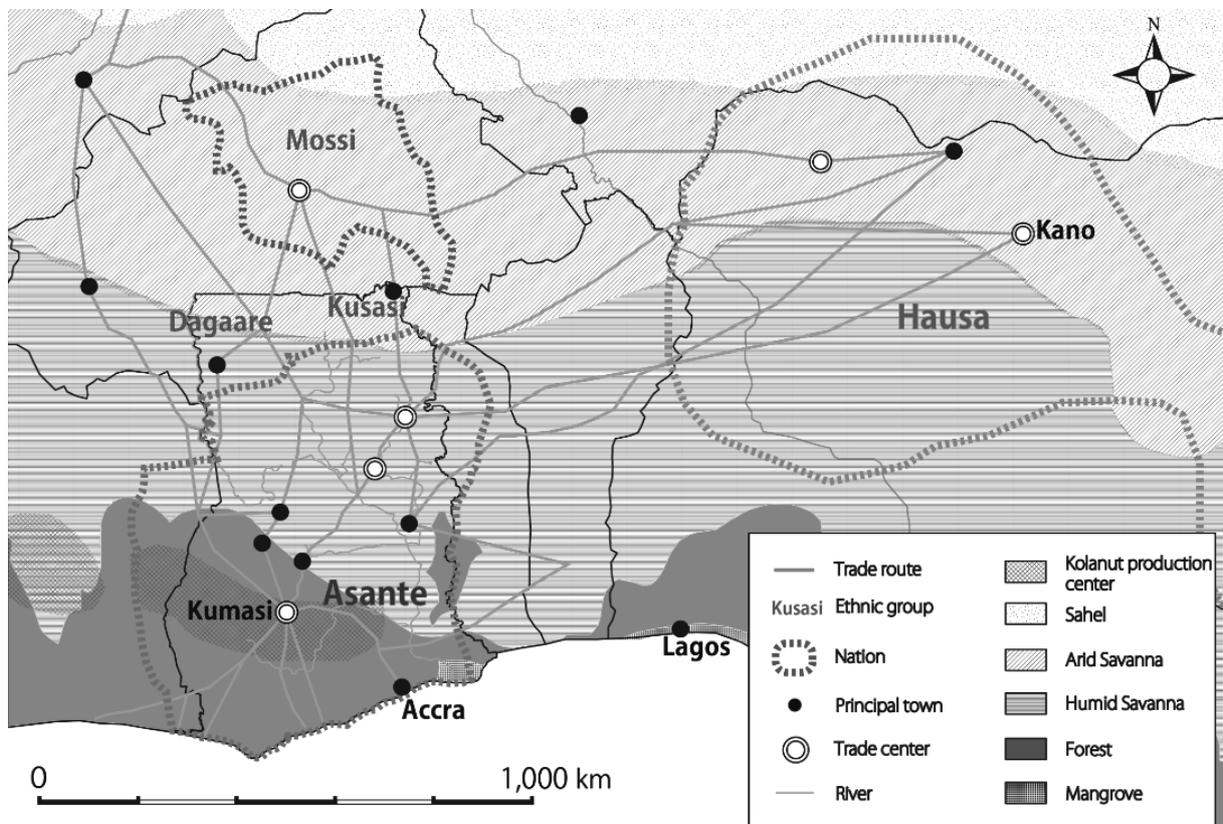


Figure 2. Trade routes between Asante and Hausa in the 18th and 19th centuries (based on Levtzion (1968), Wilks (1975), and Lovejoy (1980))

The kola requires transport over long distances, and the kola trade is comprised of a vast trade network between the Hausa-land and the Asante kingdom (Figure 2). This long-distance kola trade developed in West Africa during the 18th and 19th centuries and its historical roots can be recognised in the relationships between the various ethnic groups in the present-day kola trade. Kola is cultivated in cocoa forests around the city of Kumasi in southern Ghana. The Asante occupy large forested areas and engage in large-scale cocoa cultivation. The Hausa and other merchants from the savanna region buy kola in southern Ghana and transport them northwards to Burkina Faso, north Nigeria and Niger. In recent years people have started to refer to the kola trade as ‘kola business’. Kola and cocoa trees are planted, managed and share-harvested in a similar way. However, the harvesting method varies. Cocoa is harvested only by landowners or peasant farmers, and they do not permit the collection of fallen cocoa pods. However, people can collect fallen kola nuts from the cocoa farms without landowners’ permission.

3.2. Distribution of kola

Sellers collect kola from cocoa farmlands and store the nuts in a container until the container is completely full. The capacity of the container is 20 litres, which holds approximately 1,700 nuts. After people have collected a full container of kola, they sell it to brokers in their village. The selling price of a full container in May 2015 was 25 Ghana Cedi (GHS) (1 GHS = 0.25 USD). The sellers include not only migrants but also Akan people.

Kola brokers peel and wash the nuts before selling them to merchants, who then trade them to buyers in consumption areas like Niger or Nigeria. Brokers sell kola to merchants in volumes of 80 litres. Merchants carry kola to collecting stations called *shago*, and make parcels wrapped in leaves to protect the nuts from impact and drying (Figure 3). Each *shago* has a proprietor called *mai-gida* or *megida*. Merchants entrust these proprietors with the responsibility of storing the parcels at the *shago* until they are ready to be sold in consumption areas.

One of proprietors I encountered had a store of 619 parcels of 23 merchants in his *shago* on 15 March 2017 (Table 1). The transaction price of a parcel of kola was 17,000 Naira (NGN) in March 2017 (1 NGN = 0.00315 USD). Thus, the total price of 619 parcels would amount to 1,326,000 NGN (approximately 4,174.6 USD).

When the number of parcels of kola in a *shago* reaches 500 - 1,000, proprietors arrange trailers to carry them to consumption areas. They send assistants to manage the commodities and monitor transactions at the destinations. Assistants transfer the proceeds of the sales by bank to Ghana, and proprietors then pay each merchant their due. The proprietors and their assistants assume the responsibilities of managing the kola carefully through the entire process. Because kola requires speedy transportation to remain fresh, kola distribution requires high-speed trading to proceed with transactions smoothly. Kola is susceptible to heat, and if even one fruit is infected, it corrupts rapidly and spreads the infection to other nuts.



Figure 3. Parcel of kola

The trust factor is emphasised in the kola business because merchants' businesses face great risk of failure on even one single bad transaction. In kola transactions, each actor is evaluated on '*gaskiya*', a Hausa ethical concept that broadly covers truth, honesty, sincerity, faith, fairness, and objectivity (Aminu 2003). In the context of kola transactions, people demonstrate *gaskiya* by honest trade, for example by quoting the right price for commodities or by managing kola carefully. The term *gaskiya* is shared widely in West Africa and has found its use on names of newspapers, parties, and broadcasters. In addition, it is known in Hausa proverbs as a quality more precious than wealth, for example '*Gaskiya ta fi jaka*' (Truth is worth more than a penny). Non-Hausa merchants also use *gaskiya* as a critical term, and embrace its importance in transactions because it proves their prestige in businesses other than kola too.

In order to avoid risks in kola transactions, people have to make an effort to build trustworthy networks by determining the presence of *gaskiya* in the behaviour of their counterparts. If they are successful in finding credible counterparts, they can maintain a long and sustainable business. This is all the more important as the kola trade exists based on a chain of merchant credit.

Table 1. Number of entrusted parcels to each merchant

Merchant No.	Number of entrusted parcels	Merchant No.	Number of entrusted parcels
1	78	13	20
2	67	14	18
3	56	15	14
4	50	16	7
5	48	17	6
6	46	18	3
7	39	19	2
8	37	20	3
9	33	21	2
10	30	22	1
11	29	23	4
12	26		
total			619
average			26.9

3.3. Relationship between kola nut production and immigrants in southern Ghana

The Asante farmers plant kola trees among their cocoa trees as a shade tree for the young cocoa trees. Migrants have two ways to obtain the kola nut. One is the share contract system, and other is the kola collection practice called *etewu*. In the former, the farmer uses a share contract system called *abusa* or *abunu*, where peasant farmers manage the kola and cocoa trees. The peasant farmers do not need to have capital for purchasing or renting farmland directly. They can obtain one third or one half of the cocoa beans and kola nuts produced. Additionally, peasant farmers are permitted to plant and harvest crops for their subsistence in the farmlands. In Village F, the landowners are the Asante people, and the peasant farmers are migrants from the savanna and Sahel regions.

The survey carried out in Village S showed that all the migrants from the savanna and Sahel regions are engaged in either the kola business or in cocoa production (Table 2). Furthermore, many of the migrants moved here after 1986, which is when the first kola buyer arrived and settled in the village. According to the migrants, people who engage in the kola business act as mediators for newcomers who arrive in the village. In many cases, newly arrived migrants become peasant farmers or kola buyers. Information about the kola business passes by word of mouth from person to person, and in this way the kola business network expands. Newcomers can find accommodation and employers if they have connections to kola merchants even if they have no networks with the Akan people. Merchants introduce newcomers to Akan people who display *gaskiya* in their behaviour, especially within kola transactions.

Table 2 tells us about two migrant women engaged in kola collection, *etewu*. The women learned about kola collection from kola merchants in their hometown. They heard that they could obtain kola nuts from the cocoa farmlands in southern Ghana, and that they could earn cash by selling these kola nuts to merchants

from the savanna and Sahel regions. This information encouraged these women to leave the savanna region and move to the forest areas further south.

Focusing on areas owned by migrants in Table 2, almost none of them own land despite many of them working as farmers. This means that they can harvest cash crops, cocoa and kola, and subsistence crops through the contract system of *abusa* or *abunu*. They think it is sufficient to live in the forest areas as peasant farmers, and many of them do not have the desire to own property in the forest area. This is because they consider their stay in south of Ghana as just temporary. When they get older, they return to their hometowns, leaving their sons as successors in the same line of work.

Table 2. History of immigration to Village S

No.	Sex of household head	Immigration year	Work	Owned area (acre)
1	Male	1969	Owner of collecting station	0.0
2	"	1986	Kola nut buyer in villages	0.0
3	"	1990	"	0.0
4	"	"	Peasant farmer of cocoa production	0.0
5	"	1991	"	0.0
6	"	1994	"	0.0
7	"	1995	"	0.0
8	"	"	"	0.0
9	"	2000	"	0.0
10	"	"	Kola nut transfer broker	0.0
11	Female	"	Kola nut collection	0.0
12	"	2003	"	0.0
13	Male	"	Peasant farmer of cocoa production	0.0
14	"	2004	"	0.0
15	"	2005	"	5.0
16	"	"	"	6.0
17	"	"	"	0.0
18	"	2009	Kola nut buyer / peasant farmer	0.0
19	"	2012	"	0.0
20	"	2013	"	0.0

From Figure 2 we can see that there are two migrants who own land. Both of them worked on cocoa farmlands as peasant farmers since 2005. According to them, they obtained the land from their employers and it is necessary to gain employers' trust if people desire to own land. It is a widely shared belief among migrants that it is very important to work diligently to stay on in the forest area under Akan people. Migrants living in Village F are aware that they would be forcibly removed from the village if savanna people working under Akan people cause trouble. Their concept of values can be explained by historical trade customs and unforgettable memories of slavery.

4. Historical linkage between cocoa production and the kola trade

4.1. Initiation of overseas trade of kola and cocoa in the 19th century

According to legend, Tetteh Quarshie brought the cocoa tree to Ghana from Fernão do Pó in 1876. The first

cocoa cultivation started in 1879, and the first export initiative was in 1891 (Dickson 1969: 165-171). The price of cocoa increased gradually during the period after the abolition of slavery in 1807. Some cash crops, including cocoa, coffee, and palm became recognised as legitimate commodities, replacing the slave trade.

On the other hand, kola contributed mainly to overland trade until the 19th century. In this regard, kola was collected in forests, not cultivated by local people. The overseas trade began modestly with the experimental export of two packages to the United Kingdom in 1867, before the initiation of cocoa trade. Kola trees were introduced positively to cocoa farmland as shade trees during this period though the domestication of kola did not progress until the 19th century. As the trade increased, kola plantations were established in east Ghana. The peak of overseas kola export was in 1921, after which it started declining in early 1920s against a background of rapid growth of kola export of Nigeria (Dickson 1969: 151-153, Abaka 2005: 87). In contrast, the amount of cocoa exported increased in the 1920s and superseded the export of kola in 1930 (Dickson 1969: 153, 165-171).

Since the colonial era, the production of cocoa in Ghana has depended on peasant farmers. Akan farmers required large numbers of labour forces because of the rapid growth of cocoa production. Even after the abolition of slavery, the Akan peoples traded savanna people as slaves in coastal areas to work on cocoa farms during the early colonial era. However, slave transaction gradually decreased over the decades. Savanna people however, continued to be regarded as essential to the labour force for cocoa production. To the present day, many people from savanna and Sahel region participate in cocoa production as agricultural labour of Ghana.

4.2. Movement of migrants working in cocoa farmlands in the 20th century

As described earlier, under the *abusa* or *abunu* contract, savannah people do not need to have sufficient capital to purchase or rent farmland directly, but are permitted to cultivate their subsistent crops in cocoa farmland. This contract system triggered the movement of savanna people to southern forested areas and directly impacted the increase of cocoa production in the 20th century (Kolavalli and Vigneri 2011).

Similar to the production of cocoa, *abusa* and *abunu* contracts were applied to kola production too. Savanna people could obtain kola through these contracts by working under Akan people as employees (Abaka 2005: 122-123). Gold Coast and Ghana succeeded in engaging the participation of savanna people who were involved in cocoa production by applying the same contracts to kola production. The rapid growth of cocoa production in the 20th century is proof of the success of this system, and Ghana maintained the largest cocoa production in the world until 1977.

Though the kola trade of Gold Coast did not develop into overseas exports, it maintained a stable supply for inland consumption, and assumed great importance in the Gold Coast. People from savanna and Sahel region were compelled to engage in cocoa production at first, but they had a natural advantage in the purchasing of kola. They engaged in cocoa production, harvest, transaction in the market, and initially bought kola for their hometown as a by-product of cocoa. In this cycle, they succeeded in bringing kola inland

effectively (Abaka 2005: 121-122). As a result, this movement of kola purchase occasioned inflow of labours from savanna area. It can think that savanna people contributed to the development of cocoa production in Ghana by supplying essential labour force through the kola trade.

Although there were business opportunities in cocoa and kola in southern Ghana, savanna people experienced some difficulties when they entered Akan society. According to interviewees in Village F and Village S, during the 20th century Akan people made savanna people work in cocoa farmlands, but they often injured or killed them. When Akan people required additional labour forces, savanna people introduced others as their real brothers and always moved together to protect themselves.

Evidence of the relations among savanna people is visible in contemporary *zongos*. Savanna people call each other *aboki* (meaning 'friend' in Hausa) or brother, beyond ethnic groups. When Akan people require additional labour, migrants introduce trustworthy friends to their employers. However, they keep to their own space in the *zongo* in Akan society. They support each other and avoid causing any trouble with local people. Even in the present day, there are barriers between migrants in *zongos* and the local population. However, migrants have succeeded in acquiring the position of peasant farmers under Akan people. In some instances, they have also gained opportunities to acquire land. We will study how migrants have earned the trust of local people in contemporary kola business.

5. The process of trust-building between migrants and local people

5.1. Trust-building in kola transactions and cocoa production

Migrants and Akan people have little contact generally, as a result of the differences in their cultures, religions, and societies. Many migrants mention that they do not have *aboki* (very good friends) within Akan people.

On the other hand, some kola merchants and Akan call each other *aboki*. According to them, they call an Akan *aboki* if they find *gaskiya* in their behaviour. It is difficult to observe *gaskiya* in their daily life in *zongos*, but in kola transactions, they can perceive the behaviour of Akan people in detail. Akan people sell kola to merchants who live in *zongos*, and a merchant typically conducts transactions with 1-10 Akan people. If Akan people misrepresent the amount of kola to earn more, or delay the delivery, kola merchants decide that they do not have *gaskiya*. But if an Akan consistently displays honest behaviour, merchants judge them as a trustworthy person possessing *gaskiya*.

In a similar way, migrants can gain the trust and respect of Akan people through kola transactions. Migrants show their *gaskiya* by behaving with honesty, for example by purchasing kola at the correct rate, and demonstrating honesty in the work of cocoa production. Migrants believe that diligent work is one way to build trust and express *gaskiya* to their Akan employers. According to people who live in Village F and Village S, it takes more than five years to build trust in each other in kola transactions or cocoa contracts.

However, if their employers do not try to exhibit a better understanding of migrants, it is difficult to create good relations even if migrants indicate their honesty. Thus, it is important for migrants to find receptive and trustworthy people before they start their kola business or peasant work. If they get good mediators, it is

relatively easy to find good business partners or employers.

5.2. Importance of ‘*mai-gida*’ on the linkage between migrants and local people

Before the colonial era, in the 18th and 19th centuries, many *zongos* were established near main markets on the trade routes between the Asante kingdom and Hausa land. Though *zongo* originally meant ‘camp’ in Hausa language, the word was used to describe a temporary camp of trade caravans, and it later came to represent sites of diaspora communities (Lovejoy 1980: 53). In the trade of 18th and 19th centuries, each *zongo* had a proprietor of the compound, which served as hostelry, stables, and storage facilities for itinerant traders who used it as their headquarters (Lovejoy 1980: 127). The proprietor was called *mai-gida*, which means ‘owner of a compound’ in Hausa language, and always applies to the head of a household. Lovejoy (1980) notes,

Although anyone could be a broker, not everyone could be a *mai gida* with access to commercial information and clients. As the trusted and respected leaders of their communities, *mai gida* were able to extend credit during the complicated transactions they oversaw.

Because kola has high value in historical trade in West Africa, trust and respect were emphasised in former kola transactions. *Mai-gida* who oversaw all transactions in the *zongo* had to demonstrate *gaskiya* in their behaviour. Additionally, Curtin (1984) mentions the linkage between *mai-gida* and local society:

The landlord-broker (*jaatigi* in Malinke, *maigida* in Hausa) normally came from the same ethnic group as the moving traders, but he had usually been established in alien territory for some years, often for several generations. It might take that long to build up the local knowledge, local roots, and local position that he could then put at the service of the travelling merchants – at a price. The most important things he had to offer were lodging and protection.

This shows that the *mai-gida* acted as a mediator between the diaspora and local society. He had to gain trust not only from the diaspora but also from the locals in order to guarantee the security of visitors and ensure smooth transactions.

In recent years, proprietors of *zongos* are called *mai-gida* or *megida* (declensional word derived from *mai-gida*). Many belong to the kola business as overseers and have accumulated trust and respect from the Akan people as well as their community over numerous transactions. Migrants choose their leader after taking into consideration whether the person has gained the trust of the Akan people.

The *mai-gida* endeavour build trust between the *zongos* and local societies so that the migrant population can continue to stay in the forest area as aliens. They do this by demonstrating *gaskiya*, and establishing trust over personal kola transactions. Their role in the *zongo* is to oversee trading and relationships between people,

arbitrate over any disputes, and liaison to resolve issues and keep the peace. In addition, the evaluation of kola transactions influences other scenarios such as *asusa / abunu* contracts in cocoa production. Akan people request *mai-gida* or merchants they trust to establish contacts with good people they can hire as labourers for their cocoa farmlands. Even in case of land settlements, landowners seek out the opinion of the *mai-gida* to determine labours' honesty, besides referring to other sources such as their work on cocoa farmlands and social reputation.

6. Discussion

Contemporary cocoa production in Ghana is dependent on peasant farmers. There are many migrants in the region and they play an essential role in the labour force in cocoa production. The importance of migrants in cocoa production goes back to the history of slave and kola trade from the 19th to the 20th century. Despite these memories of past slavery, today migrants desire to stay in the forest area and want to continue to participate in cocoa production.

The reason for the movement of migrants is the difficulty in finding a livelihood in the savanna environment. The causes for this include the rapid growth of population, increasing desertification, and frequent droughts or too much rainfall as a result of climate change (Van der Geest 2011). There are other causes as well. Some of these include regional differences between arid inland and coastal areas in West African countries in public services. This affects every area, including political, educational, and medical services, and other systems influenced by colonisation. It is documented that a large number of migrants moved from inland to coastal areas and entered into the agricultural or trade sector in the period from 1970s to 1980s (Clough 1985, Turner 1999, Van der Geest 2011). In the past, the uncertain, vulnerable environment of savanna and Sahel region had created mutual ties beyond ethnic groups in West Africa. However, the drastic environmental and economic transformation of the 1980s and the 1990s encouraged the movement of people, debilitated the ties of ethnicity, and caused conflicts in various locations (Hussein *et al.* 1999). The case of Côte d'Ivoire may be counted as one of them.

The present-day *zongo* comprises a migrant community that has been built on the trading histories of West Africa, and it serves as a buffer between newly arrived migrants and the local community (Curtin 1984). Migrants follow the traditional customs established in historical trade, such as mutual cooperation within the *zongo* or establishing contact with indigenous people through the *mai-gida*. Migrants need to earn the trust of local Akan people to maintain their status in the forest area. This holds especially true in the process of participating in cocoa production or acquiring land from indigenous people. Migrants have to find good mediators and show their diligence and honesty, or what is referred to as *gaskiya* in Hausa. If they succeed in proving to the Akan people that they have *gaskiya*, many opportunities will be opened up to them to live in the forest area and earn money.

The kola transaction offers one way to build trust between migrants and local people. The kola transaction needs *gaskiya*, because the price of the commodity is high, and merchants stand a great risk of

losing the entire consignment of kola at once. It is common knowledge in the *zongos* of West Africa that it is possible to accumulate trust by maintaining successive transactions in the kola trade. This experience over a period of time is applied to building trust with the indigenous people of Ghana.

It is believed that the methods of relationship building through the kola trade or *zongos* give rise to unclear methods of land management in Ghana. According to Aryeetey *et al.* (2007), documented land registration has operated since the colonial times. Documentation was necessary for clear land titles, due to the high incidence of title insecurity and conflict. However, in reality, the management of land (in many cases defined as including trees and their products) has always embraced a dual system - legal and customary. Aryeetey *et al.* (2007) points out that such unclear land management in Ghana causes several conflicts and disputes over land. The point being made by Aryeetey *et al.* (2007) addresses one of the aspects related to land management. However, it also goes to show that this unclear land management also allows scope for systems based on trust among individuals. This argument can apply not only to land management, but also to contracts in cocoa production. People can make decisions based solely on trust, without definitive documentation to govern the transaction.

In recent years, the number of migrants to southern Ghana has increased as a result of the unrest in neighbouring countries. The situation surrounding migrants is changing and the displeasure with immigration is gradually increasing in Akan society. This is a similar trend to the one that transformed Côte d'Ivoire in the 20th century, and necessitates continuous observation of the state of affairs of trust-building between migrants and indigenous peoples.

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Part II

Resource Management and Political Power

Land and power in Africa:

The effects of recent land reforms

Shinichi Takeuchi

African Studies Center – Tokyo University of Foreign Studies, Japan
Institute of Developing Economies – JETRO, Japan

Abstract

Since the end of the Cold War, African countries have seen a wave of land law reforms that have had various consequences. This paper focuses on the effects of such reforms on state-building. Although donors have supported land law reforms to strengthen tillers' land rights, some African countries have used such reforms to increase the state's power to control land. The paper identifies three consequences of such reforms among African countries. First, countries that have carried out systematic land registration, such as Ethiopia and Rwanda, have strengthened state control of land. Land registration has been closely linked to the state-building efforts of the ruling parties, which were former guerrillas and have formed authoritarian governments. Second, in countries under one-party dominant systems like Tanzania and Mozambique, land law reform has been utilised to strengthen the state or the ruling party's control of rural societies. Finally, in countries like Zambia, land law reform has accelerated the delegation of power from the central government and has increased the autonomy of traditional chiefs. In the political environment, in which no ruling party has monopolised the national-level political power for a long time, traditional chiefs enjoy considerable autonomy. This paper shows that the effects of land law reform on state-building in Africa vary according to the system of state power and the ruling political party.

Keywords: land law reform, state-building, Africa, party system, chief



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1. Introduction

African countries have actively carried out land reforms since the 1990s. With a few exceptions like South Africa and Zimbabwe, such reforms have generally been concerned with laws and institutions regarding land. As a consequence of measures taken for the arrangement of land rights, a number of significant changes have been introduced in terms of the use, distribution, and control of land. Two decades having passed since the initiation of these reforms, it is high time to investigate their effects. This paper is an attempt to examine the effects of recent land law reforms in Africa.

On one hand, land law reform has accelerated the commercialisation of land. Particularly since the 2000s, huge swaths of African land have been the objects of deals. Enclosure and marketisation of land have been increasingly conspicuous in rural parts of the continent. Some scholars have examined the effects of land law reforms on the commercialisation of land as well as land grabbing (Alden Wily 2014, Amanor 2018). Rapid increases in the size and frequency of large-scale land deals have undoubtedly been a critical feature of Africa in recent decades.

On the other hand, recent land reforms have had significant impacts on state-building; this is the focus of this paper. Land law reforms are closely related to the reorganisation of political power. Determining the delegation of rights to land, which is generally the most important means of production, particularly in rural areas, land law defines the whereabouts as well as the organisation of power. It follows that reforming land laws impacts power configurations. Considering the importance of land in the everyday lives of ordinary Africans and thus its importance in African politics, these impacts deserve careful investigation.

This paper argues that recent land reforms have had enormous impacts on African state-building. This argument is important for two primary reasons. First, impacts on state-building have been relatively neglected in land law reform. Despite the close connections between land laws and state-building, few scholars have studied their intertwined relationship (Boone 2007; 2014). Second, it offers a new perspective on the interpretation of large-scale land deals. Recently, important parts of the territories of African countries have been purchased by foreign private companies. The purchase of African land by foreign capital tends to be interpreted as the loss of national sovereignty. For example, as large-scale land purchases by foreign capital have concentrated in the African continent, Sassen argues these large-scale land acquisitions ‘produce a partial denationalisation deep inside nation-states, a structural hole in the tissue of national sovereign territory’, and interprets this trend as ‘one of several processes that partly disassemble national territory’ (Sassen 2013: 43). In other words, such land acquisitions would reduce the accountability and consequently exacerbate the fragility of African states. If recent land law reforms have contributed to the commodification of African lands, have they also contributed to further weaken fragile African states? Whereas land law reform has generally promoted the commodification of lands, its impacts on state-building have been various. This paper therefore calls for a more detailed analysis of the situation in each African country.

2. Recent land law reform in Africa: Contexts and motivations

African countries have seen a massive wave of land law reforms since the end of the Cold War. Table 1 shows the main land policies and land laws adopted since the 1990s in African countries. It is clear that many African countries have revised their land policies and launched land reforms in this period. Importantly, with few exceptions like South Africa and Zimbabwe, almost all of these have reformed land laws and/or policies. Land reforms in this period have been carried out mainly through institutional changes. In addition, these reforms have shared similar objectives, aiming to strengthen tillers' land rights.

2.1. External factors

The fact that these reforms were almost simultaneously launched in the post-Cold War period and that their objectives are similar suggests an external influence over such policy changes. In fact, in this period, on a rising tide of marketisation and democratisation, donors have ardently promoted land reforms for two purposes, the first of which is to secure tillers' land rights to increase investment (by tillers themselves as well as external investors) and improve productivity. The logic of this objective is clarified in the report of the 'Commission for Africa', which was established on the initiative of the UK's Blair government. The report emphasised the necessity for land rights reforms, arguing that securing property rights would be indispensable for promoting investment, and thus for agricultural development. Considering land registration as a precondition of land security, the report recommended the use of geographic information systems (GIS) as well as computers to reduce costs. It argued that the clarification of land rights through the registration of each parcel would increase incentives for investment not only among farmers but also investors and activate rural financial markets by enabling farmers to take loans while using parcels as collateral (Commission for Africa 2005: 46, 223, 231). Presuming such a path for economic development, the establishment of private property rights has been considered as a key economic policy. The idea is a textbook-style policy for market-oriented economic growth. *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* by De Soto (2000), which advocates this development path, has been widely accepted by donors and has had significant political influence.

The second objective has been the reduction of land conflicts and the improvement of governance. The logic that land reform should address land governance can be found in the World Bank policy report (Deininger 2003), which was published three decades after the previous policy paper on land (World Bank 1975). Contrary to the 1975 paper, which focused exclusively on the establishment of private property rights as a method of securing land rights, the 2003 paper recognised that tillers' rights could be secured under the customary land tenure system. It argued that customary lands had been generally well-managed under traditional authorities and are equipped with conflict resolution mechanisms, and therefore that official recognition of the customary tenure would lead to low-cost and effective land management, thus stabilising land rights for each member of the community. Considering the disappointing results of land registration policies carried out before the 1990s as well as theoretical development of economics, the 2003

paper emphasised the significance of officially recognising customary land rights to ensure land tenure security (Deininger and Binswanger 2001). Tillers' rights will be secured regardless of the land tenure system if the legitimacy of their rights is willingly accepted by stakeholders and a sustainable land management mechanism exists. In short, the 2003 paper argues that governance is important.

The close relationship between land reforms and good governance has recently been highlighted by World Bank researchers (Deininger and Feder 2009, Deininger *et al.* 2012). They argue that constructing a mechanism for effective and equitable land management will contribute not only to securing land rights and increasing agricultural productivity but also to empowering the rural poor, enhancing gender equality, and successfully implementing policies regarding decentralisation and peace-building. Here, institutional land reform is considered to support good governance. The argument supposes that official recognition of customary land rights by the state will change the perception of local communities and make them recognise the state as legitimate, thus improving and stabilising state-society relations. In this logic, we can find the same line of argument with policies on state-building, which has become mainstream in development aid since the 2000s (OECD 2008). Just like other issues for global governance in the post-Cold War period, including democratisation, decentralisation, and peace-building, land reforms have been carried out under the strong influence of liberal democracy.

2.2. Internal contexts

Although donors' expectations and assistance have been an important factor for the promotion of land reforms since the 1990s, they are only one side of the story. Like the introduction of the structural adjustment policy in the 1980s as well as that of the multi-party system in the 1990s, African countries have had their own logic and motivations for adopting new policies, strongly promoted by external actors. To understand recent land reforms in Africa, the following three contexts are particularly important.

First, it was compelling for some countries to revise prior land policies that had produced fatal outcomes. African socialist countries like Tanzania and Mozambique had actively promoted villagisation and collective farms in the 1970s. These policies, however, had delivered disastrous results, thereby obliging the governments to initiate arguments for revision as early as in the 1980s. For these countries, land reforms were sooner or later indispensable for establishing new land administrations.

Second, armed conflicts that frequently took place in this period in Africa were another important factor for land reform. Those who seize political power will make efforts to build a land tenure system that is advantageous for themselves. In fact, land reforms have often been carried out as a result of the revision of political order following armed conflicts. A good example is Rwanda, where the former rebel group, the Rwandan Patriotic Front (RPF), carried out a series of land reforms following its victory in the civil war in 1994 (Takeuchi and Marara 2014). Through active interventions in land matters, the RPF-led government has attempted to create a new property regime corresponding to the new political order.

In Kenya, which was seriously destabilised by post-electoral violence during 2007 and 2008, land

problems have been the central focus in negotiations for restoring the political order. In this case, land reforms were urgently requested for the resolution of the conflict. Although land problems were not the direct cause of the PEV, Kenyan political elites shared a sense of necessity in addressing them, as they had been always an underlying cause of popular dissatisfaction.

Finally, the drastic changes in politics and economy that have taken place in Africa since the 1980s have exerted crucial influence over simultaneous and similar land reforms. In fact, African countries have seen dramatic policy changes in this period. In the 1980s, Africa saw the start of radical economic liberalisation due to the introduction of structural adjustment policies. The end of the Cold War brought about a rapid transition from a one-party to multi-party system in a significant number of countries. Abolition of the apartheid regime in South Africa was also an extremely important event in this period. These macro-level changes in the African political economy created historic opportunities to review fundamental policies, including those related to land. In Africa, as a consequence of colonial and post-colonial policies, the state had exercised strong power over land. Until the 1980s, it was common for land ownership to belong to the state, for buying and selling of land to be prohibited, and for individual land rights to be ambiguous. In the context of the post-Cold War period, in which democratisation and marketisation have been strongly promoted, policies strengthening individual property rights have been willingly accepted and adopted in African countries.

