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AFRICAN ELITES' LAND CONTROL MANEUVERS¹

Laurel L. Rose

IN THE WORLD'S NATION-STATES, where modern (i.e., individual or private) land tenure systems predominate, land is by definition territorial, that is, controlled by a national or state political apparatus. At the same time, in many African nation-states, where at the level of the community customary (i.e., communal) land tenure systems predominate, land is by definition relational, that is, controlled by local social and political relationships within a land community. Members of such land communities identify with one another on the basis of genealogical claims, ethnic affiliations, class membership, and participation in social, economic or political networks. Despite this separation between nation-states and local land communities, a dialectic exists: the nation-state, acting through national elites, uses spatial and territorial categorizations to class, link, and hierarchize local affiliations, whereas local land communities, acting through local elites, use the state political apparatus to implement emerging hierarchies.

The introductory section of the paper covers several basic concepts underlying African land tenure. The second section presents four coun-

try case studies from my own research and from the literature. Each study discusses several land disputes. In my analysis of each country case study, I ask the question: why and how do elites seek to control land in the context of this state and its communities? The third section discusses comparatively elites' land control maneuvers. In this section, I ask the question: what impacts do elites' land control maneuvers have upon their states and communities? The fourth section offers conclusions regarding the research findings.

Land Tenure in Africa. Customary vs. Private Land Tenure Systems

Customary land tenure systems are of continuing importance throughout Africa even though various tenure developments are underway in different countries: for example, private land tenure areas are expanding in some countries (Kenya), contracting in others (Zimbabwe), and remaining in limbo in others (Rwanda). In spite of the legal uncertainties of land tenure in many African countries, one can generalize that throughout Africa both customary and private tenure areas are part of a territory that is under the jurisdiction of a particular state. Private land is available in theory to all citizens of a state who can afford to purchase it, and the rules regulating access to and use of such land are uniform across localities and regions. In contrast, customary land is controlled by local or regional

1. The final phase of this paper was completed with the support of a grant from the United States Institute of Peace (collection of the Rwanda material). The International Rescue Committee (IRC) in Rwanda provided much-appreciated logistical assistance.

authorities who determine, according to local or regional rules and practices, who (i.e., the members of what groups) are to be granted access to it and how it is to be used.

Although African customary land tenure systems are commonly referred to as “communal,” some writers have argued that communal tenure is a misnomer, and in any case, is a colonial construction that was created to serve the purposes of the labor reserve system.² John Bruce, who has written extensively about the merits of indigenous (customary) tenure systems in the developing economies of Africa, suggests that such systems are incorrectly labeled “communal” and thus “inefficient” by elites who hope to benefit from land tenure privatization (1993: 35-36). The growing number of writers who challenge widespread assumptions about communal land, agree about the following: under a communal system of tenure, people chose their own land rather than invariably being assigned land by chiefs or other local authorities; land holdings have long been marked by inequality rather than egalitarianism; arable land has long been controlled on an individual rather than a collective basis; individual entrepreneurship has emerged in modern-day communal land tenure systems; and individual holdings have been and continue to be relatively secure (Bruce *op. cit.*; Cheater 1989; Cousins 1993; Ranger 1985, 1988, 1993; Scoones and Wilson 1989). In essence, communal land is not truly communal, and in any case, communal lands are characterized by a wide range of rules and practices that are in a constant state of flux both within and across land tenure communities. Of importance, these variations in and flexibilities of rules and prac-

tices in customary land tenure communities form the basis for elites’ maneuvers to control land and territory.

Land Communities

A.J.B. Hughes, writing about the customary land tenure system of the Swazi (1972), defined “land community” as a hierarchy of communities in which land is controlled. According to him, at certain levels within the Swazi hierarchy, both land-controlling power and governmental power are concentrated. Hughes argued that in a customary land tenure system such as that of the Swazi, the land community is important, and a person’s acceptance as a full member of that community is an essential prerequisite to obtaining any rights over land or its products. In essence, a land community extends land rights to its members, and in turn, these same members owe obligations to their land community (e.g., performance of civic duties or maintaining the commons). But the rights and obligations of members are not static: these members continually redefine the rules and the practices that govern rights and obligations. Importantly, within a nation’s land hierarchy, members’ land rights are differentiated: some members obtain more significant rights than others (e.g., in terms of rights of land administration or land access) and some members have more power to determine the rules that govern these rights. As will be demonstrated in this paper, elites throughout Africa are maneuvering to position themselves favorably within emerging land hierarchies:

2. T. Ranger (1993: 355), among others, suggests that the notion of communal tenure is a European construct.

they are well-aware that land rights are being distributed on an increasingly inequitable basis within modern-day African states, in part because land is an ever-scarcer and valued commodity.³

The concept of land community is especially useful for the analysis and comparison of land control in African countries that have customary (communal) land tenure systems. It assists the land tenure specialist in discovering how societies instrumentalize community membership through ideas about land, territory, and nation. It also assists the specialist in discovering how the elites within these communities use ideas about land, territory, and nation to advance their group interests or personal positions. Indeed, the concept of land community furthers understanding about various social and political aspects of customary tenure systems because it is a local and relational – as opposed to a national/international and administrative – interpretation of territory.

Several country case studies presented in this paper will demonstrate that cultural understandings about what land communities are or should be vary both within and across African nation-states. In fact, the land communities discussed vary in terms of understandings about the nature of hierarchical relationships, the prerequisites for membership (e.g., kinship between members, affiliation with members or leaders, payment of membership fees), and the maintenance of membership (e.g., paying regular tribute to a chief or headman). Some of the land communities discussed are rural, others are urban; some consist mostly of people linked by kinship, others consist mostly of strangers; some consist of members engaged in the same

occupation (e.g., agriculture), others consist of members engaged in a variety of occupations.

If an emerging class of elites throughout Africa is struggling to define systems, it can be further stated that old elites seek to solidify or re-invent their base of control in new nation-states, while an emerging class of “new” elites seeks to find new routes to establish control in these nation-states. All elites are concerned not only with defining the basis of their elite status but also with establishing the means, such as control of land, for cementing their status. They look to the evolving rules of customary land tenure as tools to enhance their status: they use and manipulate the ambiguities inherent in property regimes to their own advantage. In effect, they seek to define the social and political basis of transitional land communities.

