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— *Conflicts over Land and Water in Africa*

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## REFERENCES

DERMAN, Bill, ODGAARD, Rie & SJAASTAD, Espen (eds.).— *Conflicts over Land and Water in Africa. Cameroon, Ghana, Burkina Faso, West Africa, Sudan, South Africa, Zimbabwe, Kenya, Tanzania*. Oxford, James Currey; East Lansing, Michigan State University Press; Pietermaritzburg, University of KwaZulu-Natal Press, 2007, 244 p., bibl., ill., index.

- 1 A 2004 symposium on resource scarcity in rural Africa produced the papers in this volume which explore relations between scarcity and conflicts. Yet the authors warn emphasis on scarcity misses the point that vested interests use scarcity as pretexts for their ambition to control other resources, and that the well-to-do stand to gain more from conflicts than the poor. Tulmin shows that the vulnerable tend to be crowded out from access to land, and Witsenburg *et. al.* in their well-researched article about pastoralists note that without state or political interference create conflict while traditional societies have regulatory mechanisms for times of scarcity (droughts) which reward cooperation. Unfortunately, no paper deals with the much severer urban or sub-urban situations.
- 2 Bill Derman's opens by defining scarcity as limited supply (demand greater than supply) of a useful good, and arguing that a non-renewable resources like land will increase in value with scarcity, for example population growth. While links between scarcity and conflict were postulated by Malthus and the Club of Rome, recent debates on deteriorating environment as cause of conflict and poverty revive it. Research projects at University of Toronto, Swiss Peace Foundation and University of Oregon (Freshwater Project) explore such links—and in freshwater disputes, at least, co-

operation exceeds conflicts. The Hauge-Ellison hypothesis that countries suffering from environmental degradation are more prone to civil conflict and “alarmist prognoses of world environmental wars” are untenable, and economic exceed environmental factors.

- 3 Part I deals with “Customary land tenure” in Ghana, Cameroon and Sudan, where “traditional” authorities control access to land and restrict migrants, youth and women. Part II covers land policy and reforms in West, South and East Africa with Tulmin’s paper being a cross-national survey showing that vulnerable groups are gradually being squeezed out of the market. Part III discusses Land and Identity (*i.e.* Ethnicity) among which Witsenburg’s about adaptation and shifting identities in Northern Kenya is important. It shows traditional institutions coping with short term scarcity and allowing access by enforceable property rights and various social adaptations (assuming more population needs more land, which often is compensated by out-migration or smaller holdings).
- 4 Kojo S. Amanor argues that “customary tenure” was imposed by colonial authorities as chiefly domain to facilitate integration into world markets. “Traditional” rulers were confirmed as custodians of land and traditions, whereas pre-colonial land was vested in clans or families. Chiefs were encouraged to transact local resources with concessionaires and migrants under “native authority” frameworks and bye-laws rewarding them with royalties, and levies on migrants raising their following, while reducing commoners’ resources. Young men eventually challenged the chiefs’ positions and migrants’ rights. After Independence authorities manipulated the concept of “customary” to permit expropriation of land/forests by elites, whereas pre-war ordinances required courts to ensure that customary rights were not violated by concessions. Now forest codes and timber laws give concessions ownership of trees on community land, whereas previously they belonged to farmers. Awarding concessions on community land basically becomes a tool to evict forest communities. The imposition of the “customary” from above tends to confirm the colonial expropriation of rural people by privileged national elites.
- 5 Quentin Gausset, “Land Tenure and Land Conflict in Northern Cameroon, The Kwanja”. The Kwanja left the Adamawa plateau in the 19 c. because of Fulani raids, and despite colonial pacification remain in the Tikar plains. While their chiefs do not compete over land they gather people and prestige thru generosity, magical means or welcoming migrants. Conflicts are more over symbols of land (*e.g.* territorial boundaries), status and power. However, migrants from the Northwest settling in Kwanjaland for farming cause revalidation of chiefly titles on plateau lands which remains inalienable because of beliefs such as returning souls, sites for chiefs’ burials or fertility rituals. Key issues of distribution are not land scarcity but questions of status and migrants are given land to raise chiefs’ status. Farming rights are inherited in family—but not by migrants or Fulani pastoralists. Conflicts are not over scarce resources but over management rules (rights) or conflict resolution. A major conflict is with government which rejects customary rights claiming that Cameroonians have the right to settle wherever they want, and, while unable to protect migrants silently appreciates chiefs’ authority—and cooperation.
- 6 Kjersti Larson, “Adaptability, Identity and Conflict Mediation among Hawawir in Northern Sudan”. The Hawawir consider themselves arabs, *i.e.* nomadic pastoralists, and a *qabil* with a common origin, territory and juridical-political system (Nazir, umda,