For example, in Zambia, in the multi-party election in 1991, the newly established Movement for Multiparty Democracy (MMD) defeated the United National Independence Party (UNIP), which had been the ruling party since independence. During the election campaign, the MMD promised to change the UNIP's socialist policies and strengthen private property rights. Following the electoral victory, the MMD adopted new land laws in 1995, reinforcing individual rights over lands (Brown 2005).

As we have seen in this subsection, African countries have had their own motivations for conducting land reform. Whereas a number of countries have launched land reforms in a similar period with similar goals, their motivations and purposes have differed..

3. Reorganisation of power through land reform

Because land is a critical means of production in rural Africa, related reforms may strongly affect the distribution of political power. Africans in rural areas were generally negated individual land rights in colonial times, as land ownership was attributed to communities that were reorganised under the colonial administration (Meek 1968). Post-colonial African states adopted the same vein of policies with a few exceptions, including Kenya, in attributing land ownership to the state (Chanock 1991). Considering this historical development, recent land reforms that aim to strengthen tillers' land rights may have enormous impacts on African rural societies in empowering ordinary African farmers. However, the impacts have been never straightforward. This section examines the consequences of recent land law reforms in five

countries (Rwanda, Ethiopia, Mozambique, Tanzania, and Zambia)¹ and classifies such reforms into three groups.

3.1. Implications of systematic land registration

The first group is composed of Rwanda and Ethiopia. The two countries carried out systematic land registration and delivered land certificates to a significant group of citizens. Although they differ in size, Rwanda and Ethiopia have a number of commonalities regarding land policy as well as recent political history. In both countries, the ruling parties (Rwandan Patriotic Front and Ethiopian People's Revolutionary Democratic Front) were rebels during the civil wars in the 1990s. After winning the wars, they established strong control over the territory and were often seen as oppressive.

Under the former rebels' rules since the beginning of the 1990s, the two countries have actively intervened in land ownership. Rwanda adopted the National Land Policy in 2004, stipulated the new land law in the next year,² and launched systematic land registration in the end of 2000s (Sagashya 2012). With strong support from donors including the UK government and the World Bank, Rwanda delivered land certificates to a great majority of nationals by 2012. Today, Rwandans generally possess a number of land certificates according to their registered plots. Substantially, Rwanda was the first African country to succeed in delivering land certificates to nationals living all over the territory. In the case of Ethiopia, land registration started much earlier: after the proclamation of a new land law in 1997,³ four main regions (Tigray, Amhara, Oromia, and Southern Nations, Nationalities, and Peoples)⁴ launched the operation. With similar strong support from donors, the country has almost achieved full registration in the four regions (Bezu and Holden 2014, 195).

As a background of land registration, both countries had a strong sense of crisis; the two countries suffered from land shortages due to their extremely high population density. With 483 people per square kilometre, Rwanda has the highest population density in Africa. Although Ethiopia's average population density is smaller (102 people per square kilometre),⁵ it is generally much more significant in the highland areas. Against this backdrop, land has been increasingly scarce in the countries, causing serious agricultural difficulties. This sense of crisis was widely shared among policymakers in the two countries before the new land policies were adopted.

Rwanda's National Land Policy was very clear on this point. The policy paper listed a number of

¹ The country analyses are mainly based on a research project that was funded by the Institute of Developing Economies - JETRO during 2015 and 2016, in which ten countries were selected for case studies by eight researchers.

² Organic Law No. 08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda.

³ Rural Land Administration Proclamation of the Federal Government of Ethiopia (No. 89/1997).

⁴ Ethiopia is a federal state subdivided into nine regions (regional states) and two chartered cities.

⁵ Statistics of population density in the two countries are from 2016. They are from the World Bank, *World Development Indicators* (<http://databank.worldbank.org/data/reports.aspx?source=world-development-indicators>).

serious problems that post-conflict Rwanda needed to tackle, namely strong population pressure, domination of subsistence agriculture, a considerable number of landless persons, and scattered farming plots (Republic of Rwanda 2004: 5). It clearly showed the government's perception that land-related problems, dangerous not only for agriculture but also for the environment and dwellings, were so acute that a wide range of policy interventions were urgently needed. Against this backdrop, the importance of a 'land administration', defined as 'the process of registration and dissemination of information in relation to land titles and all sorts of land transactions, as well as the use of land-linked natural resources' (Republic of Rwanda 2004: 30), was strongly emphasised. In other words, the new land policy required a management system promoting the effective and efficient use of land and other natural resources. In this context, land registration was a prerequisite for this 'land administration'. The Rwandan government, therefore, considered land registration as an indispensable means for reorganising the current land tenure system, which was faced with all sorts of problems.

These ideas of the National Land Policy were accurately adopted in the Organic Land Law, characterised by strong control by the state over land users. For instance, it prohibits the reduction of land for agriculture to less than a hectare (art. 20). Farmers are officially prohibited from dividing small plots for sale or inheritance, although they continue to do this informally. In addition, the law requires landowners to comply with obligations of 'protection, conservation and better exploitation of the land' (art. 61). Anyone who owns land 'must use it in a productive way', which is defined as 'to protect it from erosion, safeguard its fertility and ensuring its production in a sustainable way' (art. 62)⁶. Tight controls over land users have been quite effective; the telling example is land consolidation. On the basis of article 20 of the land law, the Rwandan government has imposed designated crops on farmers in providing fertilisers and improved seeds. Whereas opinions have been divided about the effects of this policy,⁷ it is undoubtedly a strong state intervention for controlling land users.

In this context, the Rwandan government launched land registration, which was stipulated as mandatory in the land law (art. 30). With strong assistance from donors, particularly the UK, the government started a programme of systematic tenure regularisation in 2005. Following Phase I, which focused on the development of a road map, trial intervention, and reforms, Phase II began in 2009 for full implementation (Bruce 2014a). Although the process was not perfect, the overwhelming majority of Rwandans received land titles by the end of Phase II (2013). It is quite remarkable that within several years, the country established a unitary land tenure system through nationwide land registration.

In Ethiopia, the backgrounds and purposes of land law reform have been similar to those in Rwanda.

⁶ The obligations of exploitation for landowners have a long history in Central Africa. Originating with colonial regulations for concession owners, similar provisions can be found in a number of land laws in post-colonial African countries, including that of Zaire in 1973 and Burundi in 1986. These provisions were maintained in the revised Rwandan land law in 2013 (Law No. 43/2013 of 16/06/2013 Governing Land in Rwanda).

⁷ Although the majority of the literature has been critical of this policy (Ansoms *et al.* 2014, Cioffo *et al.* 2016, Huggins 2017, Dawson *et al.* 2016), Harrison (2016) defended Rwanda's interventionist rural policies as a realistic approach on the grounds of the current difficult circumstances.

The country has a much longer history of interventions in land than Rwanda. Following the revolution in 1974, the Derg regime implemented socialist policies and actively implemented land-related policy interventions, including land redistribution, villagisation, and resettlement. Having established its government in 1991, the EPRDF began to follow the land policies of the previous regime,⁸ but later shifted to focus on institutional measures in adopting the federal land law in 1997. This first federal land law was revised in 2005⁹ and has since been regarded as the basic principle of land policy. It enabled the regions to appropriate lands without heirs for distributing them to other farmers (art. 9) and introduced the minimum rural land holding size (art. 11). On the basis of federal land law, each regional state enacts its own land law to deal with land-related problems.

Establishing state control over land has been one of the clearest motivations and consequences of the new land law. In the Amhara region, the enactment of regional land laws and regulations have contributed to asserting state control over land management in the following four points (Kodama 2017). First, conditions for land appropriation have been clarified. Those who do not cultivate land are prohibited from owning it; their lands are appropriated and redistributed to others who can cultivate. Second, the minimum holding size was fixed as 0.2 ha for land without irrigation and 0.06 ha for land with irrigation. Any land holding smaller than these sizes is not allowed. This regulation critically affects inheritance. Third, land registration became *de facto* mandatory because the law stipulates that users can claim rights over lands only when they are registered. Fourth, administrative organisations have been created for land management. At the regional state level, the Amhara National Regional State Environmental Protection, Land Administration and Use Authority was established. As its branch office, the Land Administrative Committee has been set up at the village (*qebele*) level and has the authority to deal with land-related affairs, including appropriation and redistribution of land as well as management of land conflicts. As central members of the Land Administrative Committee were dominated by a cadre of the EPRDF, the establishment of the land management system consolidates the existent political order led by the ruling party. Although Ethiopia was cited in Sassen (2013) as one of the ‘top six land sellers in Africa’, it is also true that the country has established a strong state control over land and rural communities (at least in the highlands).

Importantly, despite systematic land registration, the deliverance of land certificate has not strengthened the land rights of private land users. It is clear that both Rwanda and Ethiopia have undertaken land law reform because they considered it a central issue of state-building. The sense of crisis possessed by the policy makers, which was a strong driving force for the reform, was concerned not only with the land itself, but with a broad range of issues concerning the establishment of political order. Issues such as

⁸ For instance, the redistribution of land was carried out in the early 1990s in the northern part of the Amhara Region.

⁹ Federal Democratic Republic of Ethiopia Rural Land Administration and Use Proclamation (Proclamation No. 456/2005).

reforming subsistence agriculture, ensuring agricultural sustainability, dealing with landless people, and establishing a financial base for the government are closely linked with the broader management of the state. They are too important to be dealt with only by land and agriculture-related ministries. Both countries have attempted to tackle these issues by strengthening the state's control over land to boost agricultural productivity and promote efficient land use. Land registration has been considered indispensable in this context and has been carried out for this purpose. It is therefore quite natural that the deliverance of land certificates has not resulted in strengthening private property rights. Land registration has been put forward in Rwanda and Ethiopia to provide the state with instruments for controlling lands, and then people. Their motivation has been quite different from that of donors.

3.2. Implementing land law for the consolidation of a one-party dominant system

Mozambique and Tanzania differ from the countries in the first group, Rwanda and Ethiopia. As they have a lower population density (the national average in 2016 was 36.7 persons/km² in Mozambique and 62.7 persons/km² in Tanzania), land is relatively abundant in these countries. Although the two countries have not carried out systematic land registration, they have actively promoted foreign direct investment to boost economic growth. As a result, the two countries, having seen the proliferation of large-scale land deals, were also included in the 'top six African land sellers' listed in Sassen (2013).

Mozambique and Tanzania have similar historical backgrounds regarding the enactment of new land laws. Both countries adopted socialist policies until the 1980s and actively intervened in lands. Under the Ujamaa policy, Tanzania undertook villagisation, particularly in the 1970s and 80s. Following its independence in 1975, Mozambique put forward socialist policies including the villagisation and construction of collective farms until 1983, when the ruling FRELIMO party decided to change its socialist stance. The end of the Cold War urged the two countries to officially abandon socialist policies and to build a new policy framework regarding land. Basically adopting the donors' logic, the two countries enacted new land laws at the end of the 1990s (Mozambique in 1997, Tanzania in 1999).¹⁰ These new land laws have often been praised by the international community because they endorsed the customary rights of local communities as legitimate, recognised the right for local communities to register their lands, and carried out extensive popular consultation for the elaboration of land laws. Despite the local-friendly appearance of the land laws, it should be noted that both Mozambique and Tanzania have adopted clear macro-economic policies promoting FDI and the commercialisation of agriculture. Against this backdrop, large-scale land deals have proliferated.

Importantly, the land law reforms in the two countries have affected the land management systems of local communities. In Mozambique, in parallel with land law reform, local communities have been reorganised to be more closely connected to the central government (Aminaka 2017). In a consequence of

¹⁰ The 'Lei de Terras, Lei no.19/97' for Mozambique, the 'Land Act' and the 'Village Land Act' in 1999 for Tanzania.

land reform, the country recognised the issuance certificates of usufruct rights (*direito de uso e aproveitamento de terra*: DUAT) for individuals, corporate bodies, as well as local communities (*comunidade*). This means that the acquisition of the DUAT certificates is indispensable for land deals. To acquire DUAT certificates, a consultation must be held with the concerned local communities. The consultation should be carried out under the initiative of the Local Consultative Council (*Conselho Consultivo de Povoação e de Localidade*), whose core members are composed of the ‘communal authorities’ (*autoridades comunitárias*), organisations established in 2000 in the context of decentralisation. The ‘communal authorities’ include not only the ‘traditional authorities’ (*autoridades tradicionais*), which have traditionally played a central role in land management,¹¹ but also other leaders in the local community, such as officials of the local administration and former veterans. In short, the ‘communal authorities’ are far from autonomous local communities. Rather, they are political arenas in which political parties compete to gain advantages to influence local land distribution through the Local Consultative Council.

In this structure, the FRELIMO has expanded its influence at the local level. In the Mozambican local administration system, the interior minister and the provincial governors, both of whom are nominated by the president, hold considerable power over the chiefs at lower levels because they are responsible for nominating them. This means that the country has built a local administration in which the political party supporting the president can easily consolidate power at the local level. In fact, the FRELIMO has placed its supporters in positions in the communal authorities.¹² In restructuring the local administration, the Mozambican state led by the FRELIMO has achieved greater penetration at the local level, where it increased its influence over land distribution.

Tanzania has also seen an increase in state control over land distribution (Ikeno 2017). The Village Land Law (1999) gave the ‘village council’ the authority for land management in the village according to the customary law. However, the meaning of ‘customary’ is quite ambiguous. Tanzania’s villages have been significantly transformed since colonial times. In particular, the post-colonial socialist regime systematically suppressed the roles of traditional chiefs and carried out villagisation through the Ujamaa policy, causing a significant reorganisation of the relationship between lands and users. Generally, the Tanzanian village cannot be considered an autonomous community, in which local land management is handled according to the logic of kinship. In fact, the central government’s control over the villages has been increasingly established through villagisation. It should be noted that the Village Executive Officer, playing central roles in the village administration, is an officer appointed by the District. A specialist of land policy assesses the Tanzanian land administration as ‘a centrally planned and implemented extension

¹¹ It should be noted that the ‘traditional authorities’, called *‘réglo’*, have various backgrounds and are not politically neutral. For example, some of them have not been considered legitimate because they were appointed by the colonial authorities. In addition, during the civil war, their political stance (supporting FRELIMO or RENAMO) created a division among people.

¹² For instance, many FRELIMO veterans have become members of the communal authorities.

of the land registry service' (Bruce 2014b: 66).

Both in Mozambique and in Tanzania, the state has continuously attempted to establish control over rural societies since independence. Not only the suppression of chiefs and villagisation in the socialist era but also the recent policy of decentralisation has been utilised for this purpose. As Dickovick and Wunsch (2014) pointed out, decentralisation policies have strengthened central control of rural societies in Africa, particularly in countries with dominant party systems, including Mozambique and Tanzania. The two countries, in other words the FRELIMO and the CCM, have utilised recent land law reforms in this context. Following a series of land reforms, centralised rather than localised land management has been clearly enhanced.

3.3. Delegation of power to chiefs

In some countries, the consequences of land law reform have been quite different from the above-mentioned cases in which the central government has strengthened its control over lands and societies through reforms. In the case of Zambia, following the adoption of the 1995 Land Act that requires the consent and approval of chiefs for the alienation of lands,¹³ the power of traditional leaders over the distribution of lands has been reinforced. The chiefs' power over land has been so strong that some of them have even issued their own 'land allocation forms' in addition to the 'titles deeds' issued by the government. In rural areas, the former tends to be more effective than the latter. In his field research, Oyama witnessed a chief nullifying an official title deed owned by an outsider and permitting ordinary villagers to cultivate the area (Oyama 2016). This indicates that chiefs' powers over the land often substantially exceed that of the central government.

Whereas chiefs have long had strong power over lands in Zambia, the 1995 Land Act gave this power legal grounds. As mentioned above, Zambia reformed its land policy because of regime change. Following the abolishment of the one-party system, Kenneth Kaunda and the UNIP, which was the sole legally admitted party, lost power in the 1991 general election. The new ruling party, MMD, adopted the new land law according to their manifesto for strengthening individual property rights. At the beginning of the debate, chiefs opposed the land law reform, as they were afraid that the law might reduce their power over land in strengthening individual land rights. However, the new land law has enforced chiefs' rights for land distribution rather than farmers' individual property rights.

There may be multiple reasons for these effects of the 1995 Land Act. It is clear that its provisions requiring chiefs' approval for land deals have significantly contributed to these effects. In addition, the Zambian party system may have important implication on the implementation of such laws. Since the introduction of the multi-party system, Zambia has seen repeated shifts of the ruling party. The MMD, which won in a land-slide victory in 1991, lost the majority in 2001, though the president was issued from

¹³ Republic of Zambia, The Land Act, See for example, Part II, 3.(4)(b)(d) and 8.(2)(3).

the party. In the 2011 general election, the PF (Patriotic Front) won a majority and became the ruling party with president Michael Sata. Repeated regime changes through voting imply that multi-party democracy has worked in the country. In fact, Zambia has been given a high score among African countries in the assessments of democracy including Freedom House and Polity IV. No particular ruling party, fusing with the local administration, has systematically intervened in local politics. Moreover, even during the Kaunda regime advocating African socialism, the country was generous with traditional chiefs and never massively persecuted them. Consequently, chiefs have relatively maintained their autonomy and took the opportunity of land law reform to firmly establish their authority.

In-depth case studies are needed, as the case in Zambia may share similar traits with those of countries like Ghana and Sierra Leone, where regimes have repeatedly been changed through voting.

4. Discussion

This paper demonstrates that African countries have experienced various land law reforms in terms of motivations, meanings, and consequences. It identifies the following three patterns through case studies of land law reform. First, land law reform in some countries has been utilised as an important instrument for reorganising society in the context of post-conflict state-building. In Rwanda and Ethiopia (highlands), the ruling parties that were formerly rebels have actively intervened in lands since seizing power in the civil war. Radical intervention measures, including systematic land registration, have been carried out against the backdrop of a strong sense of crisis about subsistence agriculture and land shortage. In other words, a serious concern about building public order has existed in these countries, and land law reform has allowed these states to increase their control over societies. Under the strong initiative of the ruling party, the two countries have undertaken significant social restructuring through interventions via land. In both countries, the interventions have generally been carried out with authoritarian methods through the line of the ruling parties, which have often brought severe criticism from scholars and human rights defenders (Ansoms 2009, Huggins 2017). One of the reasons that the policy implementation has been so authoritarian is that land policies in the countries have been crucial for the current ruling party's state-building efforts.

Second, land law reform in other countries has been utilised to strengthen the control of the state and/or the ruling party. Both in Mozambique and Tanzania, measures for intervening in land have not been as drastic as those in the first group. Rather, they have been combined with decentralisation to establish effective control by the central state. In these cases, governments did not undertake significant social restructuring, although the ruling parties have continuously attempted to increase their control over the society. In this context, land law reform has been utilised to strengthen the control of the state and ruling party.

Finally, in some countries, land law reform has accelerated the delegation of power from the central government and has increased the autonomy of traditional chiefs; Zambia is a typical case. The fact that no ruling party has succeeded in monopolising political power for a long time at the national level has

reduced the consistent pressure and intervention from the centre to the local communities so that traditional chiefs enjoy considerable autonomy. Land law reforms have strengthened chiefs' authority over the land rather than ordinary citizens' property rights, particularly in rural areas. This may have ambiguous effects on democracy in the country. Zambia has been generally considered to demonstrate good democratic performance in several rankings, including the Freedom House and the Polity IV (Harbeson 2013). However, if chiefs exercise greater discretion regarding land allocation and if land rights become significantly dependent on traditional chiefs, democratic decision-making in local communities may be undermined.

On the basis of five case studies in African countries, this paper has shown various consequences of recent land law reforms and identified three different patterns. It clearly indicates that the meanings and consequences of land law reform have varied according to the nature of the existent political order and the party system. Authoritarian regimes with strong population pressure have made use of land registration as an efficient tool to increase control over the land and local communities. In other countries with dominant party regimes, recent land law reforms, along with decentralisation policies, have been utilised to increase centralised control. On the contrary, in Zambia, where no ruling party has established a long-term rule in the central government, land law regime has strengthened the autonomy of the traditional chiefs. In this case, the reform has so far resulted in the delegation of power over the land from the state to the chiefs.

State fragility has been a common challenge for African countries, which have consistently focused on state-building efforts. This paper shows that the roles and functions of land law reform in the context of state-building have been quite different across the continent. Whereas some countries have intentionally utilised such reforms to consolidate state power, these reforms have accelerated the delegation of state power to local chiefs in other cases. Therefore, land acquisition by foreign companies will not necessarily exacerbate state fragility. Rather, it is the nature of land policies and their roles in state-building that affect their impacts. Although Ethiopia has actively promoted land acquisition by foreign capital, it has increased its control over land through land reform. On the contrary, although the size of land acquisition has been smaller in Zambia, state control over land has been increasingly lost since the adoption of new land laws. The effects of land acquisition on state-building seem to be highly related to the nature of land policies rather than the nationality of capital.

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Table 1. Main land policies and land laws adopted after the 1990s in Africa

Country	Main land policies and land laws adopted after the 1990s
Angola	Lei de Terras de Angola (2004)
Benin	Loi No.2013-01 du 14 août 2013 portant code foncier et domanial en République du Bénin
Botswana	Botswana National Land Policy (2002)
Burkina Faso	Loi n° 014/96/ADP portant réorganisation agraire et foncière au Burkina Faso (1996) Loi No.034-2009/an portant régime foncier rural (2009)
Burundi	Lettre de politique foncière (2009) Loi No. 1/13 du 9 août portant révision du code foncier du Burundi (2011)
Cameroon	Décret n° 2005/481 du 16 décembre 2005 modifiant et complétant certaines dispositions du décret n° 76/165 du 27 avril 1976 fixant les conditions d'obtention du titre foncier (2005)
Cote d'Ivoire	Loi n°98-750 du 23 décembre 1998 relative au domaine foncier rural (1998) Revision (2004, 2013)
Ethiopia	Federal Rural Land Administration Proclamation (1997) Federal Democratic Republic of Ethiopia Rural Land Administration and Use Proclamation (2005)
Gabon	Loi n°3/2012 du 13 août 2012 portant ratification de l'ordonnance n°5/2012 du 13 février 2012 fixant le régime de la propriété foncière en République gabonaise (2012)
Ghana	Ghana Land Policy (1999) New land law under discussion (as of 2016)
Kenya	National Land Policy (2009)
Liberia	Land Commission Act (2009) Land Rights Policy (2013) Land Rights Bill (under discussion as of 2016)
Malawi	Malawi National Land Policy (2002) Malawi Land Reform Programme implementation strategy, 2003~2007 New land law under discussion as of 2016
Mozambique	Política Nacional de Terras (1995) Lei de Terras, Lei no.19/97 (1997)
Namibia	Agricultural (Commercial) Land Reform Act (1995) Communal Land Reform Act (2002) National Land Tenure Policy (2005)
Rwanda	National Land Policy (2004) Organic Law No. 08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda (2005)
Senegal	Loi d'orientation agro-sylvo-pastorale (2004) Loi n° 2011-07 du 30 mars 2011 portant régime de la propriété foncière (2011)
Sierra Leone	National Land Policy (2015)
South Africa	Restitution of Land Rights Act 22 of 1994 (1994) White Paper on South African Land Policy (1997) Communal Land Rights Act 11 of 2004 (2004, suspended)
South Sudan	The Land Act (2009)
Tanzania	National Land Policy (1995) Land Act (1999) Village Land Act (1999) National Land Use Framework Plan 2013-2033, (2013)
Uganda	Land Act 1998 (1998) National Land Use Policy (2007) The Uganda National Land Policy (2013)
Zambia	Land Act (1995) National Land Policy (under discussion as of 2016年)
Zimbabwe	Land Acquisition Act (1992)

(Source) Created by the author.

Land governance in Africa:

The state, traditional authorities and the control of customary land

Horman Chitonge

Centre for African Studies, University of Cape Town, South Africa

Abstract

This paper discusses customary land governance focusing on the contest for control of customary land between the state and traditional authorities. Governance of land is one of the most complex issues in Africa. The complexity of this issue can be attributed to the dual land tenure system; statutory and customary tenure. Although the two tenure systems have co-existed for over a century now, there are several challenges which this duality creates when it comes to the administration and governance of land. Drawing mainly from the *Zambian case study*, the paper argues that although the state, as a sovereign entity, has the right to regulate the governance and administration of land under its territory, the situation is complicated by the fact that traditional authorities also claim ownership (allodial rights) over customary land. This seemingly overlapping claim to customary land leads to contestation, with the state appealing to its sovereign authority while the traditional leaders appeal to culture, history, tradition, and sometimes ‘soft politics’. In some cases, the contest over customary land, sometimes result into an open contestation between the state and traditional leaders, as the *Zambia case* presented in this paper illustrates.

Keywords: customary land, traditional authorities, state, governance, contest, Africa, Zambia



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1. Introduction

Land is one of the most basic natural resources in any country. Most human activities take place on land, and many other valuable natural resources are located on land. But the importance of land goes beyond the value of being the abode of most natural resources and a means of production; land also defines and demarcates polities, confers and shapes identities of people, communities, nations and regions. As the first *Zambian Draft Land Policy* (GRZ 2006:2) observes, ‘Land is the most fundamental resource in any society because it is the basis of human survival.’ Given the centrality of land in human activities, the governance and administration of land are at the centre of human interactions in society. In Africa the governance of land is even more critical because of the intricate embeddedness of land relations in society as well as the fact that majority of the people directly rely on land as a livelihood source. The governance of this important resource in Africa is further complicated by the presence of two separate land tenure systems which, though have co-existed for over a century now, present several challenges when it comes to the administration of land.

This paper looks at one of the land governance challenges arising from the existence of a dual or multiple land tenure systems, focusing on customary land. The paper has discussed the land governance challenges prevalent in many African countries as a result of the state and customary authorities asserting their right to control and administer customary land. This situation often leads to a contest between the two contending entities; which sometimes burst into an open contest as the *Zambian case* discussed below show. Focus in this paper is not on the contest around access to land resources, but about the rules which govern and regulate access to land. It is argued in this paper that as the demand for land increases in many African countries due to several factors including rising population, urbanisation, economic growth and environmental dynamics, the contest for the control of customary land between the state and customary authorities is likely to intensify.

The paper draws mainly from the current contest between the *Zambian government* and traditional authorities over who should be ‘in-charge’ of customary land. In this particular case, although the *Zambian state*, as a sovereign entity, has the right to regulate the governance and administration of all land (including customary land) under its territory, the situation is much more complicated by the fact that traditional authorities also claim primary ownership (allodial rights) of customary land. The paper shows that the state’s command over customary land is held in check by traditional leaders’ influence and appeal to soft power, particularly when it comes to the rural vote. Due to the strong influence traditional leaders have in rural areas even today, most African states tread carefully when it comes to asserting their sovereign right over customary land. As the *Zambian case* clearly shows, while traditional authorities are not challenging the sovereignty of the state; they are contesting the way the meaning and practical implication of state power.

1.1. Outline

The paper is organised in five sections. The next section provides an overview of land governance issues in Africa, focusing on customary land. This is followed by a profile of the land resources in *Zambia* and how the land resource is divided up into different categories of land. Following this section is a

discussion of how the different types of land in Zambia are administered. This is followed by an analysis of the current tension between the state and traditional authorities over the control and administration of customary land. The last section concluded the discussion.

2. Land governance in Africa

Land governance can be understood in simple terms as the rules and policies which regulate the exercise of power and control over land. What is entailed in land governance is not so much the day to day dynamics of accessing and using land; it is about the rules which regulate the practices around land ownership, allocation, access and use. In this sense, land governance involves general rules and arrangements (institutions), formal or informal, through which the control or authority over land is mediated and exercised. Fundamentally, land governance is about how power relations around land are configured between the different key land actors at different levels. It is important to emphasise here that the structures and rules which guide and regulate the activities of land administrators are not cast in stones; they are negotiated and contested by the different actors who often stake their claims to reconfigure the power relations around land. Lund (1998:2) has rightly described the dynamics around land governance in Africa when he observes that the structures and rules through which land is governed are ‘not enduring absolutes, but rather outcomes of negotiations, contestation, compromise and deal making—characterised by the condition he refers to as ‘open moment.’ This (open moment) occurs ‘when the social rules and structures are suddenly challenged and the prerogatives and legitimacy of politico-legal institutions ceases to be taken for granted’ (ibid). For example, in the case of Zambia, the prerogative of traditional leaders over customary land is challenged by the state’s decision to create statutory bodies to administer customary land. On the other hand, traditional authorities’ rejection of this decision indicates that the state’s power over customary land should not be taken as a given. In what way that the contest will be resolved, it will be a result of negotiation and deal making, rather than one party unilaterally asserting its power.

2.1. Land governance framework

It is also important here to make a distinction between land governance and land administration, noting that the latter is a part of the former. Land governance as noted earlier provides the meta-framework through which land is administered. Land administration on the other hand relates to the day to day management of issues related to allocation, validation of ownership, application of the rules, resolution of disputes, keeping of records or any form of evidence etc. In other words, land governance is a broader concept which provides the rules and structures to regulate institutions and mechanisms of decision-making concerning the administration of land. Many African countries have outlined policies and legal frameworks to provide guidance on the exercise of power over land and the institutions involved in the administration of the day to day affairs of land resources (see AU/AfDB/UNECA 2010). In addition to the general legal and policy framework, there are also specific rules and guidelines which regulate the exercise of power over specific types of land. For example, there are different rules and legislation regarding customary land compared to land under a game reserve or nature conservation. These rules

(both formal and informal) outlines who has the power to make and take certain decisions and carry out particular administrative functions relating to land. As such, land governance, everywhere is not just about land, it is fundamentally about the exercise of power over land—the politics of land (see Lund and Boone 2013). Since governance of land is about the exercise of power over land, it constitutes the core of land politics, as different actors and stakeholders contest for stakes in land.

2.2. An anatomy of land governance in Africa

In Africa, the allocation of power over land, though a prerogative of the state, has been contested by various stakeholders, especially traditional leaders who often see themselves as custodians of customary land which they hold in trust on behalf of the local people. Traditional leaders' claim to land is based on social, cultural and historical ties to land (Okoth-Ogendo 1989). Unlike the modern African state whose power over land is rooted in the formal processes of political legitimacy and sovereignty, the traditional leaders' claim of power over land is deeply embedded in the social relations which link the past, present and future to the here and now (*ibid*). Thus, when traditional leaders are laying claim to or contesting rules and structures around land, they are relying not on the constitution or any other formal processes of establishing legitimacy such as statutory law, but on the social practice and cultural norms through which land has been governed and shared over centuries. Thus, customary land in Africa is an arena where there is a confluence of two different types of claims, with different sources of legitimacy.

While the state has the backing of formal processes of the law and political legitimation, traditional leaders have the backing of cultural beliefs, traditional values, lineage ties and customary norms. In many rural communities in Africa, traditional leaders' control over land is believed to be more popular and stronger than the state's claim. This is evident in the fact that many rural residents still believe that customary land belongs to the ethnic groups, and that the chiefs and the village heads are the custodians of the land, wielding the power not only to allocate, but also to interpret and adjust traditional practices and norms around land (Blocher 2006).