A Focused Study: Elites and Land Communities in Four Countries

In this paper, I demonstrate how an expanding and diversifying class of elites in several African countries maneuvers to define, or even to create, land communities. Specifically, they manipulate the rules and practices of land tenure to mold land communities to their design, often with the end goal of maintaining or acquiring personal power or wealth. Elites' land control maneuvers are frequently associated with conflict: they initiate conflict or they respond to conflict. With this in mind, I differentiate between elites' maneuvers in non-war

3. As an example of African elites positioning themselves to control land, R.P. Werbner (1993: 120) discusses how the powerful and the privileged of Botswana have “... turned large tracts of land that were previously tribal assets into patrimonies.”

countries (Kenya and Swaziland) and post-war countries (Rwanda and Mozambique).⁴ In my view, this conflict model places elite competitions to control and transform land communities within the larger nation-state context.

In keeping with this model, I examine and contrast the different ways in which this elite class manipulates the rules and practices of land tenure. My research data, as presented primarily in the form of land dispute case studies, indicates that elites' land control maneuvers can and should be subjected to different interpretations. I argue that in non-war situations (Kenya and Swaziland), elites seek to control land in order to acquire political position, and in post-war situations (Rwanda and Mozambique), elites rely upon their political position to acquire land. Stated otherwise, in non-war countries, elites are primarily concerned with power, whereas in post-war countries, they are primarily concerned with economic recovery.

Some observers have argued that elites in non-war situations exploit grievances about land scarcity – as related to rapid population growth, environmental degradation, and unequal land distribution, among other factors – in order to firm-up their base of supporters and to mobilize new supporters (Kahl 1998). These elites' primary goals are to create communities that are based upon sharpened conceptions of group identity and to foster collective actions for establishing claims to scarce land. As a contrast, I have argued elsewhere that elites in post-war situations exploit new-found privileges – as derived from the demographic, legal, administrative, and tenurial changes following war – to advance their personal interests in land (Rose 1992a, 1992b, 1995). (The changes are associ-

ated with population migrations, disrupted land ownership patterns, weakened land administration systems, and changing land use practices.) These elites' primary goal is to acquire land for personal benefit. In my view, these arguments about elites and land control have merit, but they need to be examined against elites' motives, as set within the conceptual framework of each land community and state, and as interpreted by different elites themselves.

With these more recent observations in mind, my objective in this paper is to illustrate through select land dispute case studies how elites seek to acquire power by conveying ideas about nation and territory, and further how they seek to acquire land by conveying ideas about community and personal property rights. The case studies demonstrate that elites' concerns with power and land vary across countries and communities.

African Elites and Land Control. Elites' Political Power/Economic Status and Land

African elites can be classified within various dichotomies (e.g., national/local, urban/rural, or traditional/modern) and against various factors (e.g., wealth, education, ethnicity, hereditary status, political office, or land control). National elites often have achieved status through education and paid employment, either in the governmental or private sector. They may reside in an urban setting, but they contribute resources to

4. I define non-war countries as those that have not been engaged in widespread inter- or intra-state conflict for more than a decade previous to the research, and post-war countries as those that have been engaged in inter- or intra-state conflict, primarily armed struggle, with the decade previous to the research. I do not examine elites' land control maneuvers during wartime.

rural land communities (e.g., farm inputs such as seed or fertilizer). Local elites tend to occupy hereditary positions of authority, and increasingly in modern times, to be educated, to derive income from the sale of farm produce, to own small businesses, and to earn wages.

Many researchers in Africa have explored the growth and diversification of a state elite class, frequently commenting on the interventions of this class in local and national land matters.⁵ Some researchers have commented simply that African elites control resources, including land, in order to add to their power and wealth (Homer-Dixon 1991, 1994; Percival 1995; Percival and Homer-Dixon 1995: 290); others have argued more contentiously that elites stir up group tensions about land control and even incite others to violence in order to secure their political position and economic interests (Kahl *op. cit.*). Regardless of the perspective taken, most researchers agree that land is critical to African elites' political power and economic status.

In their struggles for position within emerging class structures in Africa, state elites seek to define the legal and political nature of land communities under customary tenure and to maintain personal land holdings in those communities (Werbner 1993). Just as important, local elites seek to retain control over land administration in a customary tenure system (Rose 1992a). In some countries, both state and local elites have the financial resources and the legal capacity to acquire private tenure land.

Elites' Land Control Maneuvers in Different Tenure Systems

Elites develop various strategies for controlling land in different nation-states. Their land con-

trol maneuvers are closely linked to the land tenure system within which they are functioning. As discussed above, the most simple model presents two opposite ideal systems: the customary (communal) land tenure system and the modern (individual or private) land tenure system. In reality, these two systems are general constructs: several systems, consisting of various combinations of features, often co-exist within or across countries. Moreover, most systems are transitional and thus combine different features, depending upon context (e.g., leaders and parties involved, case circumstances, and regional case precedent).

In most African customary land tenure systems, elites have acquired and continue to acquire land in various ways. Some more traditional means were/are through conquest, peaceful appropriation, inheritance, or as a gift from another leader or community. Some modern-day means are through repurchase programs and/or land tenure conversions (e.g., freehold land which is acquired from colonial settlers or other parties is reverted to customary tenure) or through land exchanges associated with a development program (e.g., a land "taking" by the government is compensated with replacement land). The authorities who administer a customary land community (commonly as a group) assume a number of responsibilities: they allocate land to newcomers; they determine standards for land use and also sanction violations of use; and they settle land disputes. When allocating

5. See, for example, Bond 2000; Chabal 1999; Dogan and Higley 1998; Gravel 1968; Kotze 1994; Kotze and DuToit 1995; Maquet 1961; Newbury 1988, 1995; Osaghae 1991; Russell 1998; Sleif and Wright 1999.

customary land rights to members of the land community, the authorities place conditions upon the use of the land (e.g., regarding resource use and boundary demarcation), and they often require that landholders perform duties that benefit the community. In the majority of African customary land tenure systems, the land is not, in theory, sold to members, and the land rights of members can be withdrawn if the authorities determine that they have violated the conditions of their membership within the land community (e.g., they challenged the authorities' power). Customary land tenure systems, contrary to common misconceptions, are not egalitarian: elite members of the land community determine the distribution of land rights, and inevitably they grant some members more favorable land rights than others. But in theory, few people (at least men) have no land.

In individual or freehold land tenure systems in Africa, as a contrast, elites acquire land through purchase and obtain a deed. They control their land on an individual basis, and therefore they determine the uses to which it will be put and the ways in which it will be transacted, including renting or leasing (subject to the laws of the region or state). In theory, because they own the land under such a system of tenure, they should be able to use it as collateral to obtain credit for investments. Although advocates of individual tenure systems argue that such systems are more conducive to development and to market economy efficiency, opponents of such systems argue that they provide benefits mostly to the wealthy who can afford to purchase individual tenure land.