sheikh). They had lived as agro-pastoralists in their *dar*, homeland, in the wadi Magadam, moving internally between zones of low and high rainfall—occasionally permitting agriculture. The land in Wadi Magadam is government owned, communally held and managed, because all land outside the Nile valley is under “communal ownership” (characteristic of state-owned land). Due to drought their traditional labor migration to the Nile valley became permanent. As most of them lost their livestock during the drought, many went to urban areas, but opening of an irrigation scheme induced many to return to Wadi Magadam. They organize themselves differently from those who had continued to live in the homeland according to the ideal of transhumance. This shows that pastoralists adapt to new biophysical conditions, despite the fact that most governments’ preference for sedentary agricultural life.

- 7 Camilla Toulmin’s paper “Negotiating Access to Land in West Africa: Who’s losing out?” surveys 9 countries with various types of access to land. She arrives at the following generalizations: Land claims are based on a) first occupation or clearing, b) conquest, c) long-term occupation creating use rights or d) government allocation, *e.g.* settlement schemes. Clans, families, chiefs, religious leaders, councils and governments negotiate and administer land rights without formalized agreements or uniform rules of access. While guaranteed access (primary rights) secures livelihoods, it creates inequality, poverty and underdevelopment. Changing pressures, regulations or mechanisms generate tensions among users. Derived or secondary rights give access through share contracts mostly held by migrants or women. With land getting scarcer money payments, purchases or short contracts become the rule. As new migrants compete with urban buyers original residents assert their rights and re-negotiate terms—often fuelled by political propaganda—often excluding migrants. Poorer groups (including family members) find themselves crowded out by richer bidders, who are favored by politicians. A shift from centralized to decentralized land authorities able to interpret local situations and cultural practices, might solve this problem, though traditional authorities may challenge those.
- 8 Poul Wisborg, “Land Tenure Reform in Namaqualand, South Africa”. Trancraa (Transformation of Certain Rural Areas Act) of 1998 planned land transfer from state to local level and was introduced to 6 areas in semi-arid Namaqualand, but ended in stalemate between local and external actors in one, Komagga. Reform became engulfed in conflict because one residents’ association strongly opposed to it, questioning the state’s legitimacy of land ownership—challenging the original division into “town land” and “remainder”, and wanted town excluded from the reform in favor of municipal ownership. The transfer-of-land approach in Komagga underestimated the extent to which people felt they owned the land already. A gradual clarification of individual vs. communal statutory rights would have been more beneficial and avoided the struggle by local groups over economic and political advantages. Speaking about conflict resolution without speaking about and to power—and lack of trust in locals—makes conflict resolution risky, especially where incentives (Trancraa offered neither redress for past losses nor support) for participation are lacking.
- 9 Nancy Andrews, “Land Reform and the Rekindling of Land Conflict in South Africa”. ANC’s land reform program targeted landless farm laborers, but only wealthier blacks are able to buy land from whites as the 1984 Constitution ruled out expropriation of white holdings. Despite plans to redistribute 30% of dispossessed agricultural land in five years, the restitution program was closed in 1998—after processing 70.000 claims for

20% of rural land. 55% of 20 million blacks are women heading more than 50% households, producing 60% of food consumed in rural areas and providing 80% of farm labor. Food security is a major issue, but men's and women's perceptions how to attain it are different. Women aim at stabilizing food expenditures and producing small surpluses. Women need husband's consent for business decisions, despite recent laws allowing females to become land owners, still meet resistance in application. As land reform is to operate through the market, only land owners willing to sell will do so. The restitution program covered only 1% of all commercial farm land and reached only 4% of female-headed households, creating a huge credibility gap between official discourse and reality. Women are twice excluded from productive land, as blacks and as women.