In most African countries, the state has not intruded much into the governance of customary land, with most states granting a large margin of autonomy to traditional authorities to govern and administer customary land (Bruce 1982, Shipton and Goheen 1992, Lund 1998). But in recent years as the demand for land grows due to mainly population growth, sustained economic growth, environmental factors and urbanisation, we are seeing a growing trend towards the reform of customary land policy and governance structures being introduced by many African states. Traditional leaders perceive these reforms as a threat not only to their power base, but also their existence, given that the institution of traditional leaders derive their power and authority from being able to control and allocate land (Lund 2006, Kabilika 2010). Though the example from Zambia presented in this paper is not representative of what is happening in other African countries, the question around the governance of customary land, which still constitutes the bulk of the land in Africa (see AU/AfDB/UNECA 2010), is featuring more prominently in land policies across the continent, sometimes raising contentious issues around how to harmonise traditional structures with modern state institutions and functions (UNECA 2007). Land being a key natural resource which is central to the survival of many people in Africa, it is not surprising that its governance

is prominently featuring in major policy debates in many countries, sometimes leading to struggles and contestations (Moyo 2008). As Nuesiri (2014:7) observes, the

Struggles for control over and access to nature and natural resources; struggles over land, forests, pastures and fisheries are struggles for survival, self-determination, and meaning. Natural resources are central to rural lives and livelihoods; they provide the material resources for survival, security and freedom.

It is therefore not surprising that when African states try to change the rules of the game surrounding governance of natural resources, local communities through their leaders, are challenging and contesting these changes, especially if there are attempt to take away the control over natural resources from local communities. Thus while governance of state land is clear and less contested, the governance of customary land is increasingly contested, especially if the state attempts to assert its ultimate authority to control customary land.

2.3. Land and the notion of statehood

The contestation between the state and traditional leaders has been sparked by the government's decision to change existing structures and rules governing customary land. As illustrated in the case of Zambia, traditional authorities are challenging the state's move to take away the land administration powers of traditional leaders by creating and delegating administrative powers to formal structures such as the *District Land Board and Customary Land Committees* (see GRZ 2015:31). It is these institutional reforms outlined in the new *Draft Land Policy* which have awakened traditional leaders who have realised that their interest and powers to administer customary land is being undermined, and they have decided to challenge and contest these changes to exiting rules. In contesting the proposed changes to the current institutional and administrative arrangement, traditional leaders have argued that the new *Draft Land Policy* does not take their interest into account. They argue that the new *Draft Land Policy* does not even mention the name chiefs, which they interpret as an effective removal of traditional leaders from the administration of customary land (Kapata 2018). In this particular case, the contest over land resources is not directly about issues of access to land; it is about the rules and structures which govern the day to day administration of land in customary areas. Although the state, as a sovereign entity, assumes the ultimate authority over all land in Zambia, the exercise of its powers over customary land can be challenged by other actors such as traditional leaders. It is important to note that what is being contested is not the territorial authority (sovereignty), but the rules which govern the exercise of power and control over customary land.

Some analysts have attributed the contestation over and claim to customary land by traditional authorities to the weakness of states in Africa. The fact that traditional leaders contest for the control of customary land has sometimes been interpreted as evidence of fragmentation of the state (Jackson and Robserg 1982, Jackson 1990). For instance, it has been argued that traditional leaders are able to assert their authority over land primarily because African states are unable to project their authority over the

entire territory, especially the far flung rural areas, thereby creating a vacuum which is filled by traditional leaders who compete with the state (Herbst 2000). It has thus been argued that traditional leaders 'are often competitors to the centralised African state and are viewed as such by national leaders. The loyalties that citizens have towards these leaders, often expressed in a complex network of ethnic relations, is a significant challenge to African countries still having great difficulty... in creating a national ethos' (ibid:172). Some analysts see dominance of traditional leaders in rural areas as an indication of the inability of African states to exercise a monopoly of power over their territories; the failure to centralise power and hegemony (Jackson and Rosberg 1982). The existence of traditional leaders is interpreted as a competing power base which in the dominant theory of the state and nation-building is seen as a sign of weakness. This is clearly articulated in Tilly's (1990) notion of state formation as a process of conquering and subjugating competing entities in a specified territory. Drawing mainly from the European experience, the idea that the state should have no rivals in its territory is captured in the aphorism, 'war makes states' (Tilly 1985:170), emphasising the point that states are made by conquering all the rival entities in a territory to create a monopoly of power.

In this understanding of statehood, the presence of anything that appears to be a rival or a form of competition to the state is assumed to be a clear sign that the formation of the state is incomplete or weak. Tilly (1985) for instance, argues that, 'the people who controlled European states and states in the making warred in order to check or overcome their competitors and thus to enjoy the advantages of power with a secure or expanding territory' (1985:171). In the case of Africa, the traditional leaders' claim to control over land can then be seen as a form of competition to the state. According to this view, a properly formed state should have ultimate authority and control over land under its territory. The fact that traditional leaders contest the control over customary land in this paradigm of statehood can be constituted as a sign of weakness of the state. But this is a simplistic understanding to this complex array of issues.

Tilly's model of statehood which is built on the idea that war makes states is only relevant to 17th Century Europe (see Herbst 2000). The process of state formation today is much more complex than merely subjugating weaker entities in the territory through the monopoly of violence. In modern democracies, violence is not a legitimating tool for governments. Use of violence to silence opposition is seen as sign of weakness, and a huge democratic deficit. In fact many African states tried using the monopoly of violence as a tool for creating political legitimacy through one-party states and in some cases military rule, that precluded competitive politics which started in the early 1990s (Young 2004). The repressive nature of most of the African governments during the 1980s came close to the ideal of not tolerating competing power bases, but these states had little legitimacy, and their statehood were widely questioned (Stark 1986).

The control over customary land which most traditional leader in Africa contest is less likely to be resolved by a show of force from the state, primarily because traditional leaders are not basing their contest on force; they are contesting on their ability to garner soft power—the appeal to cultural beliefs, traditions and ethnic solidarity. This is not an issue which can be resolved through the state asserting its monopoly of violence. On the contrary, the strength of traditional leaders in rural areas is more a result

of African states alienating the traditional institutions and systems of governance (UNECA 2007, Nuesiri 2014). The governance of customary land is a complicated matter that cannot be resolved by the show of ‘hard’ power by the state through the threat of violence. The governance of customary land in particular is intricately based on the ‘soft’ power which traditional leaders exercise as the Zambian case illustrates.

3. Land in Zambia

Zambia has a total land mass of 752 000 Km². Official figures from the Ministry of land say that of this, 94 percent of the land is under customary tenure, with state land constituting only 6 percent. But this has been challenged by a number of analysts who argue that the actual land under the control of traditional authorities is much smaller than what the official stats show (see PCAL 2009, Chitonge 2015, Sitko *et al.* 2015, Honig and Mulenga 2015, Mulolwa 2016). While the land effectively under the control of traditional leaders has been declining, customary land still constitutes a large portion of land in Zambia as table 1 below show. Although land in Zambia is broadly classified into two types of tenure (State and customary land), there are effectively three categories of land which are administered by different entities (Table 1).

Table 1. Categories of Land in Zambia

	Customary	Public	State	Total
Size (Ha)	40 516 000	28 155 100	6 629 248	75 300 348
Percent	53.8	37.4	8.8	100

Source: Author based on data from (Honig and Mulenga 2015, Mulolwa 2016)

3.1. State land

This is largely land under leasehold tenure. This category of land is administered and controlled by the Commissioner of Lands through the issuance of four types of leases to private individuals, companies and trusts. The four leases are a) Ten year land record card, b) 14 year lease for un-surveyed land, c) 30 Year occupancy license (usually issued in housing improvement areas in peri-urban settlement) and d) 99 year lease. Current estimates suggest that this category of land accounts for about 16.5 percent of the total land mass and not the 6 percent which is often cited in official documents (see GRZ 2006).

3.2. Public land

This category of land constitute various pieces of land reserved for specific use including nature conservation, forests reserves, game reserves, wetlands, mountain range and head water (GRZ 2015:22). Land falling under this category is administered by specific statutory bodies such as the Zambia Wildlife Authorities (ZAWA). This category of land accounts for close to 40 percent of the total land mass (8 percent under national parks, 22 percent under game management areas, and 9 percent under forest reserve areas, see GRZ 2015:16). While some of the pieces of land under this category fall in customary areas, they are effectively not under the control of customary leaders; the lands are controlled by specific

statutory bodies (Honig and Mulenga 2015). Land under forest and national parks, particularly, are tightly regulated by the delegated state agents who do not allow settlement in these areas. It is only land under game management Authorities falling in customary areas where some form of settlement may be permitted (ibid). Official figures suggest that land under game management areas covers about one-third of the total land under customary areas (GRZ 2015).

3.3. Customary land

This is the category of land is under the administration of traditional leaders. If we look at these three categories of land, it is apparent that customary leaders effectively control much less land than the publicly cited figure of 94 percent. If we take the statement in the New Draft Land Policy that public land includes all pieces of land in customary areas which are ‘not allocated exclusively to any group, individual or family’ (GRZ 2015: 22), it becomes obvious that customary leaders control less than half of the land, although the official category of the land may still be customary land (Table 2).

Table 2. Land Categories in Zambia by Size (2015)

Public Land			State Land			
	Hectares	% of Total land		Hectares	% of Total land	% of State Land
National Parks	6 024 028	8	Crown land	3 647 748	4.8	55.0
GMA*	16 566 077	22	Farm Blocks	531 500	0.7	8.0
Forest	6 777 031	9	Urban Land	1 400 000	1.9	21.1
Wetland	7 304 134	9.7	Settlement Schemes	300 000	0.4	4.5
Total Public Land	36 671 269	48.7	Resettlement Schemes	750 000	0.99	11.3
			total	6 629 248	8.8	100
			Forest on state	876 995	1.2	11.7
			Total	7 506 243	9.9	100
Forest Land			Customary Land			
	Hectares			Hectares	% of Total	
Local Forest in GMA	505 476		Local Forest on Customary Land	1 363 403	1.8	
Local Forest on Custom	1 363 403		National Forest on Customary land	3 161 303	4.2	
Local Forest state	359 218		Total	4 524 706	6.0	
National Fore GMA	2 087 524		Remaining Customary land	35 991 294	47.8	
National For Customary	3 161 303					
National Forest on State land	517 777					
Total Forest Land	7 994 701					

Source: Author based on (GRZ 2015, Mulolwa 2016, and Honig and Mulenga 2015).

*GMA= Game Management Areas. There is overlap in land jurisdiction because one piece of land can be under game management, forest and national parks.

Figures in Table 2 above do not include the land which has been converted from customary to leasehold tenure by private individuals since the policy to convert customary land to leasehold tenure came into

effect in 1995. Even if we take a conservative estimate that 8.6 percent of total land had been converted from customary land by 2012 (see Sitko *et al.* 2015:17), it is apparent that the land effectively under the control of traditional leaders is much less than the 94 percent which is widely cited. This is reinforced by the fact that the ‘discovery of mineral resources practically terminates customary control and creates large spheres of state control on customary domain’ (GRZ 2015:16).

Analysis of the trends in land dynamics in Zambia show that the share of land effectively controlled by customary leaders is declining rapidly, especially in the last two decades, due to the process of converting customary land to leasehold tenure (see Chitonge *et al.* 2017, PCAL 2009, Sitko *et al.* 2015). A report by the Parliamentary Committee on Land captures the situation of land that is effectively under the control of traditional leaders more succinctly,

After accounting for state lands, commercial farms, wetlands, game management areas, national parks, and the proposed farm block schemes, it becomes clear that the potential for expansion of customary farm land is not as great as commonly perceived. In addition, leasehold land has continued to increase in size (owing to the conversion of customary land to leasehold tenure), that leaves only an estimated 37 percent as customary land controlled by traditional leaders (PCAL 2009:12).

The New Draft Land Policy also acknowledges that customary land is increasingly coming under pressure from growing demand for urbanisation, investment and the growing national population (GRZ 2015). The creation of Farm Blocks has also take away almost 1 million hectares from customary land (Table 3).

Table 3. Name, Size and Location of Farm Blocks in Zambia

Name	Size '000 Ha	District	Province	Status
Kalumwange	100	Kaoma	Western	Proposal
Luena FB	100	Kawambwa	Luapula	Proposal
Manshya	147	Mpika	Nothrern	Proposal
Mikelenge	100	Solwezi	Noth- Western	Proposal
Mungu	65	Kafue	Lusaka	Proposal
Musakashi	100	Mufulira	Copperbelt	Exploration
Mwase- Phangwe	100	Lundazi	Eastern	Proposal
Nansanga	100	Serenje	Central	Exploration
Senanga Citri	1.2	Senanga	Western	Proposal
Simango	100	Livingstone	Southern	Proposal
Total	913.2			

Source: Zambia Development Agency (2011).

Note: The different documents come up with different names and sizes of the proposed farm blocks. The figures here are taken from the most recent report.

As the land effectively under customary authorities dwindle, traditional leaders are aware that this is effectively usurping their powers, and they are contesting this through various avenues.

3.4. Land governance in Zambia

Zambia, like many other African countries, since the introduction of colonial rule, has a dual land tenure system: customary and statutory land tenure. In pre-colonial times, land was governed through the customary land systems which varied according to the local cultural norms and practices. Although the practices around land varied from community to community, one of the common elements of customary tenure system was that land governance was based on the customary norms, practices and values. In this governance system, traditional leaders played a central role, though they were not regarded as owners of the land-land belonged to the community as a collective (Bruce 1982). The primary responsibility of those who were vested with the power to administer land was to ensure access to land for all members of the community. The introduction of statutory tenure saw land in the then Northern Rhodesia, through the *Northern Rhodesia (Crown and Native Lands Order in Council 1928-1963)* divided into two categories: *crown land* which was administered through British common law statutes, and *reserve land* which was administered through customary norms and practices (see Bruce 1982). Accordingly, two different sets of institutions were established and assigned to administer the two categories of land.

In terms of land governance as defined above, the colonial government still provided the broader framework which regulated the control over reserve land, although the colonial government allowed traditional leader to administer land according to the local land norms and cultural practices. Although

there have been significant changes to the rules and structures governing land in Zambia after independence, the dual system has continued, with what used to be crown land now being administered by the Commissioner of Lands, while what used to be reserve and trust¹ lands being administered by traditional leaders, through customary 'living law.' Thus, traditional leaders have been administering customary land from the time of first settlement of African communities. Most African states have always recognised and accepted this fact, including the role of traditional leaders when it comes to customary land. Not only that, but the two important laws in the country, with regard to land (the *Constitution and the 1995 Lands Act*), have both recognised customary and the institution of traditional leaders. For example, *Section 165 of the Constitutions* asserts that, 'The institution of chieftaincy and traditional institutions are guaranteed and shall exist in accordance with the culture, customs and traditions of the people to whom they apply.' Similarly, *Section 254* has clearly recognised the existence of customary land stating that 'Land shall be delimited and classified as State land, customary land and such other classification, as prescribed.'

With specific to land administration, the Lands Act No 29 of 1995 (1995 Lands Act) also recognises both customary land and the administrative role of traditional leaders. Section 7(1) of the 1995 Lands Act stipulates that,

every piece of land in a customary area which immediately before the commencement of this Act was vested in or held by any person under customary tenure shall continue to be so held and recognised and any provision of this Act or any other law shall not be so construed as to infringe any customary right enjoyed by that person before the commencement of this Act.

Section 8(2) and (3) clearly allocates a central role to traditional leaders (chiefs) in the administration of customary land. These two sections make it clear that traditional leaders have a strong say in what happens to customary land. The recognition and role of traditional leaders when it comes to customary land is further reinforced in Section 4, which states that the, 'the President shall not alienate any land situated in a district or an area where land is held under customary tenure... without consulting the Chief ... in the area in which the land to be alienated is situated.'

In terms of legal rules, there is sufficient recognition of traditional leaders and their role in the administration of land. However, there are contestations around the interpretations of these statutes as one would expect. As noted above, it is the interpretations of the rules which create an 'open moment' where contending parties challenge the dominant interpretations, and offer alternatives.

¹ Reserve land was specifically meant for use of indigenous people. Trust land was a category of 'unclassified land' called silent land and was meant to be allocated to the anticipated large inflows of European migrants after the Second World War. When the anticipated influx of Europeans did not occur, silent land was released for use by indigenous people. Reserve and Trust lands together constitute what is referred to as a customary land.

4. Contest for the control of customary land in Zambia

There are several contestations around the control of customary land, but in this paper focus is on the contest between the state and traditional leaders. Like in any other contest, the two sides to the contest present different views, interpretation of rules and arguments to support their position. The state for instance has presented several arguments to justify its proposal to reform the administration of customary land in Zambia. While the state acknowledges that customary leaders have been effective in ensuring access to land for the local residents, it has argued that these land 'rights are never registered, although their recognition is guaranteed.' The lack of registration of the land is one of the reasons given to support the proposed reform of customary land administration and governance (ibid).

The state has also argued that some traditional leaders are abusing their powers over customary land and are alienating large pieces of land to foreign investors at the expense of the local residents. The former Minister of Lands in a press statement argued that,

...while it is true that there are a number of chiefdoms that have been working closely with the Government in looking into the best interests of their subjects, and Government is grateful for that cooperation and support from these chiefdoms, it is equally true that there are certain cases in which our people have been exploited by practices that are inconsistent with the law (Minister of Lands 2013).

The state's argument has been that not all traditional leaders are abusing their powers to administer customary land, but there are some who are misusing their powers by selling customary land to foreigners and urban elites. To support his argument, the minister went on to state that,

...my office is overwhelmed with cases of Zambians who are complaining of being displaced from their ancestral and family lands in preference for investors and the urban elite at the expense of vulnerable communities including women, youths and differently abled persons. This is against the pro-poor policy of the PF Government which seeks to promote the welfare of all vulnerable groups (ibid).

It is interesting here to note that as a way of validating the legitimacy of the proposed reforms, the state is positioning itself as the protector of the poor people being exploited by the greedy traditional leaders. In doing this, the state is creating reasonable grounds for intervening in the administration of customary land. In order to support the state's position, the minister appeals not only to the fact that traditional leaders are exploiting the poor, but also that they are acting against the law. Circular No. 1 of 1985, is cited as the law which is being flouted by traditional leaders, which states that the local authorities are not allowed to alienate customary land to leasehold in excess of 250 hectares (GRZ 1985:3).

This is one area where there has been abuse in some parts of the country by a few greedy leaders where foreigners and in some cases rich Zambians are secretly approaching

traditional leaders, chiefs and headmen, and are acquiring huge portions of land in excess of 250 hectares at the expense of the local people. Government will not allow this abuse to be perpetrated by a few at the expense of other innocent Zambians (Minister of Lands 2013).

The allegations of flouting the existing law provides strong grounds for proposing to review and reform the administration of customary land by traditional leaders. The proposed reforms are then expected to close the loopholes in the system so that traditional leaders do not have the chance to exploit local residents and abuse their powers in the course of administering customary land. We see here the state asserting its powers over the governance of customary land by appealing to the law. The state is also appealing to its responsibility to promote the general welfare of the people, and protect the poor from exploitation. As we shall see later, traditional leaders also claim that they are acting in the interest of their people, protecting their culture and identity.

In addition to these, the state has also alleged that traditional authorities are not transparent and accountable in the way they administer customary land. To improve transparency and accountability in the administration of customary land, the state has proposed to establish statutory bodies at the district and chiefdom levels to take over the responsibilities of land administration. The other argument that the state has presented to support its move to reform the administration of customary land is that the state wants to 'open up' rural areas to development by promoting the flow of investments. According to state officials, this is in line with the government policy of poverty reduction through investments. The argument is that if the administration of customary land is not reformed it would be difficult to attract investment into rural areas because the land rights are not registered and therefore insecure. The Zambian government has, since the adoption of liberal economy policy in 1991 when the Movement for Multi-Party Democracy (MMD) came to power in 1991, been advocating for measures aimed at 'opening up the country-side' to investment (Mudenda 2006, FSRP 2010). It is believed that the only way to 'open up' the country side is to reform the administration of customary land so that it can create more secure rights in land for long term investments.

Related to this argument is the idea that customary land is not efficiently used. According to the Zambian government, Zambia has a lot of under-utilised land, primarily in customary areas, and the argument has been that to promote efficient use of the land, it is necessary to reform the way customary land is administered (ZDA 2011). The state has also argued that customary land, as it is governed now, does not adhere to modern principles of land conservation, mainly due to 'lack of land use controls' and the associated overuse and degradation (GRZ 2015:16). The state has also argued that customary settlements occur in a spontaneous and disorderly manner making it difficult to plan land use properly. To overcome these problems, the state has proposed to reform customary land administration and management structures, with the objective of promoting secure access to land and equitable share of land resources in rural areas.

4.1. Traditional leaders' response to the proposed land reforms

While traditional leaders are not contesting the proposed reforms, they are particularly opposing the proposed structures and rules for administering customary land. At the National Land Validation Meeting held on March 28, 2018, the 22 representatives of the 288 chiefs in Zambia stormed out of the meeting stating that they reject the proposed land policy. The chairperson of the House of Chiefs (which is a statutory body established to deal with matters related to traditional governance) argued that they decided to reject the proposed Draft Land Policy because 'there is no mention of Chiefs in the draft policy document, thereby implying that the institution of Chieftaincy was being abolished' (see Kapata 2018: 2). It was also alleged that the concerns raised by traditional leaders in the earlier draft were not taken into account in the revised draft. Traditional leaders are also contesting the fact that only 22 out of 288 chiefs were invited to the validation meeting.

Aside from the procedural issues relating to chiefs being consulted over the draft land policy and the number of chiefs invited to the National Validation Meeting, the substantive contestation is around the control over customary land. Traditional leaders are very much aware that customary land is rapidly disappearing as a result of converting customary land into state land, and they are interpreting this as something that threaten their existence. Although some chiefs have been reported to be 'selling' customary land to foreign investors and rich Zambians, there are many who are realising that when customary land is depleted they will have no source of power, and this is why they are contesting the move by the state to divest the administration of customary land from traditional leaders to statutory bodies.

Although there has been no systematic response to the problems associated with the way customary land is managed cited by the state, traditional leaders have argued that customary land belongs to them. They say that they defended the land against colonial invasion, and will defend against anyone who attempts to take the land away from them. They argue that they have inherited the land from their ancestors and vow to keep it for generations to come. Thus, traditional leaders are not just looking on; they are trying to find ways to contest the state by appealing to tradition and culture as a response to what they are interpreting as threats to their existence. For instance one paramount chief, in an effort to mobilise his fellow chiefs to reject the state's proposal to take away the role of administering customary land from traditional authorities, sent out a petition to all the 287 chiefs in Zambia asking them to sign it as proof that they are against the proposed reforms (see Kanyanta 2014).

Traditional Leaders have also opposed the policy of converting customary land into leasehold tenure; they have argued that it should be possible to give some form of certificate or title without converting the land to state land. This was articulated in a communique issued by a group of Traditional Leaders from different part of Zambia who bemoaned the loss of customary land, and urged the Zambian government to recognise the documents being issued by traditional leaders on customary land. The noted that,

Once land is converted from customary tenure to leasehold the land does not revert to customary tenure at the expiry or cancellation of the lease. This means that there is a net

loss of customary land without corresponding benefits to local communities. There is insecurity on customary tenure as some people are displaced from their land due to large scale land acquisitions without regard to their land rights. ... to ensure tenure security, some chiefs are issuing documents to ascertain user rights and ownership of pieces of land by families. However, such documents are not currently recognized by government (ZLA 2008).

Traditional leaders have also contested the idea of vesting all land in Zambia, including customary land, in the president. They have argued that vesting customary land in the president has rendered traditional leaders' and local people's rights to customary land highly tenuous by effectively giving the president the powers of eminent domain on customary land (Kanyanat 2014). They have in fact recommended that the vestment of land in the president should be removed from the draft land policy and replaced with the classification of land into different categories as envisioned in Section 254 of the Constitution (see Kapata 2018). Traditional leaders have accused the state of disregarding the cultural rights of Zambians by disrespecting the customary practices around land in rural areas. They have argued that the main problem with land in Zambia is not that traditional leaders are not willing to release land for development (Chizyuka *et al.* 2006), but the state has no capacity to administer land in Zambia without the traditional leaders.

In responding to the traditional leaders' walk out of the validation meeting, the Minister of Lands was at pains to explain the new policy and how it has not abolished the institutions of chieftaincy and the traditional leaders' responsibility to administer customary land. Not surprisingly, the Minister, instead of invoking the 'monopoly of violence' of the state and dismiss the claims and the protest of the traditional leaders, adopts a mollifying approach, saying that the Ministry 'shall continue to seek opportunities to engage with the Traditional Leaders who are key stakeholders to the process. Clarification on the specific issues brought up by the Traditional Leaders at the National Validation Meeting shall be communicated in writing through the office of the Clerk of the House of Chiefs' (Kapata 2018:5).

4.2. The state-traditional leaders contest

As it may be evident by now, at the heart of the contest between the state and traditional leader in Zambia is the bid to control customary land. A glance at how the contest has played out suggest that traditional leaders are a force to be reckoned with; that they are not being side-lined. When they walked out of the Draft Policy validation meeting, an outsider may say the state should still go ahead and validate the policy without the traditional leaders. After all, the state has received the mandate from the people of Zambia to govern the country including the land, while the traditional leaders are actually unelected rulers. The reality however points to the inadequacy in the monolithic conception of the power of the state as expressed in the notions of states as having a monopoly of power through violence or war (Tilly 1990). What the contest examined in this paper highlights is the view that power is never absolute, and this is clearly evident here. The powers of the state with regard to the governance of customary land

appears to be checked by traditional leaders. One may wonder where did the traditional leaders get such powers when they have no army, they do not control the courts or guns? Baldwin (2011) finds it puzzling that in agrarian societies where land carries so much weight, the politicians would cede the power to control and allocate land to traditional authorities who are not part of the bureaucratic state system. It is therefore interesting to examine what is happening in this case, particularly the source of the power the traditional authorities seem to wield.

4.3. Traditional leaders' power base

The power of traditional leaders in Africa derives from a complex mixture of traditional and the precepts of modern democracy. During the early days of independence, there was a widespread view that the post-colonial African states would wipe away the corrupted forms of traditional governance structures and replace them with centralised monolithic, bureaucratic institutions based on constitutional and statutory rule (Baldwin 2011, Nuesri 2014). But to the contrary, the importance and power of traditional leaders in Africa is actually being revived (see UNECA 2007, Nuesri 2014). In Zambia it has been observed that, 'Anyone who has intensively and over an extended period of time participated in post-independence Zambian society, cannot help to be aware of the great importance still attached to chiefs. Nor is this importance limited to rural districts outside the line of rail' (Binsbergen 1987:140). Even in countries which have tried to ban or discredit traditional forms of governance, these leaders have continued to survive and command a lot of influence in society and national politics (Baldwin 2011). We see this in Zambia where the state does not take a confrontational approach with chiefs when they protest and reject the draft and policy. Instead the state seeks to engage with the traditional leaders, treading carefully not to roughen their shoulders.

The debate on the state and traditional leaders in Africa has been raging for some time now. While some analysts have argued that traditional leaders because they are not elected leaders, their exercise of power over critical resources such as land compromise the values and principles of democracy (see Ntsebeza 2006), others have argued that institutions of traditional leadership are important and compatible with the principles of democracy and the doctrines of modern statehood (Logan 2008). To understand the seemingly puzzling situation, one has to turn to the structure and practice of democratic politics in Africa. If we look at the composition of the electorate in Africa, majority of voters (roughly 65 percent) are actually in rural areas under or with strong trust in traditional leaders. Thus, for politicians who seek to win elections in Africa, they cannot afford to antagonise the rural vote.

The traditional leaders' influence over rural residents is strongly tied to the cultural beliefs, collective identity, which in turn are connected to the chiefs control over customary land. It is in this sense that land resources are critical not just as a means of production but also a source of power, and traditional leaders know this pretty well, just as politicians and state officials do. Politicians across Africa tread this path equivocally, sometimes forging alliances with traditional leaders while at other times threatening to discipline them (see Herbst 2000, Baldwin 2011). This seemingly contradictory behaviour by the state is actually a perfectly rational behaviour on the part of politicians (Chitonge 2018). This is why the contest over customary land administration in Zambia is not a straight forward case of the state showing

its power to govern, but a game of seeking and forging alliances.

In this regard, the real power of traditional leaders come from the people's perception trust in the institution of traditional leaders to administer land. In a study in Zambia, local residents were asked whether they would prefer the state or the traditional leaders to administer customary land, and majority of the respondents indicated that they would prefer customary land to be left in the hands of traditional leaders and this is the reason they gave: 'customary land is better because... even people without money are getting customary land, but if the land is under the state it means that everyone will have to buy land, and those without money will not have land' (LURLAP FGD 2014). Baldwin (2011) in a survey of more than 19 African countries, including Zambia, found that majority of the people believe that traditional leaders should have the primary responsibility to administer customary land. It seems that traditional leaders enjoy a lot of support from the local community when it comes to matters of customary land. This is despite reports that some of the traditional leaders are involved in the alienation of customary land. For example in Zambia, there have been several stories especially in the print media reporting that an increasing number of traditional leaders are involved in the selling of customary land to foreign investors who offer them huge sums of money which they pocket.

One example is an article in the *Pots Newspaper of Monday, 10 January 2011*, which claims that many chiefs have become corrupt and selfish. But still people trust these leaders and many would like these leaders to continue administering customary land. Part of this trust is rooted in the belief that customary land belongs to the chief. In a study in Zambia, when residents were asked about who owns land, there was an overwhelming response and validation of the view that chiefs are the owners of the land. In one chiefdom, when we asked residents about what would happen to the people who have managed to get title deeds on customary land if they do not cooperate with the chief, residents believe that the chief has the power to cancel the title deed if the title holder is not cooperating (LURLAP 2014). Such beliefs have given the chiefs a lot of support from the local population even when they are actually abusing their authority as reported in the media and the government. Control over land is critical and this is why traditional leaders are contesting the proposal to take away this responsibility from them.

4.4. Land vestment

The other central issue related to the administration of customary land is the idea of vesting all land in Zambia in the president. The new Draft Land Policy has maintained the provision that all land in Zambia is vested in the president who holds it in trust on behalf of the Zambian people. While the New draft policy has acknowledged that the 'vestment of land in the President is one of contentious clauses in the post-multiparty democratic dispensation' (GRZ 2015:15), it does not regard the issue of customary land as a problem in this case. It only mentions the concern that vesting land in the president leads to political interference in the management of land. But for traditional leaders, as noted earlier, their main contention is that vesting all land including customary land in the president amounts to the failure to recognise the rights of local people to control customary land. They argue that this has led to a great deal of confusion when it comes to customary land. Certainly, the issue of vestment has been problematic to the point of being ambiguous in both policy and law. For example, while section 7 (subsection 1) of

the *1995 Lands Act* recognises customary land and defends the vesting of customary land in traditional leaders, Section (1) that vests all land in the head of state (republican president), clearly undermines the same rights recognised for traditional authorities. If all land in Zambia is vested in the president, a second vesting of the same land in customary authorities only leads to ambivalence and confusion. Although there have been a view that traditional leaders are not vested with the land but are only given the responsibility to administer customary land by the president, this is not the interpretation and understanding held by traditional leaders. They always see themselves as custodians of customary land in their respective communities, and the often act accordingly. The contest the fore is partly created by this ambiguity regarding customary land. When one looks at the broader political and economic context to the 1995 Lands Act in Zambia, it is evident that the MMD government's intension was clearly to do away with customary land, and this is at the moment the heart of the contest, though the Draft Policy seeks to appease traditional leaders by assuring them that the state is not trying to take away their responsibility to administer customary land.