Most African land tenure systems are transitional, thereby in a state of formal or informal

conversion: this means that they display elements that are not typical of an ideal model. In systems that are undergoing formal land tenure conversion, land authorities have the power to determine the landholdings to be converted. Perhaps more significant for the current discussion, they are entrusted with the power to determine the social or relational aspects of land tenure, thus to designate who within family groups will be the titleholders when the landholdings are registered or who will head-up new landholding schemes, such as farm cooperatives. Interestingly, the social aspect of a customary land tenure system often remains important long after formal tenure conversion has occurred. For example, Sara Berry (1988) demonstrated that in Kenya, where large-scale registration of individual titles and the spread of land sales occurred, access to resources continued to be based largely on social identity, such that people continued to engage in struggles over meanings and definition of social categories (e.g., family, kin, or tribe). Nonetheless, even when a customary land tenure system has not undergone formal conversion, land authorities sometimes adapt rules and practices to meet changing social circumstances. For example, during the course of my research in Swaziland in the mid-1980s, I discovered that some land authorities (chiefs and their councils) were bending rules of customary land access to accommodate the growing number of single women with minor children who did not have a customary right to land (Rose 1988, 1992a, 2000a).

Elites and the Reform of Different Tenure Systems

It might be argued that those African elites who are well positioned in a customary system want

to maintain the status quo, whereas those elites who are not well-positioned seek land reforms. In other words, elites seeking enhanced power and status will push for a transitional land tenure system (e.g., with the associated right to collect administration fees, contrary to custom), or for more extreme land tenure conversion. Nonetheless, John Bruce (*op. cit.*: 51) suggests that land tenure reforms most often do not resolve competitions for land control (or improve the position of some parties) but just redesign the playing fields on which they are carried out. I argue further that elites seek to redesign the playing fields – both territorial and social – to assure their interests.

In essence, John Bruce (*ibid.*: 35-36) indicates that the land tenure reform models may vary, but inevitably they derive from elites' interest in controlling land:

Tenure reform is a part of the agenda of those seeking both capitalist and socialist transformations of African society. Advocates at both ends of the ideological spectrum tend to frame their critiques of indigenous tenure systems in terms of divergence from their preferred models. Reformers in the capitalist mode seek tenure individualization and full private ownership of land (through elimination of community or kin group land management), while socialist reformers seek state ownership and control over allocation of land and, in their more thoroughgoing reforms, collective production in communal villages or on state farms. Within all these scenarios, national bureaucratic and economic elites and their local counterparts seek to obtain control of land and the power such control confers, sometimes in cooperation and sometimes in competition.

As an illustration of Bruce's contention that elite tenure reformers disagree about the direction that reforms should take, Ben Cousins (*op. cit.*; Cousins *et al.* 1990), in writing about Zimbabwe, argued that some elites, including development agents and businessmen, tend to support private tenure, while other elites, including government officers, tend to support customary tenure. In writing about Swaziland (Rose 1992a), I focused upon ordinary citizens' concerns with tenure reform, thereby suggesting that ordinary citizens want to maintain the positive aspects of customary tenure (sense of community and non-payment for land rights), but they also want to acquire the positive aspects of private tenure (land security and access to credit).

Elites' Land Control Maneuvers. The Aspect of Self-Interest

Land tenure specialists have frequently commented that the ambiguities inherent in African customary property regimes may be manipulated by elites and emergent rural accumulators to their own advantage. In the first place, elites are concerned with defining and interpreting customary land tenure rules. Moreover, they are concerned with validating and establishing customary land tenure practice. Overall, elites aim to mold rules and practices in conformity with their own interests – whether they are operating in a relatively stable or a transitional customary land tenure system.

Regarding land tenure rules, some elites (local land authorities who inherit their office or are elected to office) interpret and promulgate rules regarding land access and use. Mostly, they determine who acquires customary land.

These elites who bear land administration responsibilities are often accused of land-grabbing. They may acquire favorable land holdings for personal use, they may grant land to family members or friends, or they may grant land to strangers/aliens for profit.⁶ Regarding land tenure practice, elites regulate how customary land is used. Some elites seek to privatize arable land increasingly through loaning arrangements, exchange of use rights for cash or payments in kind, and outright sale of right of access. In essence, elites aim to benefit disproportionately from resource capture, and the rural majority, who are not in a position to attempt a strategy of expanded reproduction and whose continued access to arable and grazing land is critical for their survival, are vulnerable to the manipulations of the elite.⁷

Although land tenure specialists generally agree that African elites manipulate the rules and practices of customary tenure to advance their political and economic interests, they rarely balance this aspect of self-interest with the aspect of service to the land community. That is, they focus primarily on elites' concern with land (individual interests) and do not give adequate attention to elites' concern with territory (group interests). In the next section, I discuss several country case studies that illustrate elites' land control maneuvers. Thereafter, I discuss comparatively elites' maneuvers according to both aspects of individual and group (land community and state) interests.

Country Case Studies

In this section, I focus on individual case studies of elite land control maneuvers from several

countries – Kenya, Swaziland, Rwanda, and Mozambique.⁸ Although the nature of the studies varied in terms of the research questions posed, the body of data assembled and the conclusions reached, the data from these studies are presented here to illustrate specific elites' actions and to derive general principles.

All the studies involved situations characterized by land scarcity and land disputes, and all the studies identified different individuals and groups, defined primarily by socioeconomic status and ethnicity, that experienced and responded to land stresses. Many of the elites in the case studies enjoyed national prominence and resided in an urban setting, although they also tended to maintain ties to and interests in rural villages where they held and sometimes administered land. Some of the elites were traditional elites, having acquired status through hereditary right, while other elites were new elites, having acquired status through education and the acquisition of wealth.

6. Writing about Lesotho, K. Prah (1989: 124) argues that many Basotho citizens are concerned that land is increasingly passing from the hands of the ordinary unsophisticated Basotho into the hands of the rich, elites and foreigners who do not necessarily invest in the country.

7. Writing about Zimbabwe, B. Cousins *et al.* (*op. cit.*: 26) comments that elites have considerable power in determining how customary land will be used because they dominate local development committees (e.g., area farming committees), and thus are in a position to influence development initiatives and preferential access to development funding. U. Otzen *et al.* (1988: 125-126), in their case study of Bikita District of Zimbabwe, write similarly about patronage networks that control access to services.