- 10 Bill Derman, Anne Hellum, "Land, Identity & Violence in Zimbabwe". At independence Europeans owned 36% of best farm land in the Commercial Farming Areas, while black farmers were settled in Tribal Trust Lands (42% of total). The 1980 constitution put a 10-year moratorium on land reform by expropriation. By 1992 ZANU PF Land Acquisition Act empowered the President to acquire land: 71,000 households were resettled on voluntary basis till 1998 on 3.5 million ha (10% of land). In 1998 a National Constitutional Assembly called for a democratic constitution, and trade union (ZCTU) leaders founded MDC in 1999 to oppose ZANU and called a nation-wide strike against dismissal of farm workers on white farms. ZANU created its own Constitutional Commission and drafted a Constitution without provisions for compensation, but was defeated in referendum. Mugabe just amended the present constitution with expropriation clauses and ordered the National War Veterans Association to occupy white farms. 9 mills. ha were seized making 350,000 workers jobless and ZANU narrowly won the 2000 elections. White farm area decreased from 36% to less than 6%. It was a chip in Mugabe's policy to reward ZANU supporters and evict ZCTU and MDC supporters from farms and employment.
- 11 Sten Hagberg's, "Authority and Violence of a Hunters Association in Burkina Faso", deals with land conflict indirectly but more with the defense of Senufo identity against property attacks by pastoralists. Following Côte-d'Ivoire's example where hunters' associations had been involved in fighting criminals and cattle smugglers (who now operate everywhere in Africa where Fulbe drive large herds to coastal markets), some Senufo created Benkadi association in Comoe province. After division of the province, the founder and main authority of the association, now lived in a new province and the association in Comoe province elected a new president. He claimed to represent his province, while the founder himself still claimed to represent the overall organization. The association challenged the state monopoly on violence, when it attacked a Fulbe camp after farmer-herder altercations with local leaders and politicians getting involved while police intervened. In discussing the question of legitimate powers in societies without centralized authority the author defines authority as an attribution of rights to control other people's actions or decisions, whereas Skalnik proposes authority and power as two mutually exclusive ideal types of organizing public affairs, signaling a shift away from Weber's classic distinction between "power" and "authority".
- 12 Faustin Maganga *et al.*, "Contested Identities and Resource Conflicts and in the Morogoro Region in Tanzania". Killings in Kilosa district in 2000 highlighted the tensions between "Indigenous" and "Outsiders" in Kilosa district. Kaguru and Sagara were in pre-colonial times mentioned as residents (*wenyeji*) of Ukaguru and Usagara,

the major part of today's Kilosa district, and tribal boundaries were colonial constructs rather than inherent.

- 13 The conflicts are being portrayed in terms of ethnic stereotypes, herders and farmers, locals and immigrants, but in reality, livestock owners—who are misconceived perceived as Masai, and therefore as immigrants—have been long in the area but get less representation in land conflicts. Tensions are recent, after long coexistence, due to encroachment by urban land buyers on grazing lands, and pastoralists have no access to the large state ranches—when they become privatized. Since 1999 the Land Act and Village Land Act recognizes customary rights village lands and might give the livestock keepers—who are often incorporated into villages, more access to decision-making.
- 14 Witsenburg and Adano, “Use and Management of Water Resources in Kenya's Drylands”, present one of the best researched studies in this volume. Exploring environmental variables involved in conflicts around Mount Marsabit, where various pastoral groups share a common environment with few permanent water sites, and adapt through oscillating dynamic relations, they find sharing and cooperation in well and water management. This despite a tenfold population increase on Mt. Marsabit between 1929 and 1980 and declining rainfall. State-sponsored violence *e.g.* before and during elections, and land-allocation programs has increased ethnic conflicts which are more orchestrated by manipulative leaders than by water scarcity. Studies on the origin of violence should focus more on those who own resources—and profit from more—than those who lack or lose them, because the current focus on poverty and resource scarcity disguises the causal human factors behind violence. Their final conclusion is that “ethnicity” is not more important than other identity-forming factors in Africa.