5. Conclusion

This paper has examined the intensifying contest over the control of customary land in Africa, drawing from the Zambian case. The paper has shown that the contending parties present different views and understanding of governance of customary land. The state argues that the current way customary land is administered lacks transparency, accountability, efficient planning, efficient use and security, and that this make customary land prone to abuse by traditional authorities. The state is using these concerns as justification for reforming customary land administration and structures, proposing to replace the current structure with statutory bodies which are expected to be more transparent and accountable to the people. Traditional leaders on the other hand are protesting against these proposed reforms and have rejected the draft land policy arguing that its intention is to abolish the institution of traditional leadership. At the centre of this contestation, it is argued in this paper is the quest for control of customary land, with both parties well aware that control of land confers power and influence. We see in this case that traditional leaders have power to hold the state in check. While it is puzzling that the state has ceded the power to control one of the most important natural resources land, the dynamics nature of democratic politics in Africa make this perfectly sensible if seen from that angle. The influence demonstrated by traditional leader in the case of Zambia does not lie only in the cultural and ethnic allegiance, but also in the control over land and the rural vote.

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Land tenure reform in South Africa: Traditional leadership, CLaRA, and ‘living’ customary law

Chizuko Sato
Institute of Developing Economies – JETRO, Japan

Abstract

The strengthening of rights to land by former homeland residents has been one of the important policy challenges in a democratic South Africa. The White Paper on Land Policy (1997) proposed tenure reform and the *Communal Land Rights Act* (CLaRA) was enacted for this purpose but was never implemented. It remains to be seen when the recently published new bill (July 2017) will become law. This paper explores contentions surrounding land tenure reform in South Africa by examining the legal challenge posed to the CLaRA. While the court declared the CLaRA unconstitutional due to procedural reasons, it avoided any judgement on the constitutionality of its clauses. This paper argues that the matter of defining the boundaries of communities which would become the legal owners of land is fundamentally important in reforming the customary land tenure system. The author also raises questions about whether it is wise or practical to match these boundaries of collective community ownership with those of traditional authorities, as envisaged by the CLaRA and by the new bill, by referring to a case study of ‘living’ law of customary land allocation and administration in a former KwaZulu homeland.

Keywords: tenure reform, South Africa, The Communal Land Rights Act (CLaRA), KwaZulu



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1. Introduction

The strengthening of rights to land by former homeland residents has been an important policy challenge in a democratic South Africa. Roughly 30% of the population still reside in former homelands (bantustans), consisting of approximately 13% of the area of the country. The land in the former homelands legally belongs to the state except for former KwaZulu¹, but residents have a series of long-established customary rights to land through the membership of a particular group/community, usually centred on chieftaincy. These rights include a right to a household plot to build dwellings, cultivate fields and graze livestock in common. Their rights to land are different from those of legal rights holders. For example, it is usually impossible for them to receive loans from financial institutions using land as collateral. However, once residential land and fields are allocated to certain individuals/households, these lands are considered to belong to these individuals/households, as long as they are being used. Land can also be inherited among family members (Bennett 2004). Such a customary land tenure system is different from the freehold system applied to 87% of the area of the country, outside former homelands.

Since the 1990s, the strengthening land rights of rural residents under the customary land tenure system became an important policy issue in many African countries (Bruce and Knox 2009: 1365-1366). In South Africa, the 1996 Constitution identified this necessity, and the White Paper on Land Policy (1997) proposed tenure reform as one of the three pillars of its land reform policy (DLA 1997: 9). To implement such a reform, the *Communal Land Rights Act* (2004, hereinafter CLaRA) was legislated. However, the CLaRA faced a legal challenge, and was never implemented after being declared unconstitutional due to procedural reasons. While the new *Communal Land Tenure Bill* was recently published (July 2017), it remains to be seen when and how this new bill will become law.

This paper explores contentions surrounding land tenure reform in South Africa by examining the legal challenge posed to the CLaRA by those who saw it as strengthening the power of traditional authorities rather than strengthening people's rights to land. The first section discusses the restoration of traditional leaders as a background to explain why legislation like the CLaRA, that intended to strengthen the land allocation power of traditional leaders, was legislated in a democratic South Africa. I will then explore contentions surrounding the tenure reform of former homelands by discussing legal challenges against the CLaRA. While the court refrained from making judgments on the CLaRA's provisions, this paper argues that the question of defining the boundaries of communities which would become the legal owners of land is fundamentally important in reforming the customary land tenure system where membership of a particular community has been the basis for access to land. In the final section, I will discuss whether it is wise and practical to match these boundaries of collective community ownership with those of traditional authorities, as envisaged by the CLaRA and by the new bill, by referring to a case study of 'living' law of customary land allocation and administration in a

¹ The former KwaZulu is administered by the KwaZulu Natal *Ingonyama* Land Trust where the Zulu king serves as trustee.

former KwaZulu homeland.

2. Restoration of traditional leaders in a democratic South Africa

The 1996 Constitution recognises the status and role of traditional leaders, consisting of kings, chiefs, and headmen/women. As of early 2016, there are 13 kings and paramount chiefs, 829 chiefs, and 7,399 headmen/women in South Africa (FFC 2016). Even though they draw their legitimacy from the traditions and customs of local African societies, South African traditional leaders, like those of other African countries, have also changed their roles since colonisation. Of particular importance was the system of indirect rule introduced originally in the British Natal colony in the mid-nineteenth century and then applied nationally by the *Native Administration Act* (1927) after the Union of South Africa was formed. *The Act* recognised the status of traditional leaders but turned them into local administrative officers of the government. It also gave the Minister of Native Affairs the authority to create a new ‘tribe’ or divide the existing ‘tribe’, and to appoint and dismiss chiefs and headmen (Peires 2014: 15-16). After the National Party came to power in 1948, and through the *Bantu Authorities Act* (1951), traditional leaders became the local government and politicians in homelands under the name of ‘tribal authority’ (Sato 2000).

Due to the ‘despotic’ roles they played in the apartheid regime, several scholars argued that traditional leaders lost popular support (Mamdani 1996) and they would have no place in a democratic South Africa. Ntsebeza (2005) argued that traditional authority is incompatible with the democratic system as it relies on the hereditary system for choosing leaders. Another criticism came from women’s organisations which indicated that women’s rights are not recognised sufficiently under customary law (Amtaika 1996). Despite these criticisms, the 1996 Constitution recognised traditional leaders and subsequently the *Traditional Leadership and Governance Framework Act* (2003, hereafter TLGFA) gave them a wide range of roles, not limited to those in a cultural sphere, including in respect of land administration, agriculture, health, the administration of justice, safety and security, environment, tourism and so forth (Section 20-1).

To understand the remarkable restoration of traditional leaders after democratisation, one needs to recognise at least four factors that complemented each other. The first was the international political climate of the 1990s when both democratisation of South Africa and the restoration of traditional leaders occurred. During this time, the importance of preserving and restoring cultural rights was emphasised through the rise of indigenous rights movements. Traditional leaders were seen as the embodiments of traditional culture, customs and languages that were rapidly disappearing due to the wave of modernisation (Oomen 2005: 3-13).

The second factor was the domestic politics before and after democratisation, especially the competition between the Inkatha Freedom Party (IFP) and the African National Congress (ANC). In the early 1990s, IFP was not only popular in its original base of the KwaZulu homeland but also had many supporters in black urban townships in Gauteng Province where many Zulu people lived. Even after the release of Nelson Mandela, when the ANC began to gain overwhelming support inside the country, the IFP’s popularity was

not shaken in rural KwaZulu. Because it was considered that the IFP maintained popular support through its close relationship with the Zulu king and chiefs, the ANC hesitated to undermine traditional leaders when it came to power in 1994 (Amtaika 1996, Sato 2000).

Third, traditional leaders have actively engaged in politics by organising themselves and becoming politicians (Oomen 2005: 95-98, Holomisa 2009; 2011). The most famous and influential association is known as the Congress of Traditional Leaders of South Africa (CONTRALESAs). The CONTRALESAs was formed in 1986 by traditional leaders who opposed the 'independence' plan of the KwaNdebele homeland. During the political transition period, it argued that the authority of traditional leaders under customary law should be recognised even after the transition to democracy. After democratisation, several chiefs, including Phathekile Holomisa, who used to be the chairperson of the CONTRALESAs and Mandla Mandela, a grandchild of Nelson Mandela, continued to influence the policy formation process as members of parliament belonging to the ruling ANC.

Last, the inefficiency of local governments that cannot fulfil their expected roles in the provision of public services should be exposed. The problems of corrupt local councillors are also frequently reported in the media (Ainslie and Kepe 2016). Before democratisation, traditional leaders played the role of local governments in homelands. While it was possible that they governed people in a 'despotic' way (Mamdani 1996), other research argues that chiefs had to rely on support from residents to function as local governments in a situation where they did not have sufficient administrative or financial support from the homeland government. McIntosh (1992) argues that chiefs acquired a certain degree of legitimacy through this process. After 1994, democratic local governments were established², but it also became clear that a democratic way of electing leaders does not automatically lead to accountability of the leaders to the residents.

The TLGFA listed a wide range of roles to be played by traditional leaders in a democratic South Africa. Additionally, two pieces of legislation are particularly important as they will redefine the authority and roles of traditional leaders. They are the CLaRA (2004) and the *Traditional Court Bill* (2008). However, the CLaRA was declared unconstitutional in 2010 and was never implemented. The *Traditional Court Bill* was withdrawn in 2012 after many opposing opinions were expressed at the public hearings of parliament³ (Mnisi-Weeks 2011). What specific problems exist in strengthening the land allocation power of traditional leaders? In the following two sections, I will discuss this question through examination of land tenure policy and legal challenges to the CLaRA.

² The establishment of democratic local governments means that traditional leaders lost local administrative power. However, the TLGFA lists a wide range of roles for traditional leaders at the local level. If traditional leaders were to play these roles, it would be possible to say that they are effectively the fourth tier of the government.

³ Upon the publication of a new bill at the end of January 2017, the policy debate on the judicial power of traditional leaders resumed.

3. Land tenure reform policy and the CLaRA

3.1. White Paper on Land Policy (1997)

The White Paper on Land Policy (hereinafter the White Paper), published in 1997, proposed three programmes for South Africa's land reform policy. The first is a land redistribution programme aiming to distribute white-owned farmland to black people to rectify the inequality of land ownership among different population groups (races). The second is a land restitution programme aiming to restore land to people who were dispossessed of land by racially discriminatory laws and practices after the *Natives Land Act* (1913) was enacted. The third is a land tenure reform programme that aims to strengthen the land rights of residents in former homelands and tenants and dwellers on white-owned farms.

The White Paper identified two problems concerning the land tenure system of former homelands. One is that residents' rights to the land are not officially recognised, and therefore they are in a vulnerable state. The other is that the communal land administration system in former homelands is in a state of disarray and its tendency to discriminate against women is not compatible with democratic principles (DLA 1997: 30-34). To deal with these problems, the White Paper first proposed that the rights of people who have occupied land for a long time in former homelands should be recognised and treated as ownership (DLA 1997: 66). For this purpose, the *Interim Protection of Informal Land Rights Act* (1996) was enacted, aiming to protect vested interests (land rights) of people who do not have explicit legal rights to the land they occupy, such as former homeland residents. The *Act* also stipulated that these people with informal rights to the land must be treated as stakeholders when such land is subject to development projects and business transactions (DLA 1997: 62). This *Act* was enacted as an interim measure with an expiration date, but because new law has not come into force, it is being updated every year in the national parliament.

The second measure proposed by the White Paper was the democratisation of the administration of land rights. It stated that the ownership of land lies with the members of a community, not with the chief, tribal authority, or trustees (DLA 1997: 66). The collective landholding system must observe the basic human rights prescribed by the Constitution. The members of the group—including women—have the right to participate in the decision-making process regarding land administration and access to land. The White Paper clearly stated the idea of land rights based on fundamental human rights. It also indicated a lack of trust in traditional leaders, by stating that, while people support some chiefs, other chiefs are abusing their powers.

Following the White Paper, the *Land Rights Bill* was discussed within the Department of Land Affairs (hereinafter the DLA)⁴, but it was never introduced to parliament. After the change of the Minister of Land Affairs, the discussion of a new bill began and the CLaRA was finally enacted in 2004. Nevertheless, the CLaRA was fundamentally different from the *Land Rights Bill*, and the two guiding principles of the White Paper (Cousins 2008: 13).

⁴ In 2009, the name of the department was changed to the Department of Rural Development and Land Reform.

3.2. CLaRA

The CLaRA defines 'communal land' covered by it as land that is occupied or used, or that is going to be occupied or used, by members of a particular community, based on the rules and practices of that community. Included in this definition are (a) former homelands which are legally (nominally) owned by the state, (b) land acquired by black people collectively before the early twentieth century when land ownership by black people was restricted⁵, and (c) land transferred to the group by land reform programmes after democratisation (Section 2). The *Act* also covers former KwaZulu territory (currently KwaZulu-Natal *Ingonyama* Trust Land) whose ownership was transferred to the Zulu King from the state through the political deal made just before the 1994 elections to secure the participation of the IFP in the elections⁶.

The CLaRA aims to convert the various forms of land rights, formal or informal, registered or unregistered, of people and groups on these communal lands ('the old order rights'), to new land rights ('the new order rights'). Thus it seems that the CLaRA is loyal to the guiding principle of the White Paper that proposed the recognition of the existing rights to land as the starting point of tenure reform. It also stipulates that an investigation into the existing land rights has to be conducted before the old order rights are converted to the new order rights. The purpose of this investigation is to discover the competing or conflicting rights and interests to the land and to consider remedies if all competing interests cannot be satisfied (Sections 14 to 17).

The new order rights defined by the CLaRA are divided in two. One is the right as the owner of the whole communal land, which is given to the community that occupies the land. The communal land will be registered under the name of the community. To do this, the community has to first establish community rules, obtain a corporate status and establish a land administration committee. The primary authority and duty of the land administration committee include recording land allocations and transactions within the community, promoting the resolution of conflicts over the land and communication and coordination with relevant municipalities for development of the relevant communal land (Sections 3, 19, 21 to 24). The second new order right is the right to a piece of land within the communal land, which is given to the members of the community and registered under the name of the individual residents (Section 18-3b). The 'Deed of Communal Land Right' is issued to both the community that owns the communal land and the individuals who own a piece of land within the communal land (Section 6), and the registered right can also be converted into freehold ownership (Section 9).

The CLaRA calls for establishing two organisations for land administration. The first is the land administration committee mentioned above, and the second is the Land Rights Board which is the government agency overseeing the land administration. Of these two, the composition and authority of the land

⁵ Land purchased by black people before the *Natives Land Act* (1913) was enacted. It was referred to as 'black spots' during the apartheid era.

⁶ The *Act* was amended in 1997, by which the ownership of the land of the former KwaZulu was transferred from the Zulu king to a public institution called the KwaZulu Natal *Ingonyama* Trust Board where several people including the Zulu king sat as trustees.

administration committee are more important for considering the democratisation of the land administration system. The White Paper emphasised the necessities to abolish discrimination against women and to ensure the participation of women in the decision-making structure. There are repeated references to women's rights in the CLaRA. For example, it stipulates that at least one-third of the members of the land administration committee have to be women (Section 22-3), that women have the same land right as men (Section 4-3) and that a widow or a single woman also has land rights of her own (Section 18-4b).

However, the CLaRA also stipulated that if there is a traditional council within the community, such a council may exercise the authority and obligations of the land administration committee (Section 21-2). The traditional council is a council established in local municipalities by the TLGFA. Its predecessor was the tribal authority established by the *Bantu Authorities Act* (1951) of the apartheid era (Cousins 2008: 13). The TLGFA aimed to reform the administration system of traditional leaders, by introducing the principles of gender equality and democracy. It stipulated that one-third of councillors should be female and that 40% of councillors should be democratically elected members of a 'traditional community'⁷. However, not everyone agreed that the traditional council should become the land administration committee. This was far from the guiding principle of the White Paper that advocated to separate land administration from traditional leaders. Therefore, people who objected to the traditional council's taking over the responsibility of land administration committee decided to submit a legal challenge to the CLaRA.

3.3. Legal challenge to the CLaRA

In 2006, four rural communities⁸, supported by white liberal activists, submitted their arguments to the Gauteng North High Court that several provisions of the CLaRA and the TLGFA are unconstitutional. The applicants claimed that the CLaRA is unconstitutional for two reasons.

First, the applicants claimed that the CLaRA undermines the security of land tenure that people already have. They made two arguments to support this claim. Contrary to the DLA's interpretation of the CLaRA that the traditional council could fulfil the role of the land administration committee, they argued that, wherever traditional councils existed, such councils would become the land administration committees and this would be problematic (Cousins 2008: 13). Their second argument addressed the boundaries of the 'communities'. All four communities asserted the relative autonomy of people living in the smaller areas within the jurisdiction of traditional councils and rejected the idea that the boundary of traditional council/tribal authority, i.e. 'tribe', would become a principal unit of land administration.

Second, the applicants claimed that there was an error in the legislative procedure of the CLaRA. In South Africa, each bill is classified as either a Section 75 bill or Section 76 bill of the Constitution by the

⁷ The remaining 60% consists of 'members of the traditional community' chosen by traditional leaders.

⁸ They were Kalkfontein in the Mpumalanga Province, Makuleke and Dixie in the Limpopo Province, and Makgobistad in the North West Province. See Claassens and Gilfillan (2008), Claassens and Hathorn (2008), and North Gauteng High Court (2009) for background information of these four communities.

government's legal advisor, and they have different deliberation processes. If a bill concerns matters on which the central government has the exclusive authority to make a policy, it shall be tagged as a Section 75 bill. If a bill concerns matters on which both the central and provincial governments have the authority to make a policy, it shall be tagged as a Section 76 bill. The CLaRA was classified and discussed as a Section 75 bill in parliament, but the applicants argued that it should have been considered as a Section 76 bill. They argued that this was because the provisions of the CLaRA concern customary law and traditional leaders and these are the matters on which both the central and provincial governments have authority to make policy (Murray and Stacey 2008). The government's legal advisor tagged the CLaRA as a Section 75 bill because the CLaRA concerned land and only the central government has the authority to make land policy.

In October 2009, the Gauteng North High Court ruled that several provisions of the CLaRA are invalid and the CLaRA should have been deliberated as a Section 76 bill. However, the judge also said that the parliament did not make this mistake deliberately and it had no intention of suppressing the opinions of the provinces. Therefore the judge rejected the communities' argument that the CLaRA as a whole was unconstitutional due to an error in the legislative procedure (North Gauteng High Court 2009). The High Court's judgement over the invalidity of several provisions of the CLaRA was subject to ratification by the Constitutional Court. The communities also appealed the High Court's judgement. In May 2010 the Constitutional Court supported the view of the High Court that the CLaRA should have been tagged as a Section 76 bill but ruled that it was incorrect that the High Court did not rule that the CLaRA as a whole was unconstitutional due to this reason. Conversely, the Constitutional Court did not make any judgement on whether the individual provisions of the CLaRA was unconstitutional (Constitutional Court of South Africa 2010). As a result of this judgment, the CLaRA was never implemented.

3.4. The issues raised in the legal challenge to the CLaRA

While the CLaRA was found to be unconstitutional due to procedural reasons, the question of how to define the boundaries of the collective/communal land ownership, raised by this legal case, is fundamentally important in reforming the customary land tenure system where the right to land has been given based on one's membership in the community. If the traditional council were to become the land administration committee, the owner of the communal land was going to be synonymous with 'tribe'. There are no population statistics of each tribe in South Africa, but Claassens (2008: 265) estimates that the population size of each tribe/community will be 10,000 to 20,000 persons. My rough estimate gives the figure of 18,000 persons per chief⁹, which is almost the same as Claassens's figure. The size of the population differs for each tribe, but it should be questioned whether it is realistic and practical to establish a committee representing more than 10,000 people that would administer land owned collectively.

⁹ The author divided the population of the former homelands (about 15 million) by the number of chiefs (830). Since there are 7,400 headmen nationwide, the population per headman is over 2,000.

Four rural communities that challenged the CLaRA claimed relative autonomy of smaller communities over the ‘tribe’ within the jurisdiction of the traditional council. For instance, the Kalkfontein community consists of a group of descendants of people who originally bought two farms from white people in the 1920s. Since black people were not allowed to own land at that time, the farms were registered as trust land with the Minister of Native Affairs as a trustee. Later, the farms were incorporated into the KwaNdebele homeland by the apartheid government. The inhabitants of the farms were placed under the jurisdiction of the Ndzunzda tribal authority. However, they refused to accept land administration by tribal authority and fought against its legitimacy in the court. Ultimately in 2008, the ownership of the farms was transferred to a community trust set up through the land restitution programme, but the chief refused to accept the existence of an independent community within his jurisdictional area (Claassens and Gilfillan 2008: 310). Likewise, the Makuleke community was forcibly moved to the Mhinga tribal authority area by the apartheid government, which later became part of Gazankhulu homeland. The Makuleke insisted on an independent identity from Mhinga tribe, but the Mhinga chief opposed such arguments by the Makuleke (North Gauteng High Court 2009).

Both Kalkfontein and Makuleke are communities that were incorporated into ‘tribes’ against their wills by the apartheid policy. In addition to four communities that challenged the CLaRA, there are many more people and communities, especially in the mining areas of the North West Province, that ultimately lived in the area which fell under the jurisdiction of ethnically-different traditional leaders as a result of forced or voluntary migration (Comaroff and Comaroff 2009, Manson 2013: 415). These areas fall under the jurisdiction of traditional councils consisting of Tswana traditional leaders, but many Xhosa mine workers came to work from the Eastern Cape Province and settled there. If a law like the CLaRA were to be implemented in such places, Xhosa people might be excluded from the land allocation process.

Moreover, the fact that the CLaRA was not only to be applied to former homelands but also to other lands owned by black people collectively raises further questions. In the so-called ‘black spots’ where black people purchased land before the *Natives Land Act* (1913), many residents had already lived outside the influence of traditional leaders since the beginning of the twentieth century, including those who converted to Christianity (Sato 2010). Hence the CLaRA will result in expanding the powers of traditional leaders over the land where they previously did not have the authority to allocate land. Moreover, in post-apartheid land redistribution and land restitution programmes, the beneficiaries of the programmes usually form trusts or Communal Property Associations (CPAs) as the legal owner of the land. The CLaRA was silent about the relationship between these trusts/CPAs and land administration committees. If traditional council replaces the existing trust, will the trust lose the authority and right to administer land? (Fay 2009: 1430-1431). Even if the same word ‘community’ is used, its meanings are different between land restitution policy and tenure reform policy. This has already created conflicts and confusion among people as well as government officials about the boundaries of ‘community’ (Turner 2013).

The legal challenge to the CLaRA also raised the question of whether traditional leaders should have the

authority to administer land in the first place. Unlike other African countries, South Africa's former homelands are not the main targets of agricultural foreign direct investment by foreign companies. Therefore, the so-called 'land grab' has not been a big problem. However, especially in areas where mining development is occurring in the North West Province, it is reported that traditional leaders allow mining companies to exploit mineral resources without consulting people and they monopolise the royalties obtained from the companies (Mnwana 2014). The Bafokeng people in the North West Province is known as the wealthiest tribe in South Africa due to the income from mines. However, the benefits accrued from mines are not widely circulated among local people. There is also a conflict among residents over the question of who should benefit from mines—should it be only Bafokeng or should non-Mfokeng who live on the Bafokeng land be included? (Comaroff and Comaroff 2009)

4. 'Living' customary law of land allocation and administration: A case study of former KwaZulu

4.1. 'Official' versus 'living' customary law

In the previous section, I examined the problem of regarding a 'tribe' as a unit of communal land ownership and of giving traditional leaders the authority to administer such land. The legitimacy of this boundary was particularly prone to be questioned in areas that have internal ethnic diversity due to migration. Does this problem also apply to rural areas of relatively higher internal homogeneity? In this section, I will discuss the current practices of the customary land tenure system, drawing on a case study of a former KwaZulu rural area that has relatively strong continuity from being a precolonial chiefdom and has a higher degree of internal homogeneity.

The discussion here is concerned with current debates that try to distinguish between 'official' and 'living' customary laws. Since the Natal colonial government codified the Zulu customary law at the end of the nineteenth century, many laws concerning customs and traditions of African societies such as marriage and the chieftaincy system were legislated by the South African and homeland governments. Apart from the statutory laws, there are also several books written by anthropologists which discuss customary laws systematically. However, these codified customary laws, even if faithful to the customs and norms of society at the time when they were recorded, will eventually become outdated along with changes in the circumstances surrounding the relevant societies. Moreover, sufficient attention was not paid to the differences within a language/ethnic group. In this context, several researchers began to argue about the necessity of understanding practices and norms practised in people's daily lives, i.e., 'living' customary law, which is different from what has been conventionally regarded as the 'official' customary law such as codified statutory laws and/or anthropologist's writings (Bennett 2004; 2008; 2009, Oomen 2005, Cousins *et al.* 2011).

The current practices of the customary land tenure system in the former KwaZulu rural area discussed in this section are examples of 'living' customary law. The 'living' customary law is characterised by its flexibility and occurrences of constant minor changes (Oomen 2005: 78). Therefore there is always a risk of

encountering outdated information after it has been recorded. Nevertheless, Cousins *et al.* (2011) demonstrated that policymakers are hardly aware of the existence of ‘living’ customary law and, consequently, they tend to rely on the customary laws of olden times, which in turn causes significant problems in making land tenure reform policy. In this context, the first step should be to discuss and understand the current practices of land administration and the role of traditional leaders in those practices.

4.2. Case study area and research methodology

The study area is located in E *isigodi* (village) under the jurisdiction of Mchunu traditional council in the Msinga local municipality of the KwaZulu-Natal (KZN) Province. The *isigodi* (pl. *izigodi*) is a territorial unit under a traditional Zulu leader, and usually refers to an area marked by physical boundaries such as hills and rivers. South Africa’s government system does not give it any administrative recognition. Each *isigodi* has an *induna* (pl. *izinduna*) who is a traditional caretaker equivalent to a headman. The E *isigodi* is located in the border area where the former homeland and the former white farming district meet.

The author conducted semi-structured interviews with 94 people who lived in eight sub-divisions (sin. *umhlati*, pl. *imihlati*) and cultivated plots on a small-scale irrigation scheme situated in E *isigodi* in 2014. Furthermore, 21 people from three sub-divisions, one *induna*, and one agricultural extension officer of the KZN provincial Department of Agriculture were also interviewed by the author in 2015 and 2016¹⁰. Respondents were not selected randomly, as interviews were conducted on the irrigation scheme in 2014 and 2016 with anyone who was working on the plots at the time of interview and was willing to participate in the research¹¹. Therefore, it cannot be claimed that they represent the owners of the plots in the irrigation scheme completely. We could not obtain any statistical information on who among the residents of the E *isigodi* owned plots on the irrigation scheme, apart from a vague understanding among the respondents that those who owned plots are mainly descendants of those families who had lived in the area since the time of their grandfathers. We had to conduct the interviews in this way because neither the provincial Department of Agriculture nor *induna* knew the number and names of plot holders in the irrigation scheme.

Nonetheless, this research will give several important insights for understanding the current practices of the customary land tenure system. The breakdown of respondents in the 2014 interviews were as follows: 20 males and 74 females. The majority were married, including those who were cohabiting (51 people, 54%) or widowed/widower (33 people, 35%). This is in line with the conventional understanding that the majority of agricultural producers in former homelands are female. As for the age breakdown of respondents, about 40%

¹⁰ The interviews in 2014 were conducted in collaboration with Mr. Mngqobi Ngubane of the Institute of Poverty, Land and Agrarian Studies (PLAAS), University of the Western Cape, and we were assisted by two research assistants. One of the research assistants also accompanied me as an interpreter in the 2016 fieldwork.

¹¹ Of the 21 respondents in the 2016 interviews, only six people were also interviewed in 2014. We attempted to look for the same respondents from the 2014 interviews, based on personal information (name, sex, age and *umhlati* etc.), but most could not be found.

(38 people) were 60 years old and above and, thus, were pensioners. Thirty respondents were in their 50s, 13 in the 40s, five in the 30s, three in the 20s and I could not attain answers for the remaining five respondents. Fifty-four respondents (57%) did not receive any education. Conversely, 37 respondents (39%) answered that they could both read and write in *isiZulu*. A further 12 respondents said that they could read and write in English.

The main livelihood activities of respondents are mixed subsistence farming of grazing livestock such as cattle and goats¹² and agricultural production. However, the area has one major difference from other former homeland areas. That is, respondents can use plots on the irrigation scheme. While social grants (child grants, pension and disability grants) are the most important sources of income in many former homeland areas, the residents of E *isigodi* who had access to plots on the irrigation scheme also gained income by selling crops and vegetables they grew. Seventy-seven respondents (82%) answered that they had income from this activity. A few respondents received a salary as local civil servants of the provincial Department of Agriculture, while another few received remittances from family members in the cities. Apart from these, local employment and income-generating opportunities are minimal, and many men were absent as they went to the cities as migrant workers.

4.3. 'Living' customary law of land allocation and administration in the case study area

The land in the research area legally belongs to the KwaZulu-Natal *Ingonyama* Land Trust, but the residents also have various land rights in accordance with the customary land tenure system. Regarding residential land, 51 of the 94 respondents interviewed in 2014 stated that land belonged to their households. This includes 16 people who inherited land from their parents and other relatives, and 35 people who moved to their husbands' houses through marriage. Conversely, 33 people answered that they built a house with permission from traditional leaders such as the *induna* or chief. Also, five responded that they first attained permission from neighbours living near their residential land, and then went to see the traditional leader to acquire further permission. Furthermore, three people answered that they received permission from their neighbours only¹³.

Eight out of 43 people, excluding those who said that it was the households' land, answered that they gained permission from neighbours to acquire their residential land. Although it is proportionally small, on a later day a local *induna* explained to me the following procedure for people to obtain residential land. Those who are seeking residential land first have to visit future neighbours and introduce themselves. Then, the neighbours would instruct them to go to a local *induna*. After that, the *induna* reports the matter to the chief and receives permission from him. According to the *induna*, there is a record register that describes which

¹² However, among the respondents in the 2014 interviews, only one-third had cattle and 60% owned goats. One third of respondents did not own a cow or goat.

¹³ Of the remaining two respondents, one answered that s/he acquired some residential land from the previous owner and another said that s/he was 'dumped' at the current residence by the government truck after being evicted from a farm.

households live in each sub-division (*umhlati*). The *induna* also said that, in recent years, immigrants from outside the area are rare, and the acquisition of new residential land is limited to a new household that is becoming independent from existing households¹⁴. In other words, not only traditional leaders but also residents (neighbours) are involved in the allocation process of residential land.

As for an agricultural plot in the irrigation scheme, the largest number of people (56) out of all plot holders (82) answered that their plots belong to their households and they inherited plots from parents and other relatives. In contrast, only 12 people answered that they acquired it from traditional leaders. There were also seven people who gained land from the previous owner. The latter cases were different from normal transactions involving money and, usually, the borrowing of the land preceded it. In the event that the previous owner of the plots became too old to continue cultivation, or that none of the family members of the previous owner were interested in agricultural production, the borrower eventually received the plot. Twenty-three people borrowed the plots at the time of the interviews in 2014. Most lease contracts were verbal. In most cases, there was no rental payment in cash and, instead, a part of the agricultural products was handed over to the lender of the plots after harvest.

One of the reasons why the authority of traditional leaders seems to be weaker concerning the agricultural plot may be related to the fact that the plot is located on the irrigation scheme. According to the oral tradition, Chief Mchunu took the initiative of constructing irrigation furrows at the end of the nineteenth century¹⁵. By the first half of the twentieth century, the South African Department of Agriculture managed the irrigation scheme, and it collected land rental fees from users of the plot¹⁶. During the time of the KwaZulu government, the KwaZulu Department of Agriculture took over the irrigation scheme, but after its dismantlement, it was again taken over by the KZN provincial Department of Agriculture. According to an extension officer of the KZN provincial Department of Agriculture, while his Department was responsible for the maintenance and management of the irrigation scheme, it did not have the right or authority to allocate land. He said that this authority belongs to the chief¹⁷. However, when I asked the local *induna* about who has the authority to allocate land on the irrigation scheme, he answered that the government was responsible for that role. Thus, the opinions of both parties were inconsistent, and it was not clear who had the authority to allocate plots on the irrigation scheme at the time of fieldwork in 2016. However, the *induna* also told me that the authority to allocate and administer land would soon be transferred from the KZN provincial Department of Agriculture to the chief¹⁸. Even though a new law to reform the land tenure system of the former homeland has not been enacted, there was already a local initiative to strengthen the chief's authority over the land.