8. The data from Swaziland, Rwanda, and Mozambique are from research projects in which I was involved.

Non-War Communities

KENYA. BACKGROUND

Kenya was declared a British protectorate in 1895, and the country officially became a British colony in 1920. Following the Mau Mau rebellion of the 1950s, the British began to move away from colonial rule, as demonstrated by the constitutional conference that was held in 1960. The conference led to the creation of a transitional constitution and ultimately the establishment of political parties. After three decades of factional struggles between various ethnic groups, the groundwork was laid for multiparty elections in late 1992.

LAND DISPUTE CASE STUDY

In a case discussed by Colin Kahl (*op. cit.*), which examined the ethnic clashes in Kenya between 1991 and 1993, both national and local elites exploited ethnic grievances about scarce land just before the elections. These elites, including the vice president, minister of local government, members of Parliament, and close advisers to the president, as well as sympathetic local elites, "... purposefully set out to incite ethnic violence in a desperate attempt to keep the president and his fragile coalition of minority groups in power." (*Ibid.*: 93) They mobilized minority ethnic groups to their support by invoking land rights – that is, by convincing the members of such groups that they were the victims of land-grabbers who had contaminated their ancestral lands and therefore needed to be expelled. According to Kahl's account, the clashes erupted in the Rift Valley, Nyanza, and the Western Provinces, the former "White Highlands," which contained much of Kenya's most fertile agricultural land. On one

side of the clashes were President Moi's own ethnic group, the Kalenjin, as well as members of other minority groups, including the Maasai, Samburu, and Turkana, and on the other side, were the Kikuyu, Kisii, Luhya, and Luo communities all majority ethnic groups that were associated with the opposition to Moi's regime. The first ethnic confrontation broke out on October 29, 1991, at Meteitei farm, a cooperative located in the Nandi District of Rift Valley Province. The Meteitei farm, which was formed as a result of the redistribution of white settler land, was jointly owned by 310 Kalenjin (Moi's group) and 280 non-Kalenjin farmers. Violence erupted after Kalenjin members of the cooperative, with encouragement from local administrators and politicians, claimed sole ownership of the land and expelled non-Kalenjins. Those who refused to leave were killed or had their houses and property destroyed. The violence quickly spread to other communities. By 1993, at least 1,500 people had been killed and 300,000 displaced. Over time, however, most urban elites refused to engage in the ethnic hostilities in rural areas and thus put a brake on rural violence.

Kahl speculates, as did numerous observers, that Moi and fellow Kalenjins perceived the calls for multipartyism as an attempt to remove them and their fragile coalition of minority groups from power at a time of mounting urban social problems (rising crime rate) and economic stagnation (rising unemployment rate). In rural areas, tensions were growing due to the rapid population growth, accompanied by environmental degradation and unequal land distribution. In Kahl's view, the elites exploited long-standing interethnic grievances over land

to secure their tenuous political position: they aimed to stabilize their base, to mobilize new supporters from among those who hoped for access to land as a reward for their participation in violent activities, and to co-opt or crush political opponents. A report by Human Rights Watch/Africa similarly observed: "the (Moi) government ... capitalized on unaddressed issues of land ownership and tenure, dating back to the colonial period" and further "... manipulated these pressing problems to polarize ethnic sentiments to its political and economic advantage."⁹

ANALYSIS

In this country case study, elites conveyed ideas about the "proper" ethnic composition of land communities (encouraging a renewed ethnic homogeneity) and about the historical and cultural boundaries of the territory which encompassed these land communities. Their goals were to create the ideological and practical basis for consolidated local land communities within the larger political territory, to enlarge the membership of these communities, and finally, to ensure that the members of these communities would support them in the political arena.

Interestingly, urban and rural elites did not share the same interests and thus did not behave in the same way. Urban elites were more concerned with class and business interests, whereas rural elites were more concerned with ethnic and land interests. Kahl argued that the divergence of interests arose because in urban areas people were grouped within communities of strangers (low "groupness"), whereas in rural areas, people were grouped within land communities based on kinship, ethnicity, or other

ties of affiliation (high "groupness"). In effect, most urban elites did not support the violent efforts of state and rural elites to create ethnically homogeneous land communities; moreover, only a few urban elites supported rural elites when they (urban elites) had rural land interests or national political interests at stake.

The case seems to confirm the conflict model of non-war elites presented in the paper's introduction – namely, that non-war elites are primarily motivated by political concerns. However, Kahl's data does not differentiate and explain fully the actions of two types of urban elites: political elites motivated by power interests and business elites motivated by economic interests. Moreover, the study does not provide information that would explain the issue of self-interest: nearly all urban elites appeared to be acting in self-interest, but some rural elite appeared to be acting in both self-interest and group interests (i.e., limiting land access and defining the land community). Unfortunately, Kahl does not offer elites' own interpretations regarding their motivations and actions.

Swaziland

BACKGROUND

The Swazi, subsistence cultivators within the eastern Africa "cattle complex," are a Bantu-speaking people who settled in present-day Swaziland under the leadership of King Ngwane III during the mid-eighteenth century, forming a mostly monoethnic country. During the reign of King Mbandzeni between 1875-1889, Boer and British concessionaires were granted large tracts

9. Human Rights Watch/Africa, "Kenya: Old Habits Die Hard": 4-6.

of Swazi customary land for grazing and mining purposes in exchange for revenues. This granting of land concessions led to the British High Commissioner's Partition Proclamation of 1907, which reserved one-third of the territory's land area for the Swazi majority as "Native Areas" and the remaining land for a few whites as freehold tenure. After the land partition, Swazi land policy, particularly under the leadership of King Sobhuza II, was to repurchase sizable tracts of land from private land owners through various schemes for the use of Swazis as "Swazi Nation Land" (i.e., land held under customary tenure).

In my research in Swaziland (Rose 1992a), I discovered that many elites were involved in land disputes. Some were concerned with defending their personal land rights, but most were engaged in defending their rights to administer land communities under customary tenure or their right to render decisions in particular land dispute cases.

LAND DISPUTE CASE STUDIES

1. An elite member of a community falsely claimed to be a land-granting authority and took money from a newcomer to the community, thereafter granting him land. Later, the true land authority in the community found the newcomer building a residence on the land without his permission and evicted him without compensation.
2. Several new elites reallocated portions of the landholdings of long-term residents to newcomers in an area. The long-term residents and the hereditary elites of the area engaged in a long-term dispute with the new elites regarding individual land rights and administrative

rights to control land (and to collect fees for land allocation).

3. The authorities in a community took some of a man's land from him on the grounds that he was a "foreigner" and not entitled to so much land.