¹⁴ Interview with *induna*, 17 August 2016, Msinga.

¹⁵ Interview with an elder of the E *umhlati*, 13 August 2016, Msinga.

¹⁶ In reality, many people did not pay rental fees. WR Wilson, resident inspector Mooi River Works, Mudon, 1 September 1908, NAB (Pietermaritzburg Repository of the National Archive): SNA: Vol. I / 1/410, 1908/2706; Financial, irrecoverable revenue: Mooi river and Tugela irrigation works, NAB: CNC: Vol. 343, 1918/3461.

¹⁷ Interview with an extension officer of the KZN Provincial Department of Agriculture, 5 February 2015, Tugela Ferry.

¹⁸ Interview with *induna*, 17 August 2016, Msinga.

Next, I would like to discuss the patterns of the inheritance of plots, especially whether there was any difference between men and women. Of the total number of 82 plot holders (20 males, 62 females), 56 (16 males, 40 females) answered that they acquired their plots by inheritance. In the case of men, all but two inherited plots from parents (or fathers). Of the two exceptions, one inherited it from his grandmother, and another from his brother. Conversely, in the case of women, only nine said that they inherited plots from their parents. Nearly half of the women inherited plots from their female relatives, such as their mother-in-law (12), own mother (5), and grandmother (2). Women also inherited plots from other relatives such as the husband's family (5) and husband (4)¹⁹. The vulnerability of women's rights to land in the customary land tenure system has been frequently indicated. However, this research shows that the inheritance of land from female members of the family to other female members of the family is common even in a Zulu society that has traditionally been considered a paternal society. A plot in the irrigation scheme is minimal, i.e. about 0.1 hectares. Although some people have multiple plots, it is not realistic to make a living based on agricultural production alone. In a society where it became normal for men to be absent from the rural areas as they went to the cities and mines as migrant workers, perhaps it has become an important livelihood strategy for women and rural households left behind to inherit plots and supplement their income from agricultural production.

Nevertheless, the rights that people have to the plot are not the same as private ownership. I asked them the following series of questions regarding their rights to the plot in 2016: whether they have the right to dispose of (sell) the plot, the right to lend it to someone else, and the right to give it as inheritance to someone else, and whether a person who borrows a plot has a right to sub-let it to a third party. Almost everyone answered as follows:

- The land belongs to the chief. No one has the right to sell it.
- However, one can lend his/her plots to others and/or give them to their relatives as an inheritance.
- Those who borrow a plot do not have the right to sub-let it to a third party.

Once the land is allocated to the households and/or individuals, they have strong rights to it, but they deny the right to dispose of/sell it by declaring that the 'land belongs to the chief'.

Finally, to ascertain the relationship between the residents and traditional leaders, I asked the respondents whether they knew the name of their traditional leaders and on what occasions they met with traditional leaders. Regardless of age and sex, the respondents knew the name of their chief and who their *induna* was (2016 fieldwork)²⁰. Some consulted with *induna* when they had conflicts with neighbours. Others participated

¹⁹ Of the remaining three female respondents, one answered that she acquired it from her relative, and we could not get an answer from the other two.

²⁰ The details of the 21 respondents of the 2016 interviews were as follows: five men and 16 women, and in terms of age breakdown, eight were 60 years old and above, five were in their 50s, five in the 40s, and three in the 30s.

in meetings convened by *induna*. However, very few people have met the chief. Even in that case, it was explained that, because the problem was not solved by *induna*, they needed the chief's intervention. In other words, people are connected to the chief through *induna*. This shows a relative autonomy of a community living in *isigodi*, a smaller unit within the Mchunu traditional council.

5. Conclusion

The purpose of reforming the customary land tenure system in South Africa's former homelands is different from other African countries. It was not to promote agricultural development of the area. Nor was it to improve the livelihoods of people living in these areas. The purpose was to guarantee the land rights to people who had been deprived of it in the past. The first guiding principle of land tenure reform, described in the White Paper and inherited in the CLaRA, stated that the existing land rights of the people in the customary land tenure system should be recognised and guaranteed by law. It was ground-breaking in the sense that it recognised land rights other than private ownership. However, this can be criticised as preserving the status quo and not bringing about a solution to the historical problems of former homelands, such as poverty and underdevelopment (Nagahara 2016).

Therefore, the success or failure of land tenure reform depends on whether it can achieve the second guiding principle of the White Paper, i.e. democratisation of land administration systems in former homelands. The CLaRA intended to strengthen the power of traditional leaders, particularly of the chief, by giving the traditional council the authority to allocate and administer land. However, an objection was presented to the prospect that 'tribe' would become a basis of communal land ownership. This problem could be applied not only to the four rural communities that filed the lawsuit but also to other areas where the ethnically diverse people lived within the jurisdictional area of traditional council due to forced or voluntary migration.

The former KwaZulu rural area discussed in this paper, has a relatively higher continuity from its pre-colonial chiefdom and a higher degree of homogeneity regarding ethnicity. Nevertheless, it is evident that the current practices of allocating and administering residential and agricultural lands and the relationship between residents and traditional leaders—even if the residents recognised the authority of chief—means that the daily business of allocation and administration of land is principally done in smaller units (*isigodi*) than the 'tribe' as a whole. Furthermore, not only traditional leaders but also the opinions of the neighbours are considered when residential land is allocated to a new person/household. It was also evident that households and individuals have a strong right to decide how to use the land and/or give it to a family member as an inheritance, once a particular piece of land is allocated to them. In particular, this research found that many women who were traditionally considered to have only vulnerable rights in the customary land tenure system inherited agricultural land from their mothers-in-law and/or their own mothers. This case study re-affirms the importance of understanding the customary law as something that changes continuously.

After the CLaRA was declared unconstitutional, a fresh discussion over a new law to reform the

customary land tenure system has begun. A policy document titled Common Land Tenure Policy was made available at a workshop held by the Department of Rural Development and Land Reform in August 2013. It stated that, in the area where customary law is applicable, traditional councils would administer people's rights to the land, while in other areas 'communal property institutions' would play such a role (DRDLR 2013: 13). Thus, of the three categories of land covered by the CLaRA, two categories of land are removed from the future administration of traditional council, i.e. land acquired by black people collectively before 1913, and land transferred to communities/groups by post-apartheid land reform programmes. However, the new policy document maintained that the traditional council would administer land in former homelands. Once again it affirmed the intention to strengthen the authority of the chief. Subsequently, a new bill was introduced in the parliament in July 2017, but it remains to be seen if and when this will become law. As long as it ignores the existence of autonomous communities/groups within the jurisdiction of traditional councils, it will be difficult to form a consensus on the way forward for tenure reform in South Africa.

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Environmental justice and women empowerment in the protected areas of Nyungwe National Park: Case of women handcrafts cooperative

Gloriose Umuziranenge
Protestant Institute of Arts and Social Sciences, Rwanda

Abstract

Environmental justice refers to the process by which environmental actors and the community work together to identify needs, shared values, challenges and setting up measures to address them as well as implement together different activities and projects that affect their lived environment. This concept is relevant in the context of Rwanda, especially for communities surrounding national parks. The aim of this study was to investigate women's experiences about their empowerment through environmental justice (distributive and procedural justice). In doing so participants were purposively selected in women handcraft cooperative in Kitabi sector. With regards to data collection and analysis semi-structured interviews and content analysis were used. The findings of this study show that women are economically and socially empowered through capacity building, savings, access to loans likely to improve their socio-economic development including food security, children's education, health insurance and raising environmental awareness among members of the community. However, the participation of women in decision-making process is still limited, hence the dominance of top-down approach in environmental justice which hinders the sustainable empowerment of women in the protected areas of Nyungwe National Park. Therefore, the partnership approach is recommended so as to consider women's needs and voices in the implementation of natural resources conservation policies.

Keywords: environmental justice, procedural justice, distributive justice, Nyungwe National Park, women empowerment



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1. Introduction

This study concerns women's experiences about their empowerment through environmental justice. The concept of environmental justice is relatively recent. It was born in the United States in the late 1970s. By the 1980s, the environmental justice movement in the USA was fast recognized when people of color began to organize environmental campaigns to contest the use of pesticide and the dumping of toxic wastes in North Carolina. (Di Chiro 1998, Schroeder 2008). It is recognized that environmental injustice is not only related and occur from human activities that harm the nature but also occurred in other forms such as gender and class discrimination (Beretta 2012). Environmental justice deals with the inequities perceived and experienced by diverse stakeholders as they are subjected to activities that affect their lived environments. This is very relevant especially when certain communities are subject to inequities in the distribution and consumption of environmental 'ills' and 'benefits' (Banerjee 2014).

In the context of improving natural resources conservation policies and practices, people living in the adjacent to protected areas have to abandon some of the activities such as hunting, firewood collection, mines exploitation, traditional medicine collection, bee-keeping which had been long their source of income. In return, the former income has to be compensated by conservation revenue sharing through social and economic empowerment. The question might be the equity as far as distribution of benefits among beneficiaries as well as how the latter are empowered to be part of the decision-making process.

The present paper seeks to explore how women are empowered through environmental justice. I first describe the context and problem of the study as well as research objectives. Additionally, the theoretical and conceptual frameworks guiding the study are reviewed in the literature review. More on that, I explain the research methodology for empirical part of this study before presenting and discussing the findings and concluding.

2. Context and problem

In the context of the scarcity of natural resources, the government of Rwanda attaches high importance on natural resources conservation by creating protected areas likely to increase tourism revenue income. Tourism has been among the top priorities in political debates whereby it has become the first sector contributing to the GDP (RDB 2017). For example, 12.7% of GDP is generated from tourism (RDB 2017). However, communities living adjacent to protected areas with the richest biodiversity are the poorest (Masozera 2002, Scherl 2004, Plumptre 2004).

Since 1998, Rwanda has adopted a decentralization policy to ensure democratic governance, accountability and community participation in the decision making process (Chemouni 2014). In the same orientation, Rwanda adopted a new approach of reconciling environment and community needs through eco-tourism. The tourism Revenue sharing has been adopted as means of empowering local communities surrounding protected areas including but not limited to national parks. In this regard, the rate of contribution from income generated in tourism activities has increased from five to 10% of the total gross revenue earned in each national park (GoR 2018). RDB usually donates a portion of revenue

from wildlife-based tourism to assist local communities based projects living adjacent to national parks in socio-economic development. On the one hand scholars have done scientific studies on the impact of revenue sharing on social and economic development of local communities (Tusabe and Habyalimana 2010, Kamuzinzi *et al.* 2015). It is indicated that tourism revenues contribute to socio-economic development through construction of infrastructures like schools, health facilities, water supplies, and benefit trainings related to environment protection, receive funds for food security related project as well as other income generating activities (Tusabe and Habyalimana 2010, Kamuzinzi *et al.* 2015). On the other hand, empirical studies indicate that community based projects are failing to achieve their goals due to insufficient of revenues, top-down governance system, unfair political capital gains, lack of business skills, conflicting stakeholder interest (Archabald and Naughton-Treves 2001, Reddy 2002, Tosun 2002, Briedenhann and Wickens 2004, Dixey 2008, Munanura *et al.* 2016, Munanura *et al.* 2018). Therefore, the implementation of the aforesaid strategy might be an issue of debate in scientific discourse especially the voice of local communities.

So far, the studies are more quantitative and lived experiences of local communities in regard to their participation in the implementation of community conservation policy including tourism revenue sharing are missing in the context of scientific research in Rwanda. The population of Rwanda has more women compared to men. Women count 51.8% of the total population mostly living in rural areas including protected areas (NISR 2014). In addition, women's roles brought them into close everyday contact with their environment. They are materially adversely affected by environmental degradation due to disproportionately assigned caring and provisioning roles and obligations (Resurrección, B. P. 2017). It has been recognized that engaging sustainable development initiatives without women is an empty gesture as women are more likely to interact with environment in their daily basis (Dobson 1998, Momsen 2007, Hausmann *et al.* 2012, OECD 2014). Therefore, sustainable involving development cannot be achieved if they are left behind. It is worth to investigate how women are empowered in the context of conservation of natural resources through environmental justice in the protected areas of Nyungwe National Park with the case of women handicraft cooperative.

3. Research objectives

The general objective of the study was to examine women's experiences about their empowerment through environmental justice in protected areas of Nyungwe National Park. Specifically, the study seeks to explore how distributive as well as procedural justice contribute to women's empowerment in Women Handcraft association in Kitabi sector.

4. Literature review

The purpose of this study was to investigate women's experiences about empowerment through environmental justice. It is under this background that the researcher first explained theoretical understanding of the concept of environmental justice, community's empowerment and the link between environmental justice and women's empowerment.

4.1. Environmental justice

Protected areas are worldwide recognized as important to host the biodiversity considered as living and economic resource. In this regard, the management of the protected areas is likely to face conflicts between policy makers and surrounding communities. In the context of Africa, protected areas are delimited and placed under state control with highly monitored human impact. Moreover, local people are excluded from the use of natural resources and customary rights are ignored (Jones 2006). On the one hand, conservation measures only put emphasis on achieving natural resources conservation goals without considering the well-being of the communities that usually rely on them. Local community's knowledge and experiences in conservation are sometimes ignored and have no right to use their own natural resources on the basis of the perceptions that they are ignorant and destructors of environment. However, over the last 25 years, the image of conservation in Africa has shifted from wildlife protection to people-centred conservation. People-centred conservation approach came up with another concept of environmental justice that seeks for better conservation outcomes by involving all people and treats them fairly in all activities regarding the environment (Leciejewski and Perkins 2015). It refers to the process by which environmental actors and the community work together by identifying needs, shared values and challenges and setting up measures and goals to address them as well as implementing together different activities and projects by considering a full respect of human rights by involving everyone in the process (Resham 2015). Interaction among different stakeholders in the conservation process is a key driver for not only the achievement of conservation goals but also empowering communities.

4.2. Community empowerment through participation

Participation of surrounding communities in regard to natural resources has been a concern in the discourse of natural resources management. For participation to be effective, local communities have to be empowered in term of knowledge, income, trust just to name few. The understanding of community empowerment can differ from one to another depending on different perspectives that may lead to a variety of approaches.

Empowerment can be considered as mean of enabling a social environment in which one can make decisions and make choices either individually or collectively for social transformation. It strengthens the native ability by way of acquiring skills, knowledge, power and experience (Chambers 1994, Hashemi, Schuler, and Riley 1996). The authors highlight two important dimensions of empowerment. First, the creation of conducive environment enabling responsible individual and collective decision-making. The good environment is not enough if people are not individually empowered. Therefore, individual capacity building is a necessity for successful participation with regard to natural resource management.

Scholars show different approaches of community participation that are likewise relevant for natural resources management. Among others, there are top-down, bottom-up and partnership approaches. The top down approach describes the situation where the government provides and decides for the

community everything. Consequently, sense of dependency and lethargy among the people are developed. Though it can be quick and less expensive, the top-down approach does not consider contextual realities and needs of local communities likely to engender conflict between different stakeholders. The needs of the local communities are the starting steps for policymaking in bottom-up approach. Despite the relevance of local needs, communities are not well equipped to critically analyze contextual realities as well as appropriate solutions. In this regard, a partnership approach is proposed so as to mitigate the limitations of the previously mentioned other approaches. This is because local communities and policymakers closely collaborate and their respective needs are discussed and shared (Reddy 2002, Paudel 2009).

4.3. Environmental justice and community empowerment: Gender perspective

Environmental justice and community empowerment are closely interlinked. In this regard, it is worthy to describe how scholars conceptualize the previously mentioned terms before showing how they are related. Moreover, a model of analysis of this relationship is given and briefly explained.

Environmental justice is a concept which can be defined in different perspectives by different scholars. It can be seen as a process of dealing with all justice related issues in environmental management through distributive and procedural dimensions (Ikeme 2003). On the one hand, distributive dimension is concerned with equity as regard to dealing with people's outcomes in social exchanges (Brashear *et al.* 2002). It concerns mainly by distribution of cost and benefits among communities living in the protected areas. Procedural justice concerns with procedures and processes (Sheppard *et al.* 1992) on the other hand. This is concerned by the extent to which community is involved in the process of decision-making (Svarstad *et al.* 2010). With regard to community participation, Pretty (1995) gives a model of participation indicating different forms of participation. They include manipulative (through unelected representatives), passive (receptive of information), consultation, material incentives, functional (by serving to achieve external project goals) and interactive participation. Though no form can fit all contexts, interactive might be important as regard to taking into account the needs of concerned people and organizations or systems (Reddy 2002). In the context of conservation, procedural environmental justice regards how people living in protected areas are empowered to make decisions regarding conservation policies as well as their own development projects.

So far as community empowerment is concerned especially women, it is the process through which traditionally underprivileged groups of people like women especially in developing countries are uplifted for more improved economic, social and political status (Dandona 2015). It is the process of guarding them against all forms of violence. It involves the building up of a society, a political environment, wherein women can breathe without the fear of oppression, exploitation, apprehension, discrimination and the general feeling of persecution that goes with being a woman in a traditionally male dominated structure (Ferguson and Alarcon 2015). Protection should go hand in hand with empowering women through education, access to loan, savings, employment, to name few (Hashemi,

Schuler, and Riley 1996, Anderson and Baland 2002, Agarwal 2002,). In the context of conservation of natural resources, empowering women is a key to the sustainability of policies and programmes in achieving conservation goals without compromising socio-economic development initiatives (Uphoff *et al.* 1979, Belshaw and Chambers 1993).

As indicated earlier, environmental justice is closely related to community empowerment especially women. The relationship is described based on two dimensions of environmental justice. First, equity in cost and benefits from natural resource management is a mean of socially and economically empower communities (Walpole and Thoules 2005). For example, tourism revenue sharing is a tool for not only engaging surrounding communities but also contribute to their socio-economic development (Kamuzinzi *et al.* 2015). In the context of Rwanda, gender-oriented studies with regard to environmental justice are missing in scientific discourse. Community participation is considered as a tool for empowerment, building beneficiary capacity, increasing effectiveness in the desire to share costs, and improving the efficiency and success of the projects. People should have the relevant assets and instrumental freedoms (representation and consultation) to achieve different needs, including human assets (health and education); natural assets (having access to resources); and physical assets by access to the infrastructure (Chong 2010). Community empowerment in its inception seeks to improve the wellbeing of neighborhood communities women in the present study through the creation of jobs; expanding their infrastructure and providing education as well as capacity building in the form of trainings.

Second, communities are not only empowered by providing incentives but also through involvement in decision-making process (Svarstad *et al.* 2010). With procedural environmental justice, women are empowerment to become agents of change. They are expected to be independent and make decision on their own by building trust in such a way that they can empower themselves (Willis 1999: 73, O'Neil and Domingo 2015). It is important to note that women participation in decision-making is a crucial element to ensure sustainable development processes and create an influence on their norms and value (Cheryl *et al.* 1999). The involvement of the locals including women is a driver to the success of development initiatives to avoid social injustices at intersecting scales that can occur and lead to the social exclusion of the global poor (Fraser 2010).

Environmental justice (distributive and procedural) is a means through which population surrounding protected areas is economically and socially empowered including women especially in the context of Rwanda where the number of women outweighs men (NISR 2014). With effective environmental justice that leads to population empowerment, the conservation goals are likely to be achieved. The following model summarizes the relationship between environmental justice, population empowerment and conservation (Figure1).

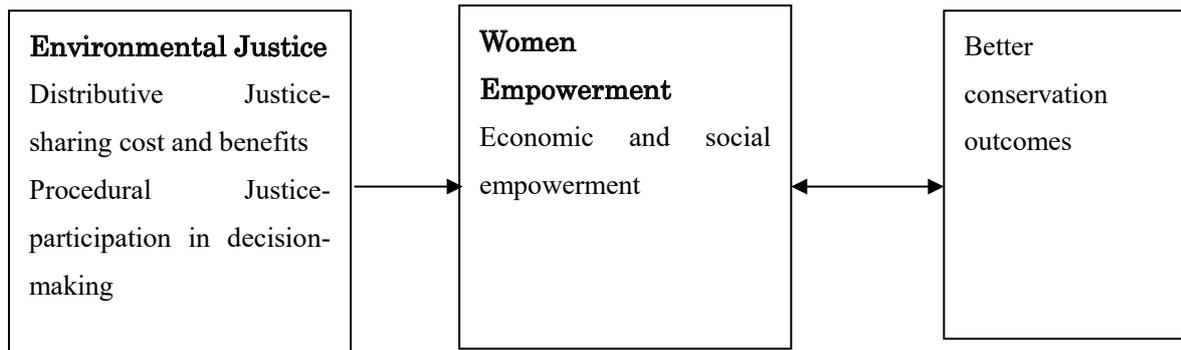


Figure 1. Relationship between environmental justice, women empowerment, and natural resources conservation.

Source: Adapted from Svarstad *et al.* (2010), Pretty (1995).

5. Methodology

The purpose of this study was to investigate women's experiences about their empowerment through environmental distributive and procedural justice. When one seeks to explore how individuals interpret their experiences and views (Savin-Baden and Major 2013:12-14, Silverman 2014:5), qualitative approach best fit the purpose of the present study. With regard to sampling, theoretical and purposive sampling were used to progressively selected participants who are members of the Kitabi handicraft cooperative as well as key participants from decision-making bodies including local administration (two executive secretaries of cells) and Rwanda Development Board (RDB: park chief warden and head of tourism in Nyungwe National park). Participants were progressively identified purposively during data collection that is concomitant with data analysis (Savin-Baden and Major 2013, Silverman 2014, Creswell 2014).

While collecting data through individual interviews, saturation point was reached at the eighth interview. Interviewed respondents from the cooperative as a saturation point because no new information was coming out. Therefore, the sample size of this study was 12 respondents including 8 respondents from the cooperative and 2 key informants from RDB and 2 respondents from local government administration.

So far as data collection is concerned, semi-structured interviews were used to gather individual' experiences with regard to women empowerment through environmental distributive and procedural justice. Semi-structured interviews are a viable means of learning about peoples' views especially due to flexibility and openness during data collection process (Patton 2002, Bryman 2012). All respondents were selected in Kitabi women handcraft cooperative. All semi-structured interviews were conducted in Kinyawanda, transcribed and translated back in English. The collected information was then analyzed using content analysis by identifying deductive codes derived from existing literature and supplemented with inductive categories that emerged from collected data. The results were discussed in light of environmental distributive and procedural justice (Pretty 1995, Reddy 2002, Paudel 2009, Svarstad *et al.* 2010).

For ethical consideration, before starting the interview participants were briefed about the aim of the research and the possible benefits of the research. The researcher also clearly stated that the

interviews would be audio recorded and that participants have the right to decline to participate and withdraw from the study irrespective of the extent of data collected. The researcher clearly informed the participants that they are free to request clarification at any moment and would receive answers. The researcher clarified that their true names would appear in neither data analysis nor publication of results. For anonymization of participants I used alphabetical letters to ensure the confidentiality during data analysis and presentation of results.

6. Findings

This paper aimed at investigating women's experiences about their empowerment through environmental justice in Kitabi women handcraft cooperative operating in the surroundings Nyungwe National Park. In addition to a short description of the cooperative, data are analyzed under three themes namely distributive and procedural justice in relation to women empowerment as well as challenges faced by women in regard to their empowerment in the context of natural resources management.

6.1. Description of Kitabi women handcraft cooperative

Kitabi Women Handcraft Cooperative started in 2011 with 30 active members, 28 females and 2 males. The cooperative operates its activities in the surroundings of protected areas of Nyungwe National Park in Kitabi sector in Nyamabage District. The cooperative is composed of women whose husbands had been involved in harvesting Nyungwe National Park through timber, traditional medicinal plants, agricultural activities, firewood, poaching, mining, bee-keeping and grasses for making handcraft products especially before Nyungwe was recognized as National Park in 2005. Additionally, women themselves used to rely on resources found in the park like firewood, water and traditional medicinal plants. The cooperative was then established to reduce the reliance to natural resources rather create other sources of income for their survival and development.

The mission of the cooperative is to protect Nyungwe National park through raising environment awareness among community members. In addition to making handcraft for increasing their income, members of the cooperative initiate and undertake different activities to protect Nyungwe National park. The latter include but not limited to building public latrines, sensitization and mobilization of local community about the importance of the park to their welfare as well as country development. More on that, members of the cooperative were trained and started projects of knitting bags which replaced baskets made before from traditional materials¹ collected in Nyungwe, construct the public toilets as a way of protecting the park, they built Mushabarara center which host tourists and other travelers. Mushabarara is known as a centre made of traditional houses with grasses which host tourists in National Park of Nyungwe. Rwanda Development Board and its' partners supports the cooperative through income from tourism. The following parts show the findings regarding how women in the previously mentioned cooperative are empowered.

¹ Imigwegwe (Traditional grasses, herbs that were harvested in Nyungwe national park by the local community to make baskets).

6.2. Environmental distributive justice and women empowerment in Kitabi handcraft cooperative

So far as women empowerment through distributive justice in Kitabi women handcraft cooperative is concerned, the following data shows how women are socially and economically empowered as a result of environmental distributive justice. With regard to economic dimensions, access to loans, employment, income generating projects are major indicators emerged from the findings. Moreover, improved family relations, capacity building are major concerns of social women empowerment in the context of the present study. More on that, the findings about self-reported improved welfare are presented.

With regard to economic empowerment, participants indicated that gathered in cooperative, it gave them opportunities to have access to financial loan. In collaboration with USAID, Wildlife Conservation Society (WCS), Rwanda Development Board (RDB) facilitated the cooperative to purchase sewing machines for weaving and connected them to lending financial institutions including Saving and Credits Cooperatives (SACCO) working in each sector and Réseau Inter-Diocésain des Micro-Finances (RIM) of Roman Catholic (Gikongoro) to ease access to loan. However, loans that are offered by aforesaid microfinance charge a higher interest rate 19% compared to average interest rate of 17% in other financial institutions). In addition to loans offered to cooperative so as to enhance handcraft business, individual members have access to the same kind of loan through cooperative which later contributes to their income generating activities. One respondent says thanks to loan she got through the cooperative, she started a small business of farming (WA). It is indicated by participants that loan contacted through their cooperative allowed starting different projects including small agricultural projects, livestock and small trading business. Moreover, participants reported to have started other income generating projects which include tailoring, knitting uniform sweaters for surrounding schools and shopping bags for tourists and the rest of the community. For example, one participant indicated that through loan she got from bank through cooperative, she initiated the projects of small farming projects of pigs and goats (WB). Knitting bags which replaced baskets made before from traditional materials collected in Nyungwe, construct the public toilets as a way of protecting the park, they built Mushabarara center which host tourists and other travelers.

Furthermore, access to loan has created opportunities of jobs. Having been trained to making handcraft and given loan boosted the access to employment. In this context, members of Kitabi women handcraft cooperative are regularly workers for handcraft business and get paid for it. It is worth to mention that handcraft products are sold to tourists and share benefits on annual basis. Additionally, they have opportunities to initiate their own generating income projects. More on that, children initiated traditional dancing club that entertains tourists especially during school holidays.

In addition to economic benefits, findings show that women in Kitabi Women handcraft cooperative are socially empowered through capacity building that leads to improve welfare. During interviews, participants indicated that they benefited from different training on different topics. Among others, they have been trained on handcraft making, project planning and management, environmental conservation and family planning. With training on handcraft making, cooperative members have been equipped with

skills to make handcraft products that are sold to tourists. Instead of traditional use of resources from the park, they alternatively use other locally found materials. As indicated earlier, members initiated income generating projects as a result of training on management of small projects including small environmental projects. Members have been likewise trained on environmental conservation and management to become agents of change among communities. Moreover, participants reported to have benefited from other trainings on different issues concerning the wellbeing of the family including but not limited to family planning and gender-based violence. The question might be about the benefits of social and economic empowerment of women in Kitabi women handcraft cooperative.

With regard to the impact of social and economic empowerment, participants indicated that their lives have improved thanks to taking part in cooperative. Before joining the cooperative, participants indicated that women did not have formal jobs and this cooperative has become their main employment and source of income as they are struggling to maintain small and inconsistent sources of income sometimes through illegal practices in the park. All participants showed that they were not able to start new small projects and had economically the problem of paying land and other fixed assets, shelter as well as inaccessibility to loan. It is clear that the living conditions of cooperative members were not promising. However, participants indicated positive changes thanks to participation in the previously mentioned cooperative. Participant from local government (ESK) said that, economically, cooperative members had not the capacity of having shelter. They had no cattle and could not open an account in Umurenge SACCO microfinance. However, he said: *‘After joining the cooperative, the socioeconomic situation of cooperative members was improved because today, they are able to get food, to get money for medical insurance payment, they are able to pay education fees for their kids’*. Being in cooperative help women to satisfy some basic needs through selling handicrafts materials to tourists. As respondent from RDB (RDBCT) said, the programmes funded by the Revenue Share Programme improve people’s lives: *‘This program show our commitment to protect biodiversity while contributing to improving the livelihoods of people living adjacent to our national parks and the overall development of the country’*. In the same orientation one participant (WB) said: *‘My husband was a hunter in Nyungwe forest where he used to kill animals and sell meat. In women handcraft cooperative, I learnt knitting sweaters, bags and baskets, which are sold to make money. Today I encourage my husband, sons, surrounding communities not to hunt, and other prohibited activities in Nyungwe national Park. Today, I can afford health insurance and small animals such as pigs and goats from the associations’ benefits’*. This shows that life of women as well as their households has improved as a result of participating in cooperative in regard to satisfaction of basics, social and economic needs such as food, shelter, health insurance and education of children. Moreover, this led to satisfaction of other human needs like self-esteem. More on that, participants reported to have become agents of change in the process of increasing awareness about environmental protection for their family members.

6.3. Environmental procedural justice and women empowerment

With regard to participation of women members of the cooperative in decision-making process, the

findings are controversial. On the one hand, four women participants out of eight are not happy with their participation in decision-making process (WD, WF, and WG, WA). They said that leaders are the ones who decide and come to population especially the one working in cooperatives and tell them what to do. In addition, they complain about their suggestions never considered in deciding. For example, participants indicated that women, through cooperative, decided to protect animals coming out of the park to raid crops. They had found ways to bring them back into the park. However, participants reported that their decision was not encouraged. Moreover, they indicated to have asked mobile phone for easy communication and information dissemination. Unfortunately, they reported that the proposition was not welcomed. In this orientation, one participant indicated: *'It is annoying to keep saying this without it ever being considered. We need communication facilities and we want our voice to be heard as we are very actively involved in the conservation of the Park'* (WA). This shows that some participants are not happy with the process of communication and decision-making that they perceive as passive. They reported that their voices are missing in decisions made.

In the same vein of ideas, collaboration of stakeholders in regard to conservation might be problematic. One participant ESK indicated that community members are almost absent in the monitoring and evaluation processes. For example, women are missing in some strategic meetings and local government administration entities are not well informed of who the RDB invites in the meeting and on which basis. Moreover, the management of finance related Tourism revenue sharing is not transparently clear to all stakeholders. What they receive and how it has to be managed rest in the secret hands of decision-makers.

On the other hand, two participants indicated a limited participation. WC said that sometimes they are invited to share information with RDB. The cooperative reports monthly to RDB and whenever needed they have meetings for deciding on which activities have to be done and revising measures of protecting the park as well as wild animals which come out of the parks and damage/destroy crops of the population. Payment procedures and amounts to be given to owners of those crops are decided in meeting with RDB staff. Moreover, local leaders show that elected peers represent members of the community including cooperatives. He said that when it comes to procedural decision making, the population is the one who select eligible persons for supports, they are mutually helping one another to protect the park and whenever there is a kind of deviation to laws, the population reports the bad doers and punishments are discussed in meetings. It might be that members of the community participate through meetings (with or without representatives) are more informative than interactive. This may be the reason why some participants claim that their ideas are not considered while others confirm the participation through meetings.

6.4. Women's challenges concerning empowerment

Despite the benefits from Nyungwe National Park, respondents revealed that there are some challenges that need to be reflected to enhance environmental justice as means of women empowerment in protected areas of Nyungwe National Park. Participants mentioned crop raiding, complicated

compensation process, high interest rate on loan, slow process of loan, mindset of local community, lack of communication facilities and lack of study trips.

First, chimpanzees escape the park and damage the surrounding community's crops. Participants indicated that crop raiding is a serious problem which slows down their welfare. Second, participants show that the process of compensation concerning crop raiding is very complicated and slow. In addition, participants reported that the fairness in calculations of money to be reimbursed is critical. This is because there are not yet established commonly shared criteria and standards in evaluating crop damages. Third, though members of Kitabi women handcraft cooperative acknowledge the access to loan and close collaboration with microfinance such as SACCOs, they still face the challenge of a high interest rate and short period of reimbursement compared to other financial institutions. In addition, participants indicated that the process of approving loan takes longer.

Four, communication between members of the cooperative and decision makers was rated to be problematic. On the one hand, members of the cooperative accuse decision makers not to value their requests of providing communication facilities. On the other hand, decision makers accuse them to poorly communicate by not sharing information on time. Five, participants appreciated the trainings they benefited as driving force for the success of cooperative management as well as their welfare. Unfortunately, they would like to be offered opportunities of study trips to learn from others' experiences.

Six, There are members of the community that are still reluctant to change as regard to environmental protection. For example, participants reported that there are members of the community who wish to continue earning their lives from Nyungwe National Park.

7. Discussion

The present study has the purpose of investigating how women are empowered through environmental justice in the context of protected areas of Nyungwe National Parks, case of Kitabi Women Handcraft Cooperative. The findings as previously presented are discussed in relation to existing scientific discourse on distributive and procedural justice as related to women empowerment in the context of conservation of natural resources in Rwanda. With this regard, results about women empowerment through distributive and procedural justice as well as related challenges are discussed hereunder.

Firstly, the results of the study show that women in Kitabi handcraft cooperative are socially and economically empowered. Women who were grouped in cooperative and empowered economically through capacity building, access to loan, employment, had opportunities to improve their household status. Among others, women started income generating activities, improve family relations which lead to support RDB in the process of sensitization and mobilization of the local population about the role of the park and its conservation. Moreover, this sort of empowerment led to the satisfaction of cooperative members with regards to employment, health insurance, food security and environmental raising awareness. Women are influential in the process of change (OECD 2014, Ferguson and Alarcon 2015) and engaging sustainable development initiatives without involving them is an empty gesture

(Dobson 1998). Therefore, empowering women in protected areas of Nyungwe National park is likely to achieve better conservation outcomes. Furthermore, findings corroborated (Braidotti, Charkiewicz, Hausler and Wieringa 1994) point of view whereby increasing women participation and empowering them, lead to better conservation outcomes as they have privileged knowledge and experience of working closely with the environment. Furthermore, conservation of natural resources in the protected areas is quite impossible if surrounding people live in poverty (Scherl 2004, Plumtre 2004, Masozera 2002). In this orientation, once women are economically empowered, there is high probability that natural resources will be safeguarded. The findings of the study are in the same line of Banerjee (2014) who argued that as countries, especially developing ones, seek to increase revenues from tourism, communities living closer to tourist attractions, especially those surrounding national parks had to abandon some of the activities such as hunting, firewood collection, mines exploitation, traditional medicine collection, bee-keeping activities, and others that had been long their source of consumption and income. Therefore, environmental distributive justice is a key to sustainable conservation of natural resources.

Secondly, women participation in decision -making, despite recognition of economic empowerment, is very limited. Results show that women in the cooperative are only informed decisions without their input. Additionally, their ideas are most of the time ignored. In view of the model of community participation as developed by Pretty (1995), it can be revealed that women participation in decision-making process is passive. With passive participation, relationship between community members and decision makers is quite asymmetric. Members of the community play the only role of receiving information which might be or not relevant to their needs. Moreover, the findings are in line with the top-down approach whose assumptions are to consider communities as passive in the process of decision-making (Paudel 2009). Though the findings of this study show promising economic benefits for women, the sustainability of the change in regard to their development and natural resources conservation is questionable if they do not own the initiatives undertaken by decision-makers. This is because the sustainability is a result of close collaboration between stakeholders i.e. government and the community in planning and making decisions for sustainable conservation and benefit sharing for development process (Reddy 2002).

On one hand some of the ideas from their association are not considered by decisions makers because they are the one who thinks and decides what is to be done. With this view women in the cooperative consider being part in decision making process by receiving reports and information from decision makers, this show that there is a passive participation where women participate only when receiving information from decision makers. This finding is in line with Pretty (1995) model of community participation that shows passive participation where communities participate in receiving information. On the other hand, findings revealed that a little partnership and bottom-up approaches are used where the local leaders and the community sometimes meet for deciding on different activities like payment for the damaged crops and punishment for people who violate law governing the park. This finding is in line with the idea of Paudel (2009) and Reddy (2002) who said that the government and

the community work together in planning and making some decisions for better and sustainable conservation and benefit sharing for development process. Participatory processes in decision making is a tool that promote trust between local community and decision makers (Pretty 1995, Reddy 2002, Paudel 2009, Hoverman *et al.* 2011) and reach to better conservation outcomes as well as promote the success of rural development goals (Belshaw and Chambers 1973, Uphoff, Cohen, and Goldsmith 1979) when there is an emphasis on the importance of local capacity building, knowledge ownership, and empowerment (Chambers 1994). With this regard, a partnership approach (Reddy 2002) needs to be reinforced as a tool to sustainable conservation outcomes.

Thirdly, the findings indicated that crop raiding, compensation process, high interest rate on loan, slow process of loan, mindset of local community, lack of communication facilities and lack of study trips are key challenges for the sustainability of environmental justice and then limits the process of women empowerment. These challenges are directly or indirectly related to implementation of decentralization policies whereby the voices of local communities are to be recognized. Additionally, the challenges might be reflected in relation to management approach used especially in involving local communities in natural resources management in the protected areas.

8. Concluding remarks

The aim of this study was to investigate women's experience about their empowerment through environmental distributive and procedural justice. The study shows that environmental distribute justice leads to social and economic empowerment of women living in the protected areas of Nyungwe National Park. However, the sustainability of this empowerment is limited by the passive and top-down approaches dominating the implementation of policies regarding conservation of natural resources. Based on research findings, the researcher suggest that RDB in collaboration with local government to emphasize the partnership approach in empowering the communities especially women, hear their voices and build trust among the entire community members. RDB should organize more training and study trip for women in cooperatives in order to learn from others who have the same mission of making handcrafts while protecting natural resources. Regular meetings and consultation have to be increased as one way of gathering more information on time and encourage positive endeavors to protect and safeguard Nyungwe National Park. Moreover, sensitization has to be used as a continuous tool to change the mindset of resisting people and to show them different alternatives to the park destruction. In this regard, RDB in collaboration with financial institutions should ease the process of getting loan by reducing interest rate for community-based cooperatives. The study recommends other similar studies to other community-based cooperatives operating in protected areas in Rwanda. This is very compelling because it allows achieving at least three intertwined variants of Sustainable Development Goals (SDGs), namely gender empowerment, poverty reduction and environmental protection.

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Navigating through the tides of a corrupt state: Youths engagement with SMEs and ICT in rural Kenya

Kinyua Laban Kithinji
Institute of Asian, African, and Middle Eastern Studies,
Sophia University, Japan

Abstract

The state building process in post-independent Kenya had decentralisation at its core. Decentralising state was fronted as one with the capacity to address some of the Kenya's impediments to democratisation and development. In this regard, an agitation for decentralisation was seen as a solution to mitigate the practice of rent seeking and patronage on the one hand. On the other hand, decentralisation was pursued as an attempt towards inclusion of the communities which were disenfranchised in distribution of resources by the central government. The result of politics that pursued decentralisation was a proliferation of state programmes seeking to bring services of the state closer to the people, and that culminated to inauguration of new devolved government structures in 2010. This has spurred hope for growth and equitable distribution of resources.

As the political pursuit of decentralisation ensued, the state policies and market liberalisation strategies had facilitated the innovation led by the private sector in banking and Information Communication Technology (ICT) in the early 2000s that was improving the capacity of young generation in Kenya towards financial inclusion. As the programmes seeking to decentralise the state burgeoned, they converged with the revolution in banking and ICT. This convergence has expanded the capacity of rural dwellers to mitigate severe poverty through an engagement with the entrepreneurial activities that is seen to be bolstering new trends for growth and sustainability.

Keywords: state programmes, information communication technology (ICT), M-Pesa, small and medium sized enterprises (SMEs), decentralisation



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1. Introduction

1.1. Overview

One result of the effects of stumbling blocks to effective development that have plagued Africa in the past decades has been sensitization of stakeholders to the need for new and more effective methods and approaches to development. In sub-Saharan Africa, two new effective approaches seem to be emerging as a result of this sensitisation. One is a systematic focus on entrepreneurial activities especially by the African youths and the other is an emphasis on skills and knowledge development. This two-tier approach calls for a prioritisation of education (especially vocational training), and support for the business environment by the state and the private sector.

Both the state and the private sector have been central to effecting the new trends. Although the state in Africa has often been described as a bottleneck to development, the penetration of state programmes in the poor's livelihoods burgeoned in the new millennium. One of the outcomes of the poor's engagement with the state programmes has been an increment in the capacity and a facilitation of their mobility to entrepreneurship. The convergence of the state programmes in the early 2000s with the initiatives of the private sector, especially those related to banking and the Information Communication Technology (ICT) sector, has resulted to an unprecedented growth in entry to small scale business ventures by the sub-Saharan African youths as well as designing and further propelling of implementation of the state programmes through establishing new frontiers.

This paper targets to influence the manner in which the states in sub-Saharan Africa can tap into the capacity and the potential of the entrepreneurial skills of its youth. To do this, I will highlight the manner in which the youths in rural Embu villages of Kenya have utilised mobile phone technology (M-Pesa), and state's development programmes, to enter, engage in, and improve their entrepreneurial capacities as can be seen in the thriving of the Small and Medium sized Enterprises (SMEs). The term SMEs depicts ranging types of firms, which may include fragile micro-business that employ a sizeable number of employees (maximum 250). Numbers notwithstanding, SMEs as used in this paper refers to the micro business with simple structures that generate income for subsistence use. The engagement not only highlights the opportunities for Information Communication Technology (ICT) in driving economic growth but also maps out strategies used by the youth to survive the harsh realities of mismanagement of resources by a corrupt state.

Since resource has a close and ambiguous linkage with development (Takeuchi 2018), this paper will pay attention to how political power has been contested in the pursuit of administration of resources in post-independent Kenya. Through a brief analysis of politics of decentralising state in Kenya, this paper shows how allocation for resources has been carried out since independence in 1963. The quest to allocate and manage resources created strong centres for power mobilisation whose foundations was mainly the tribe. Both the political elites and the constituents have somewhat managed to engage in power contestation for benefits of each actors. Thus, while clamour for districts as centres for administration of resources gave rise to strong tribal political kingpins, it can be said to have even-

tually culminated to semi-autonomous counties which have been bringing services closer to the people. Similarly, the result of the exercise of political power through pursuance of decentralised politics has been enhancement, utilisation, and implementation of new technologies that has made access to state and private owned resources readily available to the common people.

While thinking of new possibilities that may thrust developing states in Africa to new levels of growth, the approaches adopted in this paper use methodologies that allow for a rich account of prevailing economic conditions but most importantly, the political environment. The aim and choice of this methodology is to give a platform to elaborate vast and complicated networks of problems, deficiencies, and bottlenecks. The key focus in analysis is to discern not just the nature of the problem, but expand opportunities therein that can exponentially expand the communities participation in their wellbeing.

1.2. The characteristics of area of study

This study is based in the rural areas of Embu County in central Kenya. I have chosen Embu to allow myself to maximise the testing of the indicators that I have used. I however believe strongly that the findings in Embu can be widely replicated not only in the rest of rural Kenya, but also in many parts of sub-Saharan Africa. Embu is located in east-central Kenya on the southern slopes of snow-capped Mt. Kenya. The borders of the district are Mt. Kenya forest, rivers Kivwe and Ruingaci on the west that separates them from Kirinyaga and river Thuci on the eastern side that forms the boarder between the Aembu and the Ameru. The lower part of Embu is lowland plains with relatively hot and dry weather compared to the upper region of Embu that enjoys cool and wet conditions throughout the year due to its proximity to the mountains. The population of the Aembu has grown from 90,000 in 1963 to 516,212 in 2009 (Kenya National Bureau of Statistics 2017).

The Aembu belong to the central tribes of the Bantu speaking tribes of Kenya that include the Agikuyu, Ameru, and the Akamba. The economic activities of the Aembu range from dairy farming, horticultural farming, and tea and coffee farming due to conducive climatic conditions of the upper Embu region. The Ambeere on the other hand, who have occupied the lower parts of Embu namely Gachoka and Siakago constituencies, live in relatively semi-arid conditions that receive low rainfalls and experiences drier seasons compared to the upper part of Embu. As a result, the people of Siakago and Gachoka often rely on livestock farming and crops that can endure harsh dry weather.

The smallholders farmers in Embu have mainly concentrated on cash crop production. The people of upper Embu have become main producers of tea and coffee for export. By the end of 1990s, two main state backed Kenya Tea Development Authorities (KTDA) factories had thrived in Embu to aid tea production. Mungania tea factory had been established since 1972 while just less than fifty kilometres apart Rukuriri tea factory was established in 1984. The overproduction and a search for quality control resulted to establishment of the third factory in the district at Kathangariri near Nguviu in 2002. The subjects of this study are therefore mainly smallholder farmers such as Mwaniki who is a

representation of the most common characteristics of the residents of this area. He is first a victim of a decline in commercial agriculture in a system which prioritises production, thus encouraging rural to urban mobility in search of wage labour. He is also an embodiment of the limits of state led initiatives. His difficulties in navigating through poverty highlights the nature of state's efforts to distribute resources as ineffective (corrupt), gendered (leaves men out), and myopic (relies on such categories as physically challenged, the old, and women). He is however also a conveyor of a new possibility. Mwaniki has shown a viability of a 'distributive political economy' aided by ICT that he used to place claims in confronting poverty.

1.3. Development paths re-imagined?

A popular theme championed by development adherents is that sub-Saharan African states would be better off if they learnt from their counterparts that took off earlier. Thus, such ideas as promoting 'Africa green revolution' (Otsuka and Larson 2013) is seen as a potential to catapult agricultural led growth in Africa. This kind of analysis encourages a development model that sees a heavy investment by the state and the international development partners towards large-scale projects as a key driver for growth. The benefits of such engagement in sub-Saharan Africa notwithstanding, the high number of the poor who requires to be lifted out of severe poverty testifies against such approaches. Against the backdrop of state led large scale investment, the engagement of rural populations with the technology suited for their daily lives is beaming with hope not just for the poor but also for means through which development partners can debunk the myths of large scale technological transfer and infrastructural development as prerequisites for development. Not only does these new approaches to development suggest new means for spearheading development; they are also a remedy for a corrupt state that has continuously been an impediment to growth.

The increased participation of private sector in leading development as emerging from success of SMEs (De Sousa dos Santos 2015) does not mean that the state in sub-Saharan Africa has completely retreated. In actual sense, the state has increased her hurdle by penetrating into several new areas to govern its population. In this aspect, re-imagining development trajectories in sub-Saharan Africa calls for a much more engagement with the state which is seen as bouncing back from its once rolled back status (Riggirozzi 2010, Grugel and Riggirozzi 2012). I do not see this interaction as a mere complication of development, but as creating new trajectories for sustainable development in Africa. A rolled back state (Bratton and Van de Walle 1994, Ake 1996) allowed scholars to analyse the consequences of related policies. Thus recommendations were made that emphasised importance of mitigating effects of large-scale retrenchments and downscaling of social services. In the new millennium, the return of the state in Africa has come in form of pursuance and advocacy of social policies that once were said they should be removed from the state's responsibility (Barry *et al.* 1993, Rose and Miller 2013).

Besides an emphasis that analyses the social policies of state in sub-Saharan Africa, yet another important focus in search for new paths towards development is underscoring the problems that arose from post-independent policies on development. In Kenya, such policies gave birth to unequal disbursement of resources, creating disenfranchised peoples and places. The policies also led to believability in pursuance of projects on the grand level as the most effective means of development. It is perhaps without dispute that such strategies have performed dismally as most states in Africa either remained or became more bifurcated (Mamdani 1996) just like they had emerged from colonial structures. Thus the prioritising of towns where quick rewards for capital is without question still acquires a special attention from leaders. This paper argues that a focus on new centre of development, the peripheries, whose empowerment is emerging and exemplified within the structures of the devolved state in Kenya is paramount.

Table 1. Timeline for establishment of state programmes, banking services, and mobile phone banking that is seen to be boosting entrepreneurial activities among the youth.

Category	Actor	Description	Date Established	Target
Education	State	1) Introduction of Free Primary Education 2) Rise of day secondary schools	1) 2003 2) 2005	Children & Youth
Community Projects	State	1) Constituency Development Fund (CDF)	1) 2003	Community
Community Funds	State	1) Women Enterprise Fund (WEF) 2) Uwezo (Ability) Fund	1) 2007 2) 2013	Women Youth
Banking	Private Sector	1) Banking access a) Equity Bank	a) 2004	All
ICT Innovation	Private Sector	1) Mobile money transfer a) M-Pesa by Safaricom	a) 2007	All
Devolution	State	1) Devolved governments	1) 2010	All

1.4. Contesting allocation of resources

The level of economic growth and expansion in sub-Saharan Africa is driven by two inter-related factors. On the one hand, governance, and on the other hand resources. Several states are still dependent on primary products for growth from raw materials, which explains the significant roles of agriculture in sub-Saharan African economies (Bates and Block 2013). In this regard, pursuit of development also implores a prioritisation of an access to key resources. The clamour for resources made devolution gain a specific prominence in state building in Kenya since 1963 (Barkan and Chege 1989, Kanyinga 2016).

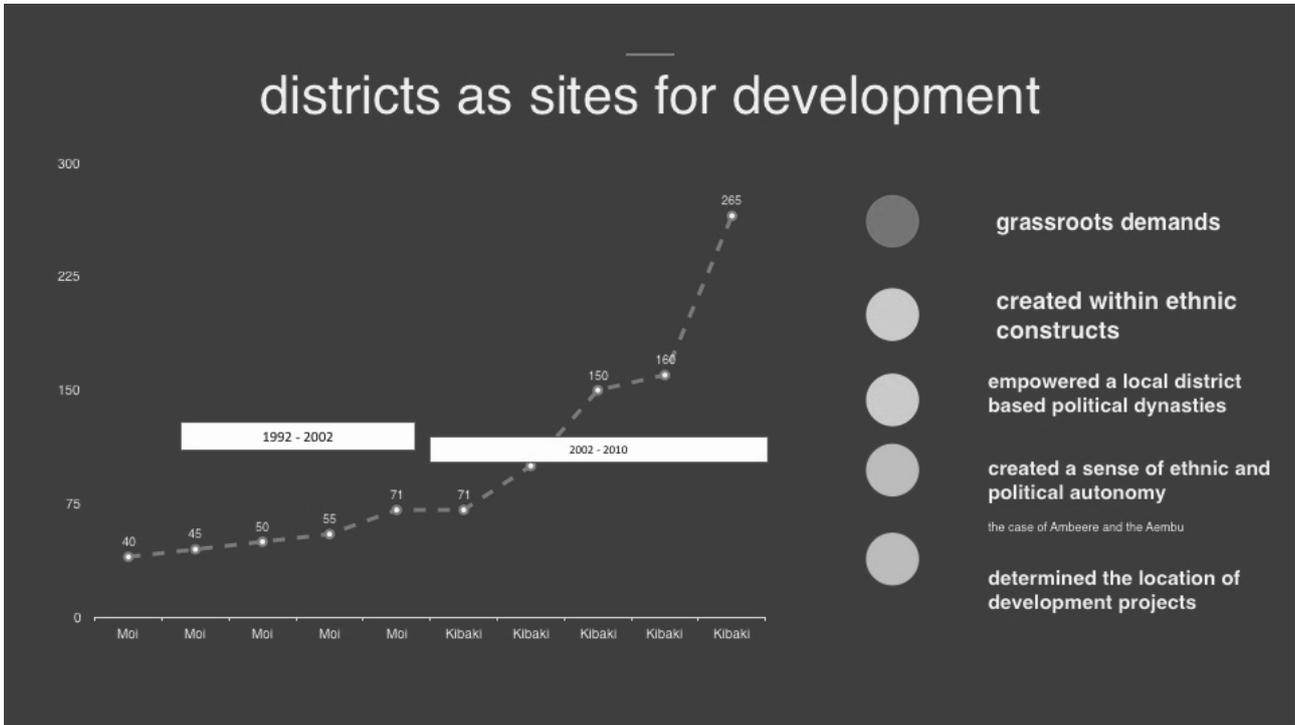


Figure 1. The clamour for decentralisation in Kenya caused a sharp increase in the number of districts as administration units (table made with data from KNBS, 2009).

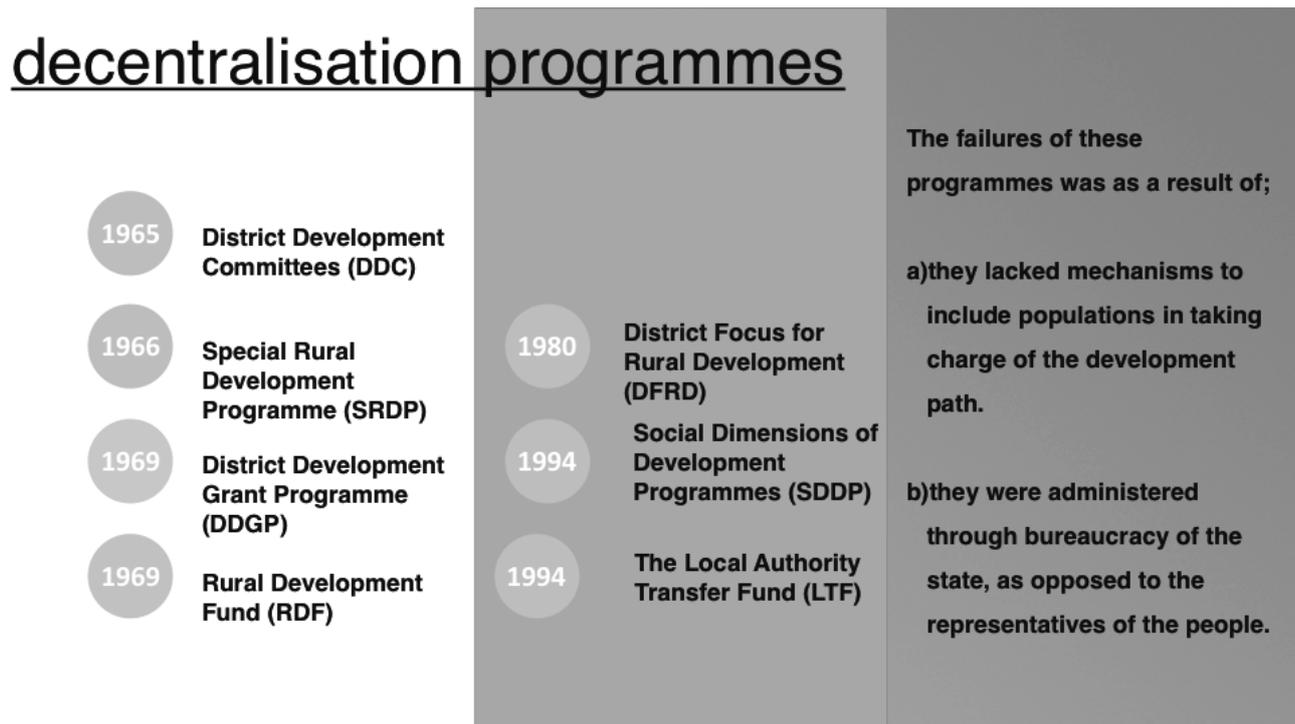


Figure 2. Sample of decentralisation programmes in post-independent Kenya (Figure made with data from KNBS, 2009).

The inauguration of devolved governance in Kenya in 2010 was a culmination of a historically contested platform for allocation of resources (Ghai 2008, Kanyinga 2016) enhancing a social solution to facilitate sustainable development and bringing the historically disenfranchised locales to the centre of economic development. In pursuit of decentralisation, before the 2010 constitution, districts were

central loci. Thus, a new district was perceived as bringing the government closer to the people by providing access to state programmes. The overseers of decentralisation programmes, schools, infrastructure, and health (see figure 2 on decentralisation programmes) were established local political dynasties, with strong connections to the central governments. In 1992 when Daniel Toroitich Arap Moi visited Embu, he had a crucial mission to announce a new district for Ambeere. Mbeere district was carved out of proper Embu district separating the upper region from the lower. The new boundaries solidified the separation of Embu and Mbeere into two districts. At the time of separation, the central government had however taken a grip on local politics through solidifying support from the local populations through political dynasties that were in full control of local resources and development projects. Formalisation of district boundaries was pivotal to strengthening the role of dynasties in spearheading development since districts had become prominent to welfare of local populations. The political dynasties were the automatic chairs of both development committee and the ruling party branch in the district. Thus, the creation of Mbeere district gave rise to a new political dynasty to replace Jeremiah Nyaga¹ who had chaired district development projects of the larger Embu district since 1963. When Mbeere and Embu became distinct districts, the prominence of Kamwithi Munyi² as a new point man for President Moi in Embu was actualised.

2. The outcomes of the state's programmes

Besides the character of decentralisation that gave primacy to district boundaries, the state pursued a series of programmes intended to bring services of the state closer to the people (see table 1). In 2003, two key policies were enacted that bears significance to this study: the implementation of universal free primary education (Avenstrup *et al.* 2004, Oketch and Rolleston 2007) and the introduction of the Constituency Development Fund (CDF) enacted in 2003. The free primary education was a result of the politicians informal contract with the electorates during the presidential campaigns in 2002. On its part, enactment of CDF empowered the Member of Parliament (MP) involvement with grassroots to realise development. The act of parliament that introduced CDF to Kenya in 2003 put all MPs at the core of control of all centrally disseminated resources. CDF therefore become a critical turning point that deified the position of elected officials as providers of resources.

The placement of CDF management to the hands of MPs had various implications. The Westminster system from which the system of governance has been based in Kenya has a special character that involves the MPs with their constituents. The MPs are elected on platform of the popularity they have created by their engagement with disbursement of development. This “transformative’ development

¹ Nyaga was the legislative representative of the larger Embu district during the reign of Jomo Kenyatta and Daniel Moi. His retirement in 1992 did not absolve him from influencing politics of Mbeere since his successor what his son, Joseph Nyaga.

² Kamwithi Munyi was a member of parliament for Embu since 1988. He was a key appointee of the then ruling party (KANU) in the region.

agenda stand at the opposition with ability to make laws or engagement with important national debates. It is for this reason that CDF gained prominence in promotion of day secondary schools. Since the MPs were eager to inscribe their names on CDF projects to boost their re-election bids, a platform was created that facilitated proliferation of day secondary schools that stood side by side with already existing primary schools in rural areas. One of the clear outcomes of the day secondary schools became access to education by more youths, but also an increase in the number of youths who had no access to higher education.

The savings and credit organisations (SACCO) established through a society act (2008) in Kenya facilitated financial access enabling increased access to day secondary schools. Wakaguna³ narrated how happy he was that he had managed to take all his three daughters to secondary schools through the loans provided by his local SACCO, Nawiri. He however laments that even after scoring good grades, his daughters have not managed to access university for higher education. The daughters were however better placed compared to their counter-parts who only had attained primary education especially with skills to self manage and become entrepreneurs. The SACCOs and the state programmes that have been providing start-up capital to youths like them made this even better. The success of CDF projects encouraged the proliferation of similar rolling out of intervention plans by the state intended to alleviate poverty. The Women Enterprise Fund (WEF) was introduced to incorporate women in entrepreneurship. After the 2013 elections, the government had introduced Uwezo Fund (ability) to encourage the youth, organised in groups, to access funding for small-scale businesses.

3. SMEs convergence with ICT

So far, this paper has shown that there has been an environment that has made thriving of entrepreneurial activities of the rural Kenyan communities possible. This support stems from devolution programmes rolled out by the state. Furthermore, it has been strengthened by the innovation being made in the ICT sector that have made banking easy, accessible, and affordable to the rural poor populations. I will now turn to an analysis of the uniqueness of SMEs and their convergence with ICT as being pursued by the rural populations in rural Embu.

The pursuit for a framework to facilitate growth of SMEs in Kenya is deep rooted in her economic growth strategies. As early as 1972, the International Labour Organisation (ILO) was outlining the primacy of SMEs in driving economic growth in Kenya (ILO 1972). Almost four decades after ILO's declaration, the 2011 African Economic Outlook indicated that SMEs creates 80% of employment although performing dismally in terms of contribution to GDP (only 20%).

³ Informant during the fieldwork in August 2018, real name withheld.

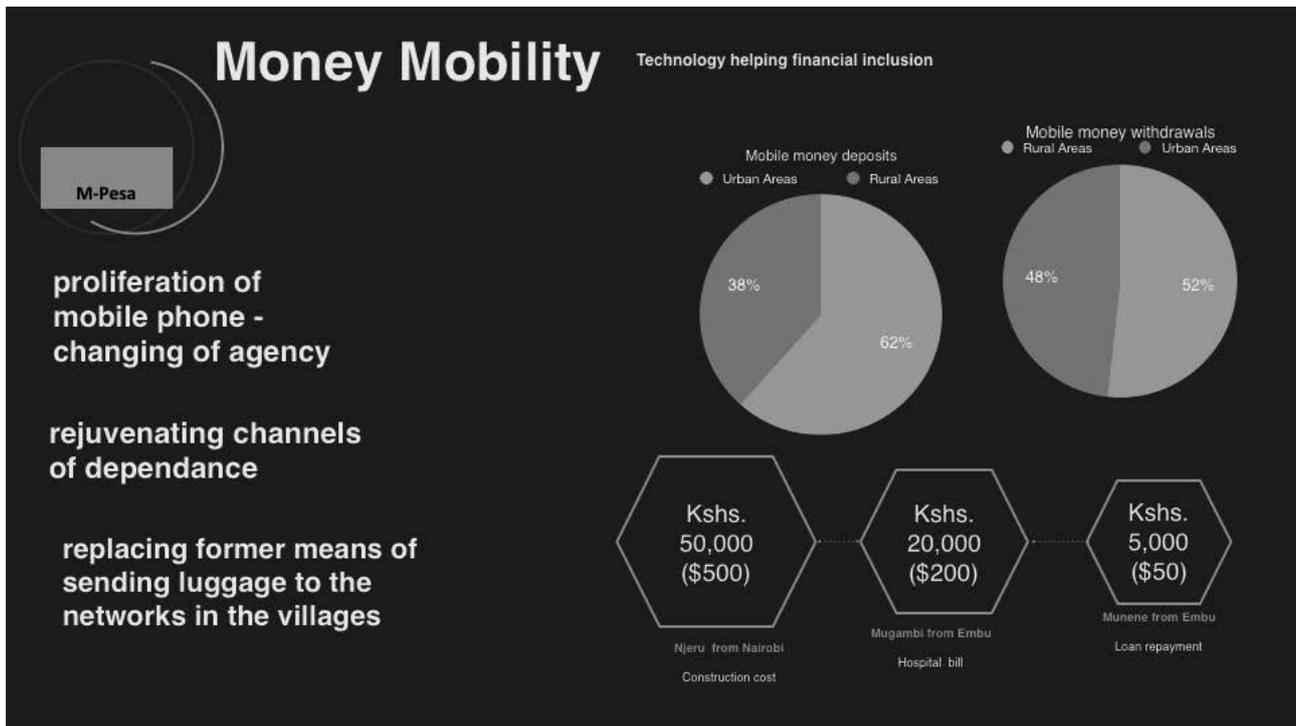


Figure 3. Sample adoption and utility of mobile money (Author's data)

Local governments have taken numerous measures to develop SMEs through programmes and projects that act as means to curb poverty, create employment, and improve income generation. Domestically, the sessional paper No. 1 (Government of Kenya 1986) foresaw potential for the SMEs that it claimed would facilitate a setting out of mechanisms for an enabling environment where SMEs could thrive. Similar efforts were followed up with the state's strategy for growth outlined in a government's report (Government of Kenya 1989). In 1992, the state not only emphasised the potential in SMEs in general but also specified that Jua Kali (informal) sector would be supported to become an engine for industrial growth. Thus, sessional paper No. 2 (Government of Kenya 1992) addressed legal frameworks to create an enabling environment for business. In 2005, another sessional paper No. 2 (Government of Kenya 2005) also sought to address wealth creation through youth employment whose strategy was creating efficiency in the means of doing business. Thus, the state chose to enhance better means for business registration, licensing, and taxation. In addition, the private sector was also made an integral part in promoting SMEs. The private development strategy for 2006 to 2010 underscored SMEs central role in promoting growth.