4. A chief quarrelled with another chief about the boundary between their chiefdoms after a road was built through them. The former chief claimed that the latter chief was using the road as an excuse to augment his power by expanding his land community (in terms of membership and territory) into the land community of another chief (the former chief).

5. Two chiefs were each assigned to the same land area by two different government agencies when land was repurchased and a dam constructed on the land. The chiefs were both instructed to divide up the land into irrigated plots. When the chiefs discovered that they were allocating the same land plots to different people, violence erupted. One chief complained about the overlapping land communities to the Central Rural Development Board (modern-day bureaucratic land administrators), whereas the other chief complained to the traditional national authorities (traditional land administrators). The former chief based his claim to the land on his subjects' land needs whereas the second chief based his claim on his ancestor's control of the land before it was taken over by the colonial authorities. Moreover, the former chief backed up his claim with written government documents, whereas the latter chief backed up his claim with the oral support of the traditional authorities who verified his version of the area's land history. The dispute was not resolved, with the result that

two chiefs continued to administer subjects within the same territory.

6. Several elite members of a community, including its chief, struggled to assert administrative powers over land in a repurchased area that had been granted to them in exchange for their land that had been taken for national development purposes. Different parties asked the traditional national authorities (customary law) and the modern High Court (Roman-Dutch law) to intervene. Both the authorities and the High Court declined. Ultimately, the chief and his advisers were banished from their area by the national council (a group of royals acting temporarily following the death of the King), thereby being forced to abandon their homes and properties without compensation. Subsequently, the chief was compelled to administer his subjects in a territory where he did not reside.

ANALYSIS

Elites in Swaziland, partly in response to the historic land losses to settlers from South Africa, often associate customary land tenure with their political power. From their perspective, their power is linked to control of territory (a physical land area). Unfortunately, in recent times, much confusion exists regarding the nature of "territory" in Swaziland and the rights of land authorities (chiefs and their councils) to control (administer) different territories.¹⁰ For example, in Cases 4 and 5, two chiefs controlled different subjects in the same or overlapping territory, and in Case 6, a chief controlled subjects in a territory in which he was not allowed (according to the edict of the national authorities) to reside. (In the latter

case, the chief controlled the land rights of his loyal subjects, even though he could not assert personal land rights in that territory himself.)

Because of confusion regarding the nature of territory in Swaziland, the concept of "land community" is more useful. If Swazi elites are unsure about the exact extent of the physical territory (i.e., the land) they control, they can be more sure about the social ("relational") land community over which they have authority. (We should add that modern-day political loyalties are shifting as well.) As explained earlier, elites define the nature of a land community which they control: in other words, they decide who can join a land community and what rights, including land rights, the members have. For example, in many cases, such as Case 3 above, some members of the land community were accorded weak land rights; long-term settlers had more secure and significant land rights than newcomers, and people who were "known" had an easier time acquiring land than "strangers."¹¹ In Case 3, a man's land claims were reduced on the grounds that he was an immigrant from South Africa who could not reasonably have been granted extensive land rights by the current land authorities' predecessors.

10. When I conducted research in Swaziland in the early to mid-1980s, the subject of chiefs' areas was so sensitive that government officers were unwilling to distribute old maps that demarcated different chiefdoms. The officers argued that such maps had the potential to rekindle disputes about chiefly power and territories of control.

11. In some African countries, new elites or elites with few followers may purposely grant land to strangers in order to build up a base of loyal followers.

Cases 5 and 6 are particularly interesting because they point to a definition of "land community" in which the physical land area and its members are separate. In Case 5, two chiefs were assigned by different government agencies, which were not acting in coordination with one another, to the same repurchased area; and in Case 6, the chief lost control of his land area but retained control of the members of the land community (other people in the area pledged allegiance to another chief). In other words, in Cases 5 and 6 two land communities were intermingled within the same territory. Of additional interest, in Case 6 the national authorities were overseeing the evicted chief's territory; thus, a chiefly territory had become a national territory. In several cases which are not discussed in this paper, both chiefs and subjects were banished from their territory, although they continued to view themselves as a community without land.

The causes of modern-day confusion about Swazi chiefs' power to control land (i.e., the physical land areas and the people within the land communities) are numerous and complex. Clearly, land communities in Swaziland are undergoing various transformations. As the above cases indicate, new developments in land tenure, including customary land tenure, have given Swazi local elites added incentive to control land. For example, as Case 1 demonstrates, land rights can be sold to unsuspecting newcomers to an area, and thus fraudulent land authorities (or at least authorities with tenuous claims) are on the rise. Case 2 demonstrates that new elites who have economic power (often through business interests) but limited political power, seek to gain political power

(and thus more economic power) by controlling land. They collect fees for administering land (e.g., allocating land and overseeing land disputes). Still, the old elites who have political power through hereditary rights are not willing to relinquish their land control privileges without a fight.

In addition to transformations in land communities that are produced by local elites, national elites and national agencies are bringing about changes – sometimes inadvertently by producing the conditions that lead to land disputes within land communities. As Cases 4 and 5 illustrate, the introduction of a development project by government officials in a national agency can bring an old land dispute to the surface or instigate a new land dispute. In Case 5, which involved a dam, an old land dispute resurfaced, and in Case 4, which involved a road, a new land dispute developed. Clearly, Swazi land authorities have considerable incentive to attract development projects to their areas and to defend their rights to administer such areas when development projects arise. Unfortunately, as Cases 5 and 6 demonstrate, their tasks are complicated by the fact that government agencies often work at odds with one another. Moreover, the parallel bureaucratic structures (traditional royal and modern civil service) and the parallel legal systems (customary and modern Roman-Dutch law) sometimes issue conflicting opinions or refuse to acknowledge responsibility or jurisdiction.

This country case study seems to confirm the conflict model of non-war elites. Both national and local elites, by their own admission, were concerned with maintaining their political power by controlling land. At the same time,

they were extremely loathe to acknowledge that they were benefiting economically through their land control efforts. Clearly, to acknowledge what many ordinary Swazi citizens told me – namely, that elites were collecting fees for their land administration services – would be to acknowledge that they were violating a basic rule of Swazi customary law and practice. The issue of whether Swazi land authorities were acting primarily in self-interest or for their land communities is also complex. For example, one might ask whether the chief in Case 2 was acting for the land community, as he argued, by reducing a subject's land area, or whether he was acting in self-interest by acquiring land (in a land-scarce area) to reward loyal subjects and attract new subjects. Or, in Cases 4, 5, and 6, one might ask whether the chiefs were acting for their land communities, as they argued, by struggling to maintain their control over a physical land area, or whether they were acting out of self-interest by seeking to maintain their political control over an economically desirable area – a land area with desirable new features (a road and a dam). Perhaps the land authorities in all the cases believed that their self-interest and the interest of their groups were closely intertwined.

Post-War Communities

RWANDA. BACKGROUND

Rwanda is a densely populated, largely agricultural-based country whose history has been marked by ethnic competitions between majority Hutus and minority Tutsis for power and control of increasingly scarce resources and land. Over the years, these competitions culminated in several violent episodes; the most

recent occurred in the form of a genocide and civil war in 1994. At that time, up to one million people were killed, and up to two million people were displaced within and outside the country.

Before the arrival of Europeans in modern-day Rwanda at the beginning of the twentieth century, two principle customary land tenure systems existed in the territory: the "ubukonde" system in the north and northwest and the "igikingi" system in the central, eastern, and southern parts of the country (André 1998; Burnet 2001; Newbury 1988). These systems were very different but they shared notions of collective ownership of land among members of patrilineages. Up until 1994, several researchers focused on the specialized topic of Rwandan land tenure frequently observed that an ever-higher population growth rate and density was leading to land and resource scarcities in some Rwandan communities. Although these researchers had studied local land tenure and disputes under relatively stable political and economic conditions (even if set within the national context of a growing movement for political power-sharing and a decline in economic markets), they nonetheless observed that customary land tenure was fluid and that farmers were devising new land use practices (e.g., crop diversification) under changing demographic, agricultural, and environmental conditions (e.g., declining soil quality and resource shortages). Ultimately, their research led to assertions that individual Rwandan farmers creatively altered and adapted land use practices in accordance with the size and quality of their landholding and their current or projected household needs. After 1994, however, many

researchers hypothesized that under conditions of extreme stress, the end point of the causal relationship between population pressures and land/resource shortages was not necessarily ongoing individual adaptations, but rather conflict.¹² Still other researchers pointed to the role of elites, when they linked land issues and conflict.¹³

In my 1995 pilot study in post-war Rwanda (Rose 1995, 2000a and 2000b), informants told me about several recent land disputes in both rural and urban areas – some of which involved elites either as authority figures or disputants (Cases 1 and 2 below). Overall, the land disputes arising at that time involved several types of disputants: refugees from 1959 who fled to neighboring countries and returned after the 1994 war to reclaim their land (“Old Case”); refugees from the 1994 war who returned after the war to reclaim their land/houses (“New Case”); and resident landowners who took advantage of post-war land tenure uncertainties (e.g., they took over the land of absentee landholders or they extended their land boundaries into areas claimed by absentee or disadvantaged [e.g., female] landholders). Upon my return to Rwanda in 2002, I learned about new types of land dispute cases (Cases 3 and 4 below).

After the 1994 war, many refugees voluntarily constructed completely new land communities within Rwanda. In 1995, I discovered groups of refugees from Burundi settled together in Sake (southern part of Rwanda) and from Uganda settled together in Ngarama (northeastern part of Rwanda). These refugee groups were building new land communities – communities with leaders, members, and an agenda but without permanent land rights

within the larger nation-state. By 1997, the Rwandan government had begun to implement the controversial “Imidigudu” land policy which aimed to regroup the country’s entire rural population within villages (i.e., concentrated land communities). This policy, which had many positive objectives (e.g., security, development of infrastructure, and increased land productivity through land consolidation), also brought accusations of negative effects (e.g., injustices in land sharing/distribution and compulsory resettlement). The important point, for this paper, is that local land authorities, in the absence of a clearly formulated national policy on “Imidigudu” – not to mention a national land law – were granted by national authorities considerable latitude in selecting sites for resettlement, in selecting beneficiaries that would acquire land and housing, and in implementing development activities (see Case 3 below). At the same time researchers discovered that those local authorities who stood to lose land if the “Imidigudu” policy was implemented in their areas resisted it; they knew that their political and economic interests would be threatened if their land communities were redefined (Brookings... 2001; Burnet *op. cit.*; Hilhorst and van Leeuwen 1999).

12. See, for example, André and Platteau 1997; Bonneux 1994; Campbell *et al.* 1994; Clay *et al.* 1996; Flagg 1996; Ford 1993; Grosse 1994; Hussain 1991; Kaltenecker 1992; Kangasniemi 1998; Maquet and Naigiziki 1957; Mcallister 1994; Percival *op. cit.*; Percival and Homer-Dixon *op. cit.*; Uvin 1998.

13. See also André *op. cit.*; Burnet *op. cit.*; Newbury 1995; Pottier 1997.

LAND DISPUTE CASE STUDIES

1. Several residents of a community several miles south of the capital Kigali extended their boundaries into the land areas controlled by women, mostly widows, in the belief that the women could not defend their land claims (in Rwanda, men control customary land).

2. A refugee returned to the capital Kigali, only to discover that his house was occupied by a high-ranking government official. The returning house owner presented documents to the Land Commission to substantiate his claim of ownership. Thereafter, a Land Commission officer approached a neighbor (a local leader) of the current house occupant, with a request that he provide details about the occupant (i.e., his name, place of employment, and the times when he was at home). Upon learning about the Land Commission's investigations, the occupant persuaded his political connections to imprison the neighbor on false pretenses.

3. A New Case returnee (left the country ca. 1994), NC, and his family returned from Tanzania at the end of 1996 and found their house in a "paysannat" (a settlement area) occupied by an Old Case returnee (left the country ca. 1959) and his family. The occupant refused to move out, so NC and his family were lodged temporarily in a makeshift village close by. NC explained to the researchers: "The authorities did not let us return to our old houses, to prevent problems between originals and repatriates." NC used to have a good banana plantation on fertile ground but the occupant was not willing to share the harvest. According to NC, the problem was not in the first place with the occupants, but with the local authorities. One such authority, the "conseiller," also

an Old Case returnee, was occupying a house himself in the same "paysannat." He was the one who decided that the Old Case returnees could stay and that the New Case returnees had to be lodged somewhere else, at least for the time being. In effect, NC blamed the "conseiller" for making people move and for relying upon the military to enforce his orders – in the name of security.¹⁴

4. A floodplain became a military zone and the former inhabitants were not allowed to return. They were ordered to move to an NGO (Non-Governmental Organization) settlement. According to the former inhabitants, the area may have been a military zone for some time, but it was gradually distributed to a number of military officers. The officers used the land for cultivation of sorghum, a highly valued cash crop. Arrangements for tenancy were made with the local population and some people found employment as wage laborers on the estates of the military. The idea that the land had not been returned to the former "owners" but instead given to the military, who resided in other areas, was a source of resentment.¹⁵

ANALYSIS

Many land communities in Rwanda were destroyed during the war and genocide, that is, huge numbers of people were killed or dislocated, and land areas were abandoned and taken over by others. The result was that the rules and practices of customary land tenure

14. This case is reported in Hilhorst and van Leeuwen (*op. cit.*: 42-43).

15. This case is reported in Hilhorst and van Leeuwen (*ibid.*: 40-41).

underwent considerable transformations – not due to a gradual evolution of rules and practices (as had been occurring in Rwanda before the war), but rather as a consequence of the radical changes that occurred in all aspects of Rwandan society following the war and genocide.

In Rwanda today, uncertainty exists regarding the territories (physical land areas) that local authorities do or should control. At the same time, as mentioned, local authorities are given considerable autonomy in selecting territories in which they will build new land communities and in deciding who will join the land communities that they are rebuilding. Many of these local authorities who are developing new land communities are “new” elites who came from other communities in Rwanda or from countries where they did not control land.

The evidence seems to indicate that some Rwandan elites and citizens with economic resources are able to encroach with impunity upon other people's land rights in both rural and urban areas. In Case 1, some rural women were unable to defend their land areas (belonging to their deceased husbands and other male relatives) against the claims of land-hungry men. In Case 2, an urban man was unable to reclaim land and property that had been taken over by an elite man with political connections.

In urban areas in Rwanda, elites seem to be less concerned with the political implications of building land communities than with their personal economic benefits in land acquisition. As a contrast, in rural areas, elites, who are concerned with building land communities, are concerned with taking over land for political purposes: they often aim to construct land communities from people belonging to the same

ethnic group, having the same political orientation, or originating from the same region. Case 3 is an example of a rural elite, an Old Case refugee, who was attempting to construct a community out of Old Case returnees. In this case, ordinary citizens, usually the New Case refugees, resented the “new elites,” i.e., the Old Case returnees (“repatriates”) who returned to control and, importantly, to redefine the land community, after the foreign-based RPF army won the war. Of particular interest in this case, the disgruntled landholder directed his resentment toward the elites – not the house occupants who had denied him access to his banana trees and confiscated his household goods.

This country case study does not fully confirm or refute the model of post-war elites. The land dispute data that have been collected thus far support the idea that elites are concerned with furthering their own economic and political interests in structuring land communities. Regarding their economic interests, additional research needs to be conducted concerning how these elites are benefiting economically: for example, besides benefiting financially from their personal acquisition of land, some elites appear to be granting land to people for a fee. Regarding their political interests, the post-war state elites in Rwanda have clearly created a new avenue of advancement for new elites by permitting them to develop new local land communities, as demonstrated in Case 3 and to a lesser extent in Case 4. Case 3 involved the political interests of new elite authorities (acquisition of power), while Case 4 involved the economic interests of new military elites (acquisition of agricultural land). Despite the evidence of elites' self-interest in the national

recovery process, many elites have offered the argument (to me and other researchers) that they are primarily concerned with furthering the collective and individual economic interests (i.e., “recovery” interests) of the people within new land communities.

Mozambique

BACKGROUND

In the 1980s, several factors helped to increase land pressures in the peri-urban zone of Maputo and contributed to new groups of people coming from outside Maputo seeking land. These factors, which included 1) closure of the South African mines to Mozambicans, 2) droughts and a severe drop in agricultural exports, 3) the “open-arms” policy of the government following independence, and 4) the civil war of the previous fifteen years, led to massive migrations into Maputo by people seeking employment, land, and security (Pinsky 1985). Although the citizenry’s interest in land acquisition was keen, they were burdened with much uncertainty regarding the availability of unclaimed land and the rules for acquiring such land. In fact, many land-seekers discovered that a land area was claimed by multiple interested parties: by land-owners from the era before land was nationalized (pre-1980); by occupants who acquired the land when it was nationalized; by occupants who settled on the land during war-time; and by occupants who acquired rights to the land after the war – often through purchase and acquisition of official documents.¹⁶

At the time of our study in post-war Maputo, Mozambique, in the early 1990s (Boucher *et al.* 1995; Rose 1992b),¹⁷ the Government of Mozambique was considering legal changes in

its land law and administration of state leasehold property – an enormous challenge given its past socialist history and the uncertainties created by its current transition to a private market economy. Our study pointed to the economic inefficiency caused by the lack of a coherent, consistent, and enforceable land policy that was conducive to individual land ownership and rights of transfer. Moreover, our study found that the effects of legal uncertainty – tenure insecurity, high transaction costs, and weak incentives for fixed land improvements – contributed to widespread perceptions on the part of citizens that the land tenure system (particularly in the peri-urban area of Maputo) was being manipulated by the elite for their personal post-war economic survival or advancement.

LAND DISPUTE CASE STUDIES

1. A leader sent another leader to a woman who had held her lot since 1970, with the news that she had to permit him to occupy part of her lot since he did not have land. She agreed but resented the fact that she was forced to allow a stranger to settle on her property, even though she had relatives who had lost their land and homes during the war.

16. For further evidence of elite land control maneuvers in Mozambique, refer to Jon Unruh’s (1997) research into the role of land dispute resolution in critical resource areas in Mozambique. He demonstrated how different categories of people, ranging from smallholders to the elite owners of foreign estates, strategically constructed evidence regarding land rights in order to gain or retain access to land.

17. The study was supported by the Land Tenure Center of the University of Wisconsin-Madison.

2. A production cooperative seized half of a woman's agricultural land.
3. A police agent invaded a widow's land with a tractor, destroyed her crops, and settled on two of her lots.
4. A high-ranking man from the Ministry of Mining began to cultivate an area of land that another man had not yet cleared.
5. Several officials ordered six women to abandon their land so that it could be consolidated into a large land area and thereafter used for the development of a plantation by the Rubber Manufacturers of Mozambique. The officials' justification for their action was that the women were "neglecting" their land. One woman told the researcher that high-ranking officials were actively looking for fertile lands in their area, with the end goal of confiscation. She believed that the process of land redistribution in her area was orchestrated by the same officials to whom she and the other women, as complainants, would have to present their claim (i.e., she argued that the elite officials were acting in conflicting roles as both authority figures and disputants).

ANALYSIS

A special feature of our Mozambique study was that the field staff interviewed both elites (national and local leaders) and landholders in an effort to reveal their differing interpretations about the causes of post-war land disputes. Both landholders and leaders blamed post-war land problems on the other group. Landholders accused leaders of using false reasons for evicting one person in order to allocate land to someone else. For their part, leaders accused some citizens of obtaining land under false pre-

tenses in order to give the land to family members or to sell it, thereby subverting the leader's authority and the community's cohesiveness by their illegal land transactions. When considered as a whole, the most striking difference between the disputants' and leaders' accounts was the attribution of responsibility for land disputes: the landholders tended to blame the local authorities, whereas the local authorities tended to blame the authorities above them for taking actions without consulting them.

Ordinary citizens reported in interviews that they believed that elites were able to gain control of land because they possessed both knowledge about land rules (including ongoing changes in rules) and institutional connections. Otherwise, they believed that elites were able to manipulate vague rules and use administrative confusion to their advantage. These citizens accused local leaders of encroaching upon land for personal benefit, of showing favoritism to friends in land allocation or dispute settlement, of distributing land rights to high-ranking bureaucrats who might be in a position to provide them with reciprocal services, of selling land rights for personal profit, and of taking money for rendering land-related decisions.¹⁸

Many citizens believed that wealthy elites who did not hold public office or did not work in an official capacity could still work the system effectively – in particular, by buying land documentation papers that would secure their currently occupy or never had occupied the land which they wished to lay claim to. At the

18. In some of the case studies, local leaders worked at odds with one another, selling land rights for the same plot of land to several different parties.

same time, when citizens wished to formalize their rights, they were most often referred from one agency to another – all of which denied jurisdiction over, responsibility for, or knowledge about the procedures for processing land claims.

Most of the disputant cases (18 out of 26) involved at least one person who did not reside within the community of the disputed land, including heirs or former landowners of nationalized property, former landowners who had abandoned their property, or Portuguese residents who had left the country. Moreover, it was evident that most cases (17 out of 26) involved at least one elite disputant with wealth or political connections; this party frequently sought to acquire land for commercial activities through encroachment or through assistance from the authorities.

Many cases indicated that the weakest, most needy segment of the population, single women and widows, encountered the greatest problems in securing and maintaining land rights against the claims of land-hungry elites (local leaders, government officials, and police): Cases 1, 2, 3, and 5. Moreover, when women (as well as other needy population groups, including war refugees) did receive land, it was often granted in transitional areas where the plots were most likely to be reassigned or reclaimed. Most ordinary citizens had trouble defending their land claims against the land interests of business elites, who were granted priority to land in the name of national “development” interests (Case 5).

The Mozambique land dispute data are consistent with this paper’s model in that the country’s post-war elites were primarily concerned

with furthering their economic interests. In all land dispute cases in the study, elites were acting in their self-interest, or at best, in the limited interests of relatives, friends, business associates, or officials (according to the accounts of citizens). The elites interviewed did not express any interest in forming or joining a land community – most likely because their land interests were limited to a peri-urban area. Because the study was limited to a peri-urban area, it does not explain the motivations or actions of rural elite.

Discussion

The case studies presented in the previous section demonstrate how and why elites are attempting to control land in the context of different African nation-states and communities. As the data indicates, elites in non-war countries, such as Kenya and Swaziland, resort to land control maneuvers as a means to improve their personal political position through the definition of territory, whereas elites in post-war countries, such as Rwanda and Mozambique, resort to land control as a means to improve their personal economic position through acquisition of resources. But the evidence is more complex, because in all countries elites promote group interests in land and territory, relying upon land as a symbol to demonstrate their concern with citizens’ land access problems.

Viewed from a comparative perspective, the primary reason that African elites seek to control land is that they seek power, and in African customary land tenure systems, land is linked to power. As illustrated in all the country case studies, elites acquire power by conveying ideas

about nation and territory. For example, in post-war Rwanda, new national elites are deciding how their country's customary land tenure structure will be re-defined in policy and law, and new local elites are implementing emerging policies and laws at the community level. In addition, all the country case studies illustrate how elites acquire land (for themselves and for the land community) by conveying ideas about community and personal property rights. For example, in non-war Kenya of the early 1990s, national elites were attempting to remake rural land communities into ethnically homogeneous units for their own political benefit. Still, as the specific land dispute case studies demonstrate, elites' concerns with power and land vary across countries and communities.

In this section, I consider the question: what impact do elites' land control maneuvers have upon their communities and states? My answer to this question stresses that elites' land control maneuvers are complex and need to be situated within specific contexts (national, regional, local, and case-related) and analyzed according to individual motives.

Before the impact of elites' land control maneuvers can be discussed, the elites themselves should be differentiated. As demonstrated in the country case studies from Kenya, Rwanda, and Mozambique, urban elites (many of whom are also "national" elites in that they are involved in the state bureaucracy) are primarily concerned with acquiring private land tenure, although they may also seek to retain or to acquire customary land in rural areas as a form of "security," for agricultural purposes (often worked by hired help), or for the benefit of relatives. Urban elites use their landholdings in

town primarily for constructing residences or businesses. On the other hand, as demonstrated in the country case studies from Swaziland and Rwanda, rural elites (most of whom are "local" elites in that they are involved in the regional or village bureaucracies) are primarily concerned with maintaining or building land communities (in these two cases, on the basis of customary law).

In all the country case studies, national elites' land control maneuvers define the nature of local communities (the physical territory, the type of land tenure, the leadership structure, and the requirements for land development). In non-war countries such as Swaziland, where the customary land tenure system is evolving gradually but is stable, the national authorities carefully direct and monitor local land communities – even to the extent of disciplining individual chiefs. Nonetheless, sometimes the national authorities avoid confrontation with local authorities regarding land tenure administration, as evidenced by the proliferation of fraudulent or questionable local land authorities in the country. In other countries such as post-war Rwanda, where the customary land tenure system has been severely disrupted by war, the national authorities are unable to direct and monitor all local land communities, and thus permit local authorities to implement national policies as they see fit.

At the same time, in all the country case studies, national elites' land control maneuvers have an impact upon the state in that they create a system, an order, for the administration of land areas within the national territory. Although different observers will have various interpretations regarding elites' actions, including

in land policy development and administration, most will agree that elites invariably play important roles in influencing the larger national ends of state-building, such as establishing political parameters, shaping class structures, and influencing civil society developments.

Local elites' land control maneuvers have an impact upon communities in that they influence the day-to-day administration of land communities. When elites do a reasonable job at this task, they build cohesive communities in which members accept common standards and work for common goals (e.g., specific development goals, such as the irrigated plots in