Emerging from all the state strategies and efforts by the private sector to facilitate growth through empowering an environment for SMEs are several strings of constraints and opportunities. In sum, the search for a policy sought to facilitate a) an improved environment for doing business, b) institutional transformations and adjustments, and c) support for the indigenous entrepreneurial tenants of the Kenyan population. Furthermore, the state backed initiatives in the new millennium focused on facilitating access to capital. Such efforts were well articulated in the state's enactment of SACCO act. Not only did the government enact financing acts but also expanded the borrowing capacities of the youths or-

ganised in self-help groups. These efforts turning towards provision of capital emerge at a time when semi-skilled educated youth not in wage labour has been on the rise.

Besides the state efforts that have supported mobility to SMEs, an expansion of banking sector and a mobile phone network revolutionised the poor's participation in entrepreneurship. The Equity Bank of Kenya had broken barriers that held thousands of the poor hostage to poverty before the now acclaimed mobile banking. The strategies of Equity Bank included branching and business strategies that focused on the remote and less privileged portions of populations (Allen *et al.* 2012). Equity Bank increased the access to banking through dissolving barriers of entry that had been set in the banking sector. Prior to that, joining some of the prominent banks in the country (such as Backlays Bank and the Kenya Commercial Bank), one needed a proof that he was earning a regular income from wage-labour or from stable business. Thus, the stringent measures requiring a signatory from colleagues to operate an account did not only make it cumbersome but also alienated the rural populations in access to banking facilities.

In 2007, Nick Hughes and Susie Lonie launched what would turn to be the greatest innovation in this decade in history of Kenya, a mobile phone money exchange service called M-Pesa, which has become a revolution to lives of ordinary Kenyans. M-Pesa has grown spectacularly: in mid 2012, there were 19.5 million mobile money users in Kenya (83% of the adult population), transferring nearly US\$8 billion per year (equivalent to 24% of GDP) of which M-Pesa is responsible for more than 90% of transfers. Transfers are growing at nearly 40% per year. Over 50% of the adult population uses the service to send money to far-flung relatives, to pay for shopping, utility bills, or travel expenses ride. This new concept about financing and banking has many people now saying, 'my phone is my bank' (Mas and Morawczynski 2009, Aker and Mbiti 2010).

M-Pesa enables anybody who possesses a mobile phone to exchange money without necessity of holding a bank account. Since mobile devices have become easy to acquire, money has become readily and easily accessible to millions of Kenyans in rural and urban areas. It also has ensured that there is easy flow of cash. To use the service, customers first register with Safaricom at an M-Pesa outlet, usually a shop, chemist, or petrol station. They can then load money into their phones. The money is sent to a third party by text message. The recipient takes the phone to the nearest vendor, where they pick up the cash. The software application resides on the SIM card, a chip that identifies the subscriber's phone number, and allows users to access various functions. The process is free and only requires the customer's name, government ID number, date of birth, occupation, and mobile phone number.

Although M-Pesa has made sending money alive and popular in the recent years, the act of sending money transcends the invention of mobile phone technology in Kenya. Prior to 2007, the expansive Matatu (public transport) industry was a common platform to send luggage from urban to rural Kenya. This service depended on trust built over time between the regular clients and the drivers that took them from the villages to urban centres. The collapse of postal services facilitated Matatu to become one of the main actors that filled the gap of means of sending luggage across the country.

The need to send money back home was also a product of socio-economic setting that spurred migration to urban centres. Those who migrated to the towns in search for wage labour provided a cycle of ‘dependance’ between the man in the town and often the women and children in the villages. Dependability between the rural and urban lives has remained uncertain especially due to the high cost of living in urban areas and a deterioration of economic drivers in the villages. Scholarship on M-Pesa and migration has emphasised that many migrants to urban areas remain strongly attached to their rural homes (Mas and Morawczynski 2009, Aker and Mbiti 2010). Thus populations in rural Kenya and those in urban spaces enter into regular requirements for payments and financial linkages that allow families to self-insure each other against catastrophes.

Through interviews that were made to both agents and ordinary people to determine trends of domestic remittance, this paper reveals that M-Pesa is increasing financial inclusivity but it is also providing such effects as money borrowing which is boosting entrepreneurial activities among users. From among the several observations, an agent of M-Pesa outlet commented;

‘I serve at least an average of one hundred customers everyday. It seems that most of my customers (since most of them are known to me) are those with relatives and close friends who live in the large cities, mostly Nairobi, lending money to aid their friends and relatives’.

Other sample interviewees expressed much more complex use of mobile money. Njue⁴ says;

‘After high school, I spent ten years in the village before relocating to Nairobi. We did not have many banks then. My parents had to travel long distances from Kianjokoma to Runyen-jes to access banking at their coffee banking center. My mother had taught me to make small earnings from tea farms. I worked hard in tea farms during my school holidays and after my ordinary level examinations. I made small money regularly, but that money ended up in buy-ing necessities for myself. I wish then was now. These days, with my M-Pesa, I can keep track of my small earnings. That tracking also enables me to gain trust from my bank. I still do not earn much. But because it is regularly transacted through my phone, my bank ‘thinks’ I am rich, and since I do not a possess a title deed to use as a guarantee to get a loan, regular trans-actions have improved my credit worthiness’.

Another informant asserted;

⁴ An informant during field study exercise in August 2018, real name withheld.

‘ndeto ino cia M-Pesa niciatethirie andu guku muno avai. Kamwana takaria urona varia twathomaga nako nariu nurona uria kagacirire mbiacarari. Na tiundu ati wa uria kai na mbia, aika, niundu wa turuni tutu tuninii mavecagwa ni andu a M-Pesa’. (The M-Pesa initiative has really helped people here. You see that young man over there, we went to school together, and now you see how economically advanced he has become. And it is not because he has money, but because of the small loans they get out of mobile money related transactions).

This is summed up by the founding vision of M-pesa as revolutionary in the words of Micheal Joseph, the Safaricom limited CEO (2000-2011), who asserted;

‘we needed to be revolutionary in order to be successful, if we applied the Western standards to all the things we do, we would probably still be in the dark ages in Africa’.

The nexus between ICT and SMEs is also evident in the rural poor’s participation in state-led programs (Uwezo Fund and Women Enterprise Fund (WEF)). The consolidation for access to these funding is either individual or in groups (self-help). Once funded, their activities are often scattered in what can be called ‘individual ambitions’. The funding from the government, although mobilised in a group is usually transferred to individual goals, something that constituent members seemed to encourage although strongly seeking for funding as a unified group. There is a logic for this; that most of the times the funds accessed by these people is insufficient, and takes a long time to process before maturing. Pursuance of a group activity is therefore to the detriment of the functionality and cohesion of the group. The cohesion of the group must be maintained by other regular activities that are beyond the stipulations and the requirement of the funding from the state. Consider the case of Ngaragatiri Kwa Ruero group who placed the WEF application in January 2016. They got a message of confirmation in December 2016 asking the group’s steering committee to visit the CDF offices at Runyenjes. When Riimi (the chairlady) came home that day, she reported that they had been offered Kshs. 30,000 (\$300). After deliberations, the women decided that it was impossible to fund any formidable collective program as envisioned by the state. They then decided that the best thing to do was to deposit the money in the group’s M-Pesa account. Any member who wished could be loaned the money through their mobile phones. They however needed to pay Kshs. 100 (\$1) for each Kshs. 1000 (\$10) borrowed for a period of one month. Several women reported that they took the money despite having no particular need for it. By depositing this money in their M-Pesa, they asserted that they were boosting their capacity to borrow from M-Pesa independently when they could be awarded larger amounts that can effectively be capital for a business project.

4. Conclusion

4.1. Growth trajectories in sub-Saharan Africa

The new phase of globalisation in rural Africa is being propelled by the significant rise of ICT that is key to accelerating integration of economies around the world. This acceleration is among others connecting the financial markets, increasing velocity between cross-borders, and thus facilitating the rise of cross-border political, social, and cultural connectedness. The results of ICT revolution are spurring growth through facilitating emergence of new forms of communication. These means have created platforms that have strengthened non-state actors to facilitate affairs of the once back-rolled state, thus highly demonopolising the state in Africa. The link between SMEs and the ICT is particularly important link in exploring the poor's own methods of encountering poverty. The approach in this premise underscores the primacy of the poor not only as drivers of growth, but also as embedded with anti-poverty mechanisms. An emphasis on this method is key in that its proposition is to put an emphasis on what the poor have rather than what they lack. Defined in the language of either 'lack' or 'posses' the poor are seen through the lenses of financial, physical, and natural assets. Consequently, means of interventions are build after 'lack' vs 'posses' ideologies. However, the emphasis of the flow of resources whether little or much focuses on the networks of mobilising new or already available resources. This focus allows for an exploration that exposes how they reduce vulnerability and improve assets.

Improved business environment has fuelled increase in public and private investment in sub-Saharan Africa. The influx of China, India, and Korea and a significant improvement of trade ties with the OECD countries has propelled returns of capital that is encouraging investments. This is partly explained in the now prominent discourse on Africa rising, in which SMEs have been pointed out as bearing an important role. SMEs have become crucial in satisfying the demand for services at a local level. Thus, they are seen as engines for both sustaining the rise and also enhancement of industrial development.

As described in this paper, there are diverging definitions of SMEs depending on the specific countries and the volume of returns from capital. In this paper, I have described SMEs as an integral part of the informal economy, which is prevalent in vast sub-Saharan Africa economies. Thus, although SMEs are beaming with hope for reverberating the economic growth, they are also prone to the risks that faced the informal sector in the post-independent African states. In this respect, SMEs encounter a corrupt state (weak states), which is characterised by a weak business environment, corruption, and red tape bureaucracy. However, the corrupt state is also described as being dismantled by the efforts to dilute the overly centralised state. Thus, the implementation of devolution in Kenya although not a perfect remedy for corruption (there has risen such cases of decentralised corruption and patronage (D'Arcy and Cornell 2016) is seen as reviving the hope for small scale businesses through maximisation of better coordination and mobilisation of resources. Majority of these business have thrived because of the generous assistance from the blooming micro-financing institutions in Embu, private

money lenders (often referred to as money sellers), and buying money from organised groups mostly run by women. Thus an easy access to capital is being provided and facilitated by such groups. Alternative methods are increasingly through the use of mobile money transfers platforms. M-pesa has evolved not only as a mean for exchanging money from family members and friends in the urban areas to those in rural, but also as an aid to inclusivity of the most vulnerable groups of populations into economic empowerment through access to capital.

4.2. Governing local resources in devolved state: Lessons from the youths engagement with SMEs and ICT

It is generally agreed that the most common handicaps to SMEs potentials are access to finances or credit, regulation and rules that governs policy, and poor entrepreneurial skills among the communities that are supposed to carry the mandate of making SMEs work. The popularisation of SMEs and the calls for policies in support of it thereof stems out the understanding that SMEs are engines for development through industrialization. Moreover, tenants calling for industrial policies have not successfully worked in Africa. Among many reasons for this failure to reap from the focus on the need to industrialise is that it has not vehemently sought the locally working mechanisms that target poverty alleviation.

Despite the divergent variation in explaining SMEs in terms of composition, size, and contributions to economies, in reference to Africa, it is no doubt that there has been a broad range of navigating SMEs through ICT platforms. From the analysis of engagement of SMEs and ICT among the youths in Embu region, key areas of concerns offer important lessons.

The government can do more to the youth by further easing credit access. Since the youths are breaking the current existing barriers to credit through the means that circumvent the system it is evident that the banking sector can improve smooth operations of the SMEs. Such lessons have been learnt through successful operations stated earlier such as Equity Bank. The operations of the SACCO societies in Embu area (for example Daima and Nawiri) also attests to the same.

The two key areas associated with the devolution and promotion of entrepreneurship among the youths is financial management and an autonomy for investment. These have allowed a thriving of a local or domestic tailor made policies to mobilise and manage resources. Thus, one of the outcomes of the devolved governance in Kenya has been a favourable environment for micro-economic activities. The favourable environment is as a result of interconnected factors. On the one hand, the radically decentralised state has empowered the making of locally appropriate policies that fit the aspirations of the local communities. On the other hand, SMEs are able to withstand adverse and severe economic conditions and are also flexible (Kayanula and Quartey 2000). On their part, SMEs flexibility allows the use of scarce resources especially in the remote and rural areas (Kayanula and Quartey 2000).

Under the devolved governance, the county assembly is responsible for county's budget as stipulated in the 207 article of the constitution. Furthermore, under article 212, the county may approve

borrowing by the county government and also develop blueprints for local governments. Thus the 47 local units in Kenya bears the responsibility to promote development through trade, regulating of markets, and promotion of income generating activities such as tourism among others at a local level. Most importantly, the county government carries the responsibility to manage cooperative societies in the counties. Throughout the pursuance of development plans to promote SMEs, a specific focus was hinged upon the improvement of accessibility to capital. Thus, this pursuit of capital renders, those initiatives by the county governments to mobilise funds, and the private sector aiming to provide easy access to capital is important to the state and growth of SMEs in Kenya.

Appendix

Sample data set 1

In 2010, Munene graduated from Kianjokoma day secondary school. Proceeding to college seemed a better option. But his parents had spent all the money they had borrowed from Nawiri SACCO for his secondary school. Thus, the tea bushes that his father had used to secure school fees loans were not eligible to secure more money to take Munene to college. Munene managed to reach out to his uncle who ten years before that was enrolled in the Kenya Defence Force. Initially, Munene's thought was that the uncle would secure either a place for him or offer money to bribe well connected individuals to secure him a place with the force. After several meetings, Munene decided that he should take a better risk. He convinced his uncle that he could use his people skills to run a business. The offer of Kshs 200,000 from his uncle was the first capital to his hardware shop. Few weeks into business, Munene had become friends with the Daima SACCO agents who were sent out to hunt for new customers. They made arrangement with him to open an account. He did not have to walk to the bank counter to do that. The agents had everything he needed for opening the account. To deposit, he also was not required to go the bank premises. The agents go round everyday of the working days collecting deposits from traders around the shopping centre like Munene. In six months, Munene had built trust with the SACCO, and was offered the first loan of Kshs 100,000.

Sample data set 2

Mugo had a desire to self-redeem from poverty. After finishing his secondary school at Kianjokoma day secondary school he joined the notorious matatu (mini buses) business as a conductor. His employer worked in the city. Mugo had an exposure that sensitised him of the need for a bank account to access a loan if he is committed to daily deposits or regular intervals in his bank branch. His employer required him to submit the money that he works for on daily basis (since earnings from matatu are in form of cash, matatu owners usually set minimum amount of money they want their employees to submit after incurring all the expenses). Mugo strategised with his employer's income. He come up with a system that he devised to benefit himself. He deposited the initial amount of money in his bank from a loan borrowed in his local chama (group) to an agent of local Equity bank in Kianjokoma. When he began working the following day, he was assured to deposit for a second day in the morning. By midday, he had collected enough money to convince the bank that he is capable, but he knew that he has to get the money again by afternoon so that he can submit it to his employer. This exercise is repeated everyday, creating a scenario of money in and money out of his account. By the end of one-year period, the bank was able to trust him with Kshs 700,000 loan, from which he was able to acquire a second hand Toyota Matatu. With the advantage of the experience on the road and the business, Mugo submitted the car to the owner with gratefulness and ready to embark on his own business. He was now in much better situation; he needed another year of repaying the loan after which he is able to own the car for himself loan free.

Sample data set 3

Ben Gitonga was a late beneficiary of FPE. After finishing his secondary education in 2009, he wanted to join college to fulfil his dream in a teaching career. Bodaboda (the name usually given to the motorbike) business had only a few years after being introduced in his Kathageri area. He became very popular, his villagers started to call him 'Ben wa bodaboda' (Ben the motorbike rider). This kind of title with a passive adjective wa (of) is given to people who have been successful in gaining an identity with what they do. Ben did not want to carry this title for he knew that an acceptance of such a title and status quo would only mean that his dream of teaching would be ruined. His friend who they had attended the same school encouraged him to focus on the future. It is here where he started banking with an Equity bank agent in the market where he operated. His boss did not require daily submission of the revenues, but weekly. He therefore had an easy time convincing the bank that he was capable of taking a loan. At the same time, it happened that his self-help group had sent out a request for Uwezo fund. After one year, his group had received funding. He only needed Kshs 50,000 to top up with the state funds to equal an amount of purchasing a new motorbike. Since his bank had now confidence in him, he was able to take a loan. He needed not to be employed anymore. Ben took back the motorbike to the owner to allow himself to focus on his own and repaying the loan. Being his own manager was easy to make money for college. Ben joined a teachers training college in the year 2011 and is now a head teacher at a primary school near his native village of Kathageri.

Sample outlook of operation of a women group

These women groups usually have organised themselves in overtly similar methods. They almost all have specific regular contributions and days of meeting either weekly, fortnight, or monthly. The or-

Table 1. Operations of a Local Self-help Group (Author's data)

Name of the Group	Frequency of Meeting (Day of Contribution)	Amount Contributed by Members	Amount solicited from state schemes	Money invested in forms of shares	Cost charged to members for "buying money"	Projects initiated by the Group	Date of Establishment
The Kinyua's	1st day of the Month	Kshs. 1000	None	Kshs. 50,000	Kshs. 500 in 6 Months	Members house carpeting	2007
Kwa Ruero	Sundays	Kshs. 200	Kshs. 20,000	Kshs. 250,000	Kshs 200 Per Month	Water Tanks	2000
Ngara-garitiri - Kivandari	3rd week of the Month	Kshs. 250	Kshs. 100,000	Kshs. 300,000	Kshs. 50 Per Week	Weddings and Funerals Fund	2010
Ngara-gatiri - Aviki	3rd Monday of the month	Kshs. 500	None	Kshs. 50,000	Kshs. 1000 Per Month	Household Items	2010
FGCK Kathande	Sundays	Kshs. 100	None	None	None	Visitation	2015

ganisation, regular activities, and social economic engagement of the women groups bears patterns that fit in conceptualisation of how they fill in economic gaps created by scarcity of wage labour and dismal returns of coffee and tea through a practise of distribution.

Table 2. Sample size of usage of mobile phone by age and gender (Author's data)

Sample Size of Usage of Mobile Phone by Age and Gender				
Total Sample	Age Set	Sex	Payment of bills (water & electricity)	Group activity
100	25-30	Male	70	30
100	25-30	Female	20	80
20	30-45	Male	15	5
30	30-45	Female	10	20

Table 3. Adoption of M-Pesa (Author's data)

Category	Economic Expansion	Capital Accumulation	Access to Loans
Method	Job creation (M-Pesa vendors)	Banking the unbanked (Buying Safaricom line automatically linked locals to possessing an M-Pesa account and eligibility to deposit and withdrawal cash).	Through self-help groups (Payments of self-help groups dues through M-Pesa improved credit worthiness of M-Pesa users).
Number of respondents (Out of 100)	10	60	70

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Identification of main Non-Timber Forest Products and related stakeholders in its value chain in the Gribé village of southeastern Cameroon

Marlene Ngansop T.^{ab}, Denis J. Sonwa^c, Evariste Fongnzossie F.^{bd}, Biyé Elvire H.^b,
Forbi Preasious F.^{ab}, Takanori Oishi^e, and Nkogmeneck Bernard-Aloys^{bt}

^aMillennium Ecological Museum, Cameroon

^bDepartment of Plant Biology, University of Yaounde I, Cameroon

^cCIFOR, Central African Regional Office, Cameroon

^dHigher Teacher's Training School for Technical Education (ENSET),
University of Douala, Cameroon

^eAfrican Studies Center – Tokyo University of Foreign Studies, Japan

Abstract

Although viewed as low-power income product, trade in Non-Timber Forest Products (NTFPs) in rural communities represent a major source of income for local residents who depend on them for revenue and subsistence. This study is based on monitoring and quantitative recording of each NTFP gathering by villagers. The results revealed that the main products collected include: *Irvingia gabonensis*, *Aframomum* spp., *Pentaclethra macrophylla*; *Ricinodendron heudelotii*, and *Afrostryrax lepidophyllus*. The main stakeholders in NTFPs value chain were identified as: collectors, local traders, semi-distributors, intermediaries, and wholesalers (Nigerian and Malian Settled in the village). The prices of these NTFPs fluctuate between 0.09 – 0.67 USD per kilogram (kg) at village level. However, these products are generally resold between 0.67 – 4.44 USD per kg in urban market.

The commercialization of NTFPs is less beneficial to rural collectors compared to the other stakeholders involved, whereas they are the main contributors of NTFPs value chain. The main reason for this are the poor organization of collectors, low access to market information, low power in price negotiation, lack of storage and drying facilities, ambient poverty in rural areas as well as the high purchasing power of wholesalers who intervene in the value chain. The strengthening of the capacities for local population on drying, conservation and processing techniques; pricing; the principle of group sale of NTFPs; the creation and empowerment of collectors organization; their networking with buyers; the development of market information systems; and an enabling environment that facilitates market access to local collectors will improve the profitability of NTFP value chain in the area.

Keywords: NTFP, rural collectors, value chain, profitability



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1. Introduction

Globally, more than a billion of people depend directly on forest for their livelihoods (Pandey *et al.* 2016). In Central Africa, 86 million people living in or near forests depend on natural resources for a significant part of their diets (Eba'a *et al.* 2009). Forests provide many resources that can be grouped into timber and non-timber forest products (Suleiman *et al.* 2017). Although minimum attention is given to non-timber forest products (NTFP), in rural communities, trade in NTFPs represent the major source of livelihood and income for the people. Furthermore, NTFPS provide less export revenue than timber, but higher levels of employment (Ingram 2010).

Non-Timber Forest Products represent many goods and services for multiple uses beneficial for the wellbeing of the populations who are dependent on them. The majority of rural households in developing countries and a large proportion of urban households depend on these products to meet some parts of their nutritional, health, house construction, or other needs (Shackleton *et al.* 2015). In Cameroon, many people depend on these products especially because they play a vital role in their life, and their uses vary depending on the feeding habits and cultural practices of populations. Papadopulos (1997) already reported that 300 NTFPs are used in Mount Cameroon area. In the South region of Cameroon, nearly 200 animal species and 500 plant species are used as NTFPs (Van-Dijk and Wiersum 1999). Tchouamo and Njoukam (2000) reported 57 medicinal plants used by Bamilekes in Western Cameroon. In Gribé village of southeastern Cameroon, Hirai (2014) identified 500 NTFPs of which 42 different products were most frequently sold by the local people.

The value of the NTFPs sector in Cameroon is estimated at over 32 million US\$ annually, providing income to about 34,000 people including harvesters and traders (Ingram 2014) and they generally provide employment at different stages from the NTFP gathering to selling. Awono *et al.* (2016) estimated that NTFPs sector providing employments to 283,000 persons working in microenterprises exploiting 16 main products. NTFPs appear to be the basis of the well-being of the rural population. But current strategies for the valorisation of NTFPs sector are not adequately beneficial to local collectors. The main reason for this is the fact that the legal and institutional frameworks for NTFP trade in Cameroon combined with the pervasiveness of corruption, hinders sustainable development of this important and apparently growing sector (Tieguhong *et al.* 2015). Furthermore, quantitative information on the NTFP sector are often fragmentary, thus weakening decision making for sustainably use of NTFP. However, understanding value chain characteristics of NTFP is critical for their conservation and sustainable use. The value chain context is defined by Ingram (2010) as the entire set of processes and activities involved in getting a product from harvest in the forests, including storage, transport, and transformation or processing and marketing to the final consumer. In Cameroon, NTFPs value chain studies are mostly focused on quantities sold, prices and destination of products. Information on the improvement of the power of collectors in the NTFP value chain in rural areas is lacking. The present paper aims to highlight the major NTFPs collected by the population

and, identify the main stakeholders involved in their value chain. This information will be used to understand the power of all the stakeholders in the value chain of NTFPs and to discuss the option for improving NTFP value chain in Gribé village.

2. Research methods

2.1. Study site

Gribé village is found in Yokadouma sub-division of the Boumba and Ngoko Division. It is located about 76 km south-west of Yokadouma town and 16.5 km northeast of Boumba-Bek National Park. It extends on about 12 km, with a population of approximately 772 inhabitants (Toda 2014). The local population consists of two major ethnic groups: the Konabembe bantu-speaking, agriculturalists practice small-scale subsistence and cash-crop farming (cacao); and the Baka, hunter-gatherers who are largely sedentary and economically dependent, as wage laborers for the Konabembe. The annual rainfall varies from 1300 to 1600 mm (Sigha-Nkamdjou 1994). The area is subject to a Guinean equatorial climate with four seasons divided as follows:

- A major dry season from December to mid-march;
- A minor rainy season from mid-march to June;
- A minor dry season in July and August;
- A major rainy season from late August to November (Fongnzossie *et al.*, 2014)

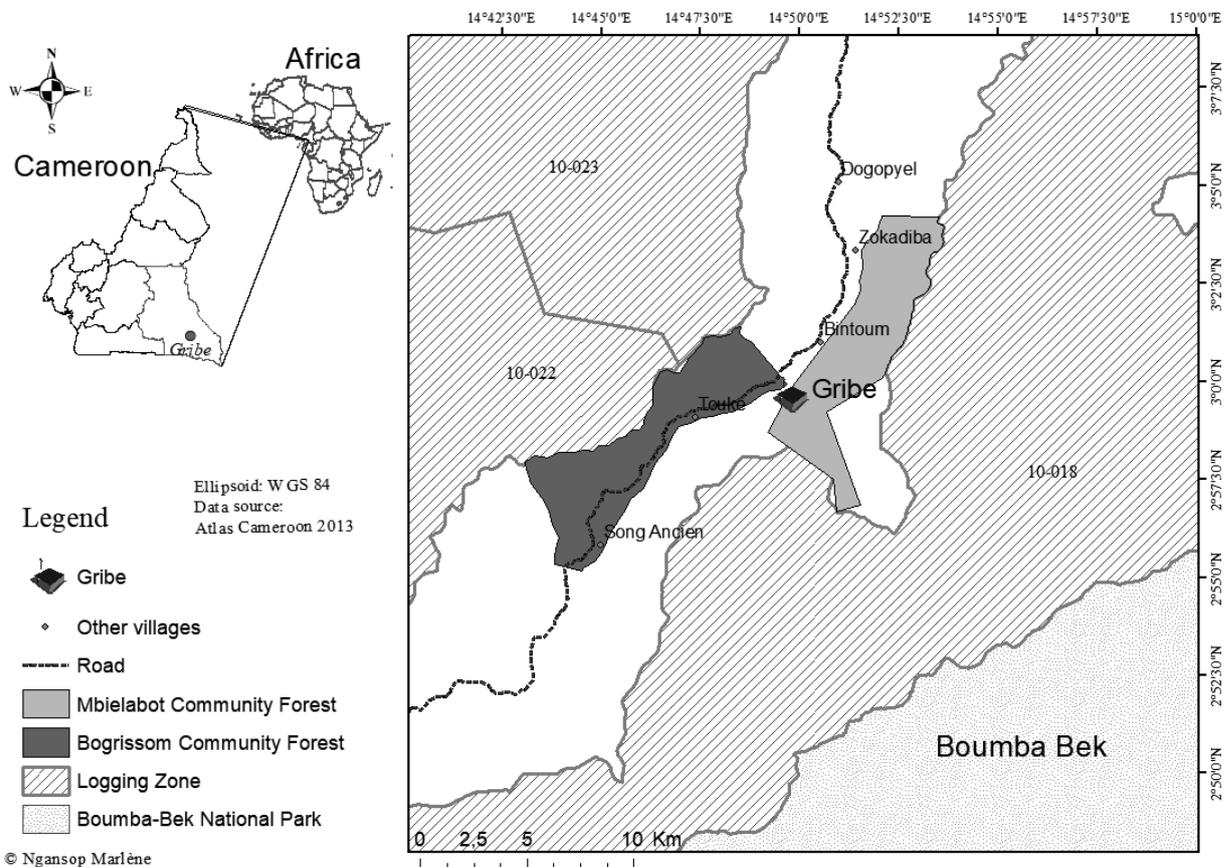


Figure 1. Study site

2.2. Method

This study focuses on all temporal NTFP gathering camps established in the forest during gathering seasons, especially for bush mangoes. All temporary camps established by villagers in the forest were inventoried and geo-referenced. A daily monitoring and quantitative recording in each NTFP gathered in these camps was carried out during the period from August 2015 to September 2016. The major parameters taken into account were: identification of the collectors; the nature of the product indicating the part of the plant collected; the place where the products were harvested; the destination (representing the marketing place of the products: sold to the village or town (Yokadouma)), and the selling price of the product. All these information was used to determine: the main NTFPs collected by the populations, the prices of each NTFP at the local level, the number of stakeholders in the NTFPs value chain, and to establish the value chain for NTFPs in Gribé village.

3. Results and discussions

3.1. NTFP gathering at Gribé

The results show that the main NTFPs gathered at the Gribé based on the quantity collected by each collector were: *Irvingia gabonensis* (Aubry-Lecomte ex O’Rorke) Baill. (42%), *Aframomum* spp. (34%), *Ricinodendron heudelotii* (Bail.) (9%), *Pentaclethra macrophylla* Benth. (8%), and *Afrostryax lepidophyllus* Mildbr (3%). The other products *Scorodophloeus zenkeri* Harms; *Beilschmiedia louisii* Robyns & R. Wilczek; *Baillonella toxisperma* Pierre; *Tetrapleura tetraptera* (Schumach. & Thonn.) Tau; *Panda oleosa* Pierre; *Piper guineense* Schumach & Thonn and Represent 4% of products gathered at Gribé village (Figure 2). All these products are among the most preferred NTFP for commercialization recorded by Fongzossie and Nkogmeneck (2016) in this village.

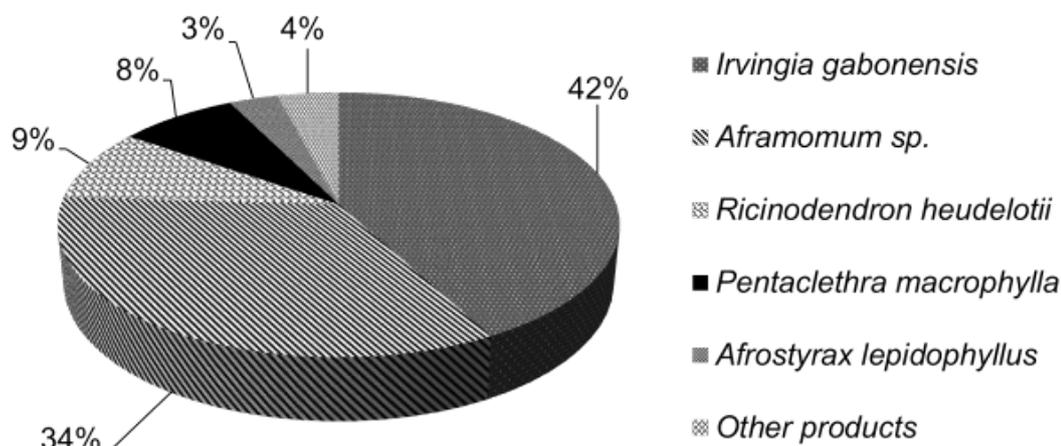


Figure 2. Main NTFPs gathered in Gribé village in 2015-2016

For these products the main parts used are bark, leave, pod, fruit, seed, & kernel (Figure 3). All these NTFPs are first and foremost used in feeding and in traditional pharmacopoeia. Out of the 11 NTFPs

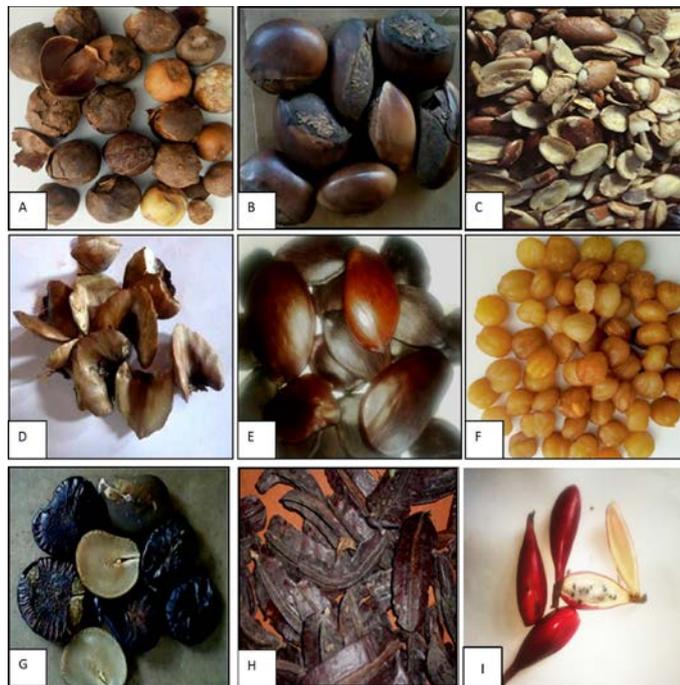
species recorded in the village, only *P. oleosa* seeds are not yet commercialized but only used as food and in traditional pharmacopeia (Table 1).

Table 1. Main uses of NTFPs gathered

N°	Scientific names	Trading name	Main part used	Usage
1	<i>Irvingia gabonensis</i>	Bush mango	fruit, kernel	Food, medicine, cosmetics
2	<i>Aframomum</i> spp.		fruit	Food, medicine, spiritual
3	<i>Ricinodendron heudelotii</i>	Njansang	kernel, bark	Food, medicine, cosmetics
4	<i>Pentaclethra macrophylla</i>	African oil bean seed	pod, seed, bark	Food, medicine, cosmetics, handicraft
5	<i>Afrostryrax lepidophyllus</i>	Garlic tree	seed, leave & bark	Food, medicine,
6	<i>Scorodophloeus zenkerii</i>	Garlic tree	Seed &bark	Food, medicine
7	<i>Beilschmiedia louissii</i>		fruit	Food, medicine
8	<i>Baillonella toxisperma</i>	Moabi oil	fruit	Food, medicine, spiritual, timber product
9	<i>Tetrapleura tetraptera</i>	Aidan tree	kernel	Food, medicine
11	<i>Piper guineense</i>	Guinea pepper	fruit	Food, medicine
12	<i>Monodora myristica</i>		fruit	Food, medicine

3.2. Marketing of Non-Timbers Forest Products

In terms of marketing, as we observed, bark, seed, fruit or kernel (Figure 3) of the aforementioned NTFPs are all auto consumed, sold or exchanged by the populations.



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Figure 3. Fruits, seeds or kernels of some NTFPs: (A) Seeds of *Afrostryrax lepidophyllus*; (B) seeds of *Baillonella toxisperma*, (C) kernels of *Irvingia gabonensis*, (D) seeds of *Panda oleosa*, (E) seeds of *Pentaclethra macrophylla*, (F) seeds of *Ricinodendron heudelotii*, (G) seeds of *Scorodophloeus zenkerii*, (H) seeds of *Tetrapleura tetraptera*, (I) fruits of *Aframomum* spp.

Demand shows higher scores for *Aframomum* spp., *Irvingia gabonensis*, *Ricinodendron heudelotii*, *Afrostryrax lepidophyllus*, and *Pentaclethra macrophylla*. Hirai (2014) reported total sales of NTFPS for

Irvingia gabonensis (2,220.750 CFA francs (approximately USD 4500), for *Ricinodendron heudelotii* (1,333.300 CFA, approximately USD 2700), and *Aframomum* spp. (1,500,000 CFA approximately USD 3000). These NTFPs contribute mostly to the livelihood of population in Grike village. The NTFPs are directly sold in forest or rural market. The prices of NTFP in local market vary between 0.09 and 0.67 USD per kilogram for products like *Aframomum* spp. *I. gabonensis*, *R. heudelotii* and *A. lepidophyllus* (Table 2). Although *Aframomum* spp. has the lowest trade value, it represents the NTFP that gives more cash income to local populations due to its high availability and the duration of the collection (year-round) Fongnzossie and Nkogmeneck (2016). Its availability could also be attributed to its high growth rate with a rhizome root system favouring spatial its expansion. Prices are generally low in rural markets compared to urban markets for the same products and same quantities (Table 2). Grike village is located far from the town, about 76 km of Yokadouma town who is the neighboringly town of Grike, this distance can be at the origin of the low prices of product in local level. Likewise the disequilibrium in prices of NTFP in rural compared to urban market is due to the low power of collectors or traders in price negotiations and low access to market information. Moreover, the absent of constructed rural or regional markets is a reason for the low prices of NTFPs. The development of the rural markets in rural area could empower the rural population in prices negotiation of their products. Shackleton *et al.* (2007) argues that local markets for NTFPs are important especially for poor people. The character of local markets could increase the value of forest for NTFP production (Vuola 2013), give more power to local populations in prices bargaining and create more avenues for villagers to sell their products.

Table 2. NTFPS prices per kilogram in rural and urban market

N°	Scientifics names	Price in rural market (USD)	Price in urban market (USD)
	<i>Aframomum</i> spp.	0.09 - 0.14	0.67- 0.89
	<i>Pentaclethra macrophylla</i> , <i>Monodora mirystica</i> , <i>Tetrapleura tetraptera</i>	0.14 - 0.18	0.67 - 0.89
	<i>Beilschmiedia louissii</i> , <i>Scorodophloeus zenkerii</i>	0.18 - 0.45	0.89 - 1.33
	<i>Irvingia gabonensis</i> , <i>Ricinodendron heudelotii</i> , <i>Afrostryax lepidophyllus</i>	0.45 - 0.67	2.22 - 4.44

3.3. Main stakeholder in NTFP value chain in Grike village

In Grike village, there are five main stakeholders involved in NTFP value chain: the collectors comprising both Baka-pygmy's and Konambebe, local traders, mainly the Bantu, semi wholesalers who are urban

citizen, intermediates who are the konambebe generally mandated by wholesalers, and finally wholesalers (Nigerian and Malian living in the village). Toda (2014), identified a total of seven merchants (all of Muslims: Fulbe, Bororo, and Hausa ethnic groups from northern Cameroon, Mali and Nigeria) residing in Grike village. Though the research area is remote from cities, the NTFP value chain includes Cameroonians and non-Cameroonians.

Baka pygmy intervene only in NTFP gathering, they are used by the Bantu as wage laborers and they don't have power in NTFP value chain. Toda (2014), qualified this relation as an ambivalent and complex (involving both positive and negative feelings toward the other) relationship. This unequal relationship appears to change at Ndongo village in East Cameroun. Oishi (2016), asserts that the increased creation of cacao plantation by the Baka changed relationships among the area's ethnic groups, due to the influence of migrant merchants, who play multiple roles in commoditizing the local economy of Bakas and render them more autonomous and less dependent on their traditional patrons (Bantu).

3.4. Organisation of NTFP value chain in Grike village

In Grike village, NTFPs can be self-consumed, given as gifts to people, or exchanged for other goods or product like cassava flour, using the same measurement unit. When NTFP are not eaten they enter in the value chain of NTFPs. In Grike village, the NTFP value chain is complex with multiple actors involved. At the bottom of the chain, we have the collectors who are the main actors in value chain. During the period of gathering collectors generally move from the village to the forest and stay there during the whole period of gathering; living in the forest to collect and sell the products. In the forest collectors gather, crush and dry products manually. NTFPs are generally collected in rainy season and dried under the sun or by exposing products on fire bands when there is not sufficient sun to dry products in the forest. Concerning processing, for all the main NTFPs in Grike village, only *Baillonella toxisperma* kernels are transformed into oil before commercialization or use. In Grike village crushing, drying, processing and conservation of NTFP are not well developed due to the lack of skills and equipment. This accounts for the low development of NTFP sector. Saha and Sundriyal (2012) previously reported that NTFP profit could be increased significantly with semi-processing and grading. Awono *et al.* (2013), highlighted that adding value by simple equipment can boost production, speed up processing times and reduce losses and then packaging can make a major difference to price and quality. Other actors of the NTFP value chain are local traders, who are Bantu speakers. They generally buy and sell to urban semi-wholesalers or to wholesalers (Nigerian and Malian) settled in the villages. But urban semi-wholesalers generally sell directly in the urban market at Yokadouma. One of the most powerful actors of value chain are intermediaries who have a strong influence in NTFP marketing, because they are mandated by the wholesalers who give them money and most of the time some materials and they go to the forest to get products from the collectors. Fongnzossie and Nkogmeneck (2016) mentioned that the reason why NTFP are often exchanged with commodities is that the basic needs of primary collectors settled very far in the forest are much about food, cigarette, drinks,

clothes rather than money in cash because they can't buy anything inside the forest with the money. The presence of intermediaries weakens the power of collectors in NTFP price negotiation, but they contribute to the sales of products collected. The most powerful actors in NTFP value chain in Gribé village are the wholesalers (Nigerians and Malian). They influence NTFP marketing because they generally have the main financial power and have the possibility to buy large quantities, store and sell in urban market at Yokadouma (Figure 4). One of the reasons of the weakness power of collectors (Baka) in the value chain is that they generally take credits as food, and alcohol from the local traders, wholesalers or from the intermediary against their NTFPs. This weakens their power in the value chain because they don't receive the real incomes of their activities. However the power of the collectors can be improved in the value chain.

Oishi (2016) emphasized that creating and owning of cocoa plantations by Bakas makes them more autonomous and gives them direct access to the market economy without mediation and control by neighboring farmers. However, owning cocoa plantations by the Baka does not always guarantee their direct access to the market autonomy as the latter is also conditioned by several other market determining factors such as capital (material cost, labor cost, transport cost), level of education, and mode of life in the case of Bakas which seems difficult to change in a short period. Thus in the case of NTFP collection and marketing, if the aforementioned conditions are established Baka can be owners of the products collected, it would give the Baka more power in the value chain and direct income from NTFPs.

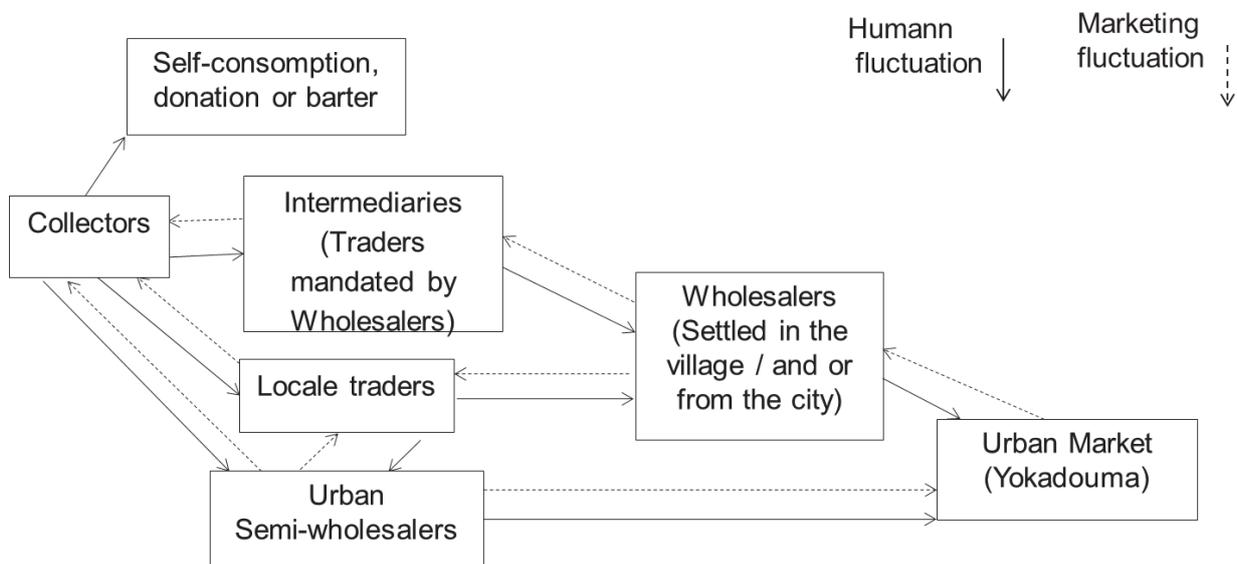


Figure 4. NTFP Value Chain in Gribé village

In Gribé village, the NTFP value chain is complex, with several stages involved in the process of getting product from forest to the market. There were at least four level of commercialisation between the collectors and urban market. This contributed to the poor income of collectors. Furthermore, in the forest, two kilogram of product is exchanged for two kilogram of cassava flour (Figure 5) or five doughnuts or 15 sachets of whisky. NTFP gathering usually requires much labour but collectors do not generally receive the

main part of income, all other actors generally have more power in the marketing process in Gribe village.

In Cameroon, NTFP exploitation permits are not accessible to the small collectors or traders and do not give the possibility for them to develop their activities. Nevertheless, the applied tax is accessible and gives the possibility to the wholesaler to have more income. Every person or organisation intending to commercialise ‘special forestry products’ and other NTFPs first needs to be approved by the Ministry of Forestry and Wildlife (MINFOF) in Yaoundé. This approval allows access to the sector and renders the trader legal. To obtain approval, a file is required with fee costs of 150,000 CFA (333 US\$) (Tieguhong *et al.* 2015).



Figure 5. Exchange two kilogram of bush mango kernels by a two kilogram of cassava flour (One bowl equal tow kg).

3.5. Conclusion

In Gribe village, gathering and marketing of main NTFPs is an activity done by people in order to take care for their primary needs. But the conservation techniques of these products are not well developed. The NTFP value chain is complex, with multiple actors involved. Profit margins of the main collectors are very low compared to semi-wholesalers and wholesalers, due to the poor organization of collectors, low access to market information, low power in price negotiation, lack of storage and drying facilities, ambient poverty in rural areas as well as the high purchasing power of wholesalers who intervene in the current value chain. The NTFP value chain in Gribe village needs some focus action such as providing equipment to the collectors necessary for collection, processing and conservation; building the capacities of collectors on drying, conservation and processing techniques, creating and empowering collectors organization and their networking with buyers, developing of market information system and an enabling environment that facilitate market access to local collectors. Together these solutions can give more power to local collectors in the NTFP value chain in Gribe village. Furthermore, improving NTFPs quality can improve NTFP price in rural, national and international markets and then reduce the pressure on forest resources and on biodiversity in general. However, more research is needed to improve the power of collectors in the process from gathering to selling products so that the income of the collectors can be increased contribute to biodiversity conservation in rural areas.

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Mapping/assessing carbon stocks in the perspective of Payment for Environmental Services (PES) for rural communities in East Cameroon

Annie Laure Ongsabien Efombo^{abc}, Denis J. Sonwa^c, Anne Marie Tiani^c, Bobo Kadiri Serge^a,
Richard Sufo Kandeu^{cd}, and Chia Eugene Loh^c

^aUniversity of Dschang, CRESA-Forets Bois, Cameroon
^b Faculty of Sciences, University of Yaounde I, Cameroon
^cCIFOR, Central Africa Regional Office, Cameroon
^dLe Mans University, ESO laboratory, France

Abstract

Rural Africa plays an important role in the stabilization of the world's climate. Given that greenhouse gases are emitted from different sources and places, they accumulate over time and mix globally. Climate change can then be effectively tackled if collective actions are taken at global level. Though most decisions are taken by international conservation organizations, the impletations are done at rural levels by local and indogenous communities who direclty depend on forest products. Reason why carbon stocks assessment at the MPEMOG Community Forest was done in order to establish a reference level for emission-reduction in the perspective of Payment for Environmental Services (PES) using the Chave *et al.* (2014) non-destructive allometric equation. From analysis of variance, carbon stock varied from 53.48 ± 36.17 Ct/ha to 218.29 ± 308.38 Ct/ha in Mixed cropland and Primary forest respectively equally the conversion of Primary Forest to Mixed cropland leads to the highest carbon loss (166.24 Ct/ha) and Cocoa plantations generate both economic and ecological values and contribute significantly to food security. The study concludes that the variation in carbon stocks depends on the degree of human influence and PES is an opportunity to contribute in forest sustainability while improving on the socioeconomic development of forest dependent populations.

Keywords : climate change, community forest, carbon stocks, benefit sharing



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1. Introduction

Tropical forests play an important role in the stabilization of the world's climate with trees and other plants that remove great quantities of greenhouse gases such as carbon dioxide, nitrous oxide and methane in the atmosphere (Topa *et al.* 2009). These gases need to be reduced by 25 to 40% by 2030 from the 1990 levels (IPCC 2007). While the world's forests are absorbing carbon, they equally emit it. In order to tackle this, the Payment For Environmental Services (PES) mechanism under the auspices of the United Nation Framework Convention on Climate Change was set up to reduce carbon emissions from deforestation and forest degradation in developing countries and consists of providing financial incentives to countries which make efforts to lower their emissions level (Wertz-Kanounnikoff and Alvarado 2007).

In Cameroon, the 1994 forestry law divides its forest into two estates: a Permanent Forest Estate (PFE) and a Non-Permanent Forest Estate (NPFE). The NPFE is made up of a community forest and a communal forest. The establishment of a Community Forest (CF) is only possible in areas where communities have customary rights and receive technical assistance of the administration in charge of forests (Sunderly *et al.* 2011). The maximum area of a CF should not exceed 5 000 ha and local communities are granted management rights for a period of 25 years renewable on an area not exceeding 5 000 ha. Forest products resulting from the CF belong entirely to the village communities concerned and its management involves the participation and collaboration of various stakeholders including the local and indigenous population, government and non-government organizations (NGO's). The level of involvement of each of these stakeholder is dependent on the specific CF project, and the management system put in place (Oyono *et al.* 2007) and it is under the strict respect of a Simple Management Plan (SMP) and focuses on Timber Forest Products (TFPs) and Non timber Forest products (NTFPs) extraction. But the SMP does not mention ecosystem services such as carbon (Cuny 2011). Though the evolution of CF in Cameroon has been studied (Akoa 2007, Ezzine de Blas *et al.* 2008), there are many reasons to think that the policies put in place are not in favour of their good functioning as high finances are needed to start exploitation and to maintain the forest on exploitations: high cost of elaborating a simple management plan; high cost of exploitation equipment; high amount of money needed to follow up documents which most communities cannot afford; equally communities operate without full community members participation; and lack transparency and accountability especially with regards to benefit sharing (Fomete and Vermaat 2001; Adeleke 2006); furthermore, their land tenure rights are not secured. Meanwhile, Chhatre and Agrawal (2009) found that local communities can be effective conservation agents most especially when they have secure land tenure rights.

Payment for environmental services through REDD+ as explained by Angelsen *et al.* (2012) refers to the distribution of both the monetary and the non-monetary benefits generated through the implementation of REDD+ projects what other researchers call direct and indirect benefits. Benefit sharing mechanism is very complex and involves so many actors who have the right to carry out activities and claim benefits from a particular area of land and its associated natural resources (Peskett

2011). Benefit sharing through the PES focuses on the effectiveness and efficiency that is on the goal of carbon emissions reduction stipulating that, benefits should be used as an incentive and should be distributed to the communities that bring about emissions reduction by changing their behaviour and actions. In the main time the idea of equity or co-benefits focuses on the actors who have the right to benefits from the income, with less attention given to their contribution in reducing carbon emissions (Angelsen 2008). According to Assembe *et al.* (2013), benefit sharing should be decentralized to minimize transaction cost and to avoid national / elite capture. Sama and Tawah (2009) reasoned that the separate right to trade and benefit from carbon should be treated like other natural resource ownership and thus depend on the type of forest in question. In that light, CF in Cameroon, belonging to the NPFE, is administered by the local and indigenous population on the basis of their customary rights (Karsenty and Assembe 2011); thus CF are eligible to carbon benefits. Other arguments stipulated that carbon credits are intangible assets (Dkamela 2011) and take the form of a monetary asset representing the result of an action, implying that carbon benefits will be shared among forest actors who actually are behind the action. Due to the complexity of benefit sharing mechanisms most countries involved in REDD+ have proposed various types of benefit sharing mechanisms, indicating that there could be multiple channels for distributing payments, with each sending the benefits to different actor groups. The PES through the REDD+ mechanism will be of help to many developmental sectors at rural level, especially in the agriculture and forest sectors. As regards the agriculture sector, it is found that agriculture is one of the main causes of deforestation, stopping or reducing deforestation implies looking for a durable alternative for extensive agriculture. Amougou (2010) believes that, funds from the REDD+ projects will help; intensify agriculture, ameliorate seeds productions, aid in agriculture mechanisation and increase in the output. For the forest sector, these funds will help fight against illegal forest exploitation, reinforce control and structure local market, reduce pressure on fuel wood, ameliorate forest cover while increasing on the carbon storage potential. Cameroon benefits sharing mechanisms have not yet been designed. In order to ensure effectiveness, efficiency and equity in benefit sharing, there should be good transparency, accountability and good management of the related revenues that meet the needs of local communities (Peskett 2011; Luttrell *et al.* 2012; Assembe *et al.* 2013).

However, the United Nations Framework Convention on Climate Change mitigation role through forest carbon conservation and sequestration options has become a major policy instrument. That is why, the study on “Forest Carbon Assessment in the MPEMOG CF”, carried out within the COBAM project, wishes to evaluate carbon stored in various Land Use Types (LUT) in order to establish a reference level for emission-reduction in a perspective of Payment for environmental services.

2. Research method

2.1. Location of the study site

The MPEMOG CF is found in the Tri-National de la Sangha (TNS) landscape and area endowed with lot of natural resources and it is located 38 km along the road from Yokadouma to Mparo covering a

surface area of 5000 ha. Administratively it belongs to the Yokadouma sub-division in the Boumba and Ngoko division of the East region of Cameroon. The area has an equatorial climate with four seasons (a long dry season from December to mid-March, a short rainy season from mid-March to June, a short dry season in July-August and a long rainy season from August to November). Cloud cover is relatively high, with precipitation averaging 1500-2000 mm per year. The average monthly temperatures vary between 23.8°C to 26.1°C. Relative humidity is between 60-90% and sometimes gets saturated during the dry season.

2.2. Methodology

There are several methods used in evaluating carbon stocks depending on the scale. For the purpose of this project **Carbon stock** was assessed by aggregating Above Ground Biomass (AGB) to Below Ground Biomass (BGB), multiplied by the Conversion Factor of 0.47 and submitted under analysis of variance on statistical 10:

- Carbon stock = CF * (AGB + BGB),

Where AGB was evaluated by applying Chave *et al.* (2014) allometric equation in which:

- $AGB (kg) = 0.0673 * (\rho D^2 H)^{0.976}$

Using parameters; ρ (density g/cm), D (diameter cm), and H (height m) of each individual tree and BGB was evaluated by multiplying AGB by the conversion constant of 0.235:

- $BGB (kg) = R * AGB$

3. Results and discussion

3.1. Land used types sampled

Prior to ground-based inventories, an unsupervised classification was done from SPOT 4 (20 m resolution) and Land sat (30 m resolution) with the software ENVI 5. Many Land Use Types were identified but seven were chosen based on the objectives namely: Cocoa plantation (dominated with the presence of *Theobroma cacao*), Mixed cropland (Presence of food crops (cassava, maize, bean)), Old fallow (growth of *Afromomum spp.* in great number and more than seven years of fallow), Young fallow (abundance of herbaceae, and maranthaceae of less than 5 years of fallow), Primary forest (absence of legacies that suggested previous anthropogenic activities), Secondary forest (presence of legacies that suggested previous anthropogenic interventions such as timber logging. The massive abundance of light demanding tree species e.g. *Musanga cercropoides*), and Wetlands (temporally flooded, thick dark-brown coloured soil).

3.2. Carbon stocks per land use type per hectare

Carbon stock varied from one Land Use Type to another and the highest quantity was found in **Primary forest** 218.29Ct/ha, this amount drops in **Secondary forest** 142.93Ct/ha, **Cocoa plantation** 141.5Ct/ha, **Wetlands** 122.13Ct/ha, **Old fallow** 115.6, **Young fallow** 106.8Ct/ha, and the least amount of carbon is stored in the **Mixed cropland** use 52.04Ct/ha. This trend followed that of Zapfack *et al* (2013).

3.3. Change in carbon stocks when converting one land use to another

The conversion of Primary forest to other LUT such as Mixed cropland for agricultural purposes has historically been the most common land use change, and results in the reduction of terrestrial carbon pools though the amount and rate of carbon loss depends on the agricultural practices.

Primary forest is taken as a reference because it represents an intact forest (that which has not been influenced by any anthropogenic activity such as wood logging). It was realized that the highest carbon loss occurs when converting Primary forest to Mixed cropland (166.24 t/ha) and the least occurs when converting Primary forest to Secondary forest (75.36 t/ha). One pertinent observation made is that Cocoa plantation has a good carbon storage potential and helps to sustain the environment and the cocoa seeds when sold serve as a source of income. This has helped to meet the need of food security and the new policy reform of forest conservation on the same piece of Land.

3.4. Contribution of some species to the carbon storing potential

In all these LUTs some species are recognized of having a high carbon storage potential per hectare (Table 1).

Table 1. Contribution of the 10 most abundant carbon storing species in the entire landscape

Specie name	Carbon stock (Ct/ hectare)
<i>Klainedoxa gabonensis</i>	190.6
<i>Albizia zygia</i>	114.4
<i>Macaranga conglomerate</i>	102.4
<i>Ricinodendron heudelotii</i>	99.9
<i>Terminalia superba</i>	95.2
<i>Piptadeniastrum africanum</i>	87.6
<i>Canarium schweinfurthii</i>	62.9
<i>Duboscia macrocarpa</i>	62.2
<i>Nesogordonia papaverifera</i>	54.8
<i>Entandrophragma cylindricum</i>	51.6

4. Conclusion and Way Forward

4.1. Conclusion

The study on Forest Carbon Evaluation in the MPEMOG CF which is in a heterogeneous landscape characterized by mosaics of plant communities **vary in carbon stock** within seven LUTs (Cocoa plantation, Mixed cropland, Old fallow, Young fallow, Primary forest, Secondary forest and Wetland). The study revealed that, Primary forest storing 218.29 ± 308.38 Ct/ha has a comparatively high mean carbon stock than the rest of LUTs because of the intactness of the forest that which has not been influenced by any human activity. Whereas, Secondary forest 142.93 ± 171 Ct/ha has the second highest storage potential because of its nearness to the natural forest which is under reconstitution and the least amount of carbon is stored in Mixed cropland 52.0 ± 56.2 Ct/ha due to the high anthropogenic influence, lowering the carbon storage potential.

Difference in carbon stocks performed within LUTs indicate that a relatively large proportion of carbon is lost when converting a Primary forest to Mixed cropland, consequently leading to an increase in CO₂ emissions in the atmosphere; thus a loss in ecologic value of the LUT. In the main time, Carbon stock enhancement in fallow lands (young and old) can be more effective if practices such as reforestation, or agroforestry is carried out rather than waiting for natural reconstitution.

4.2. Way forward

- Further studies are required in the MPEMOG Community Forest. At regular intervals of five years to evaluate the **advantages of the PES approach of forest management** with respect to improvement of community member's living standard (infrastructural development, level of literacy, their allowances and their implications in the CF);
- **Policy reforms** are needed at country level to provide **clear, secure, enforceable and non-discretionary** tenure rights over carbon at community forest level;
- **More emphases** should be made on the education of the **girl child and pigmies**. In order for them to be **full partakers** in decision making committees with regards to their community forest;
- For an accurate, replicable and complete carbon stock evaluation it will be proper to develop specific allometric equation for the Congo Basin.

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List of Contributors

(in alphabetical order)

Akiyo Aminaka

Research Fellow, Institute of Developing Economies – JETRO, Japan

Anne Marie Tiani

CIFOR, Central Africa Regional Office, Cameroon

Annie Laure Ongsabien Efombo

Faculty of Sciences, University of Yaounde I, Cameroon

University of Dschang, CRESA-Forets Bois, Cameroon

CIFOR, Central Africa Regional Office, Cameroon

Biyé Elvire H.

Department of Plant Biology, University of Yaounde I, Cameroon

Bobo Kadiri Serge

University of Dschang, CRESA-Forets Bois, Cameroon

Chia Eugene Loh

CIFOR, Central Africa Regional Office, Cameroon

Chizuko Sato

Research Fellow, Institute of Developing Economies – JETRO, Japan

Denis J. Sonwa

Senior Scientist, CIFOR, Central Africa Regional Office, Cameroon

Evariste Fongzossie F.

Department of Plant Biology, University of Yaounde I, Cameroon

Higher Teacher's Training School for Technical Education (ENSET), University of Douala,
Cameroon

Forbi Preasious F.

Department of Plant Biology, University of Yaounde I, Cameroon

Millennium Ecological Museum, Cameroon

Gloriose Umuziranenge

Lecturer, Protestant Institute of Arts and Social Sciences, Rwanda

Hitomi Kirikoshi

Specially Appointed Researcher, African Studies Center – Tokyo University of Foreign
Studies, Japan

Horman Chitonge

Professor and Head of African Studies Section, Centre for African Studies, University of Cape
Town, South Africa

Kazue Demachi

Lecturer, African Studies Center – Tokyo University of Foreign Studies, Japan

Kinyua Laban Kithinji

Research Fellow, Institute of Asian, African, and Middle Eastern Studies, Sophia University,
Japan

Marlène Ngansop T.

Millennium Ecological Museum, Cameroon
Department of Plant Biology, University of Yaounde I, Cameroon

Richard Sufo Kandeu

CIFOR, Central Africa Regional Office, Cameroon
Le Mans University, ESO laboratory, France

Shinichi Takeuchi

Professor and Director, African Studies Center – Tokyo University of Foreign Studies, Japan
Chief Senior Researcher, Institute of Developing Economies – JETRO, Japan

Takanori Oishi

Lecturer, African Studies Center – Tokyo University of Foreign Studies, Japan

Yumi Nakayama

Lecturer, African Studies Center – Tokyo University of Foreign Studies, Japan

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Development, Migration, and Resources in Africa



African Studies Center - Tokyo University of Foreign Studies (ASC - TUFS)

Address) 3-11-1, Asahicho, Fuchu-shi, Tokyo, 183-8534, Japan.

Tel/Fax) +81-42-330-5540

e-mail) africanstudies-center@tufs.ac.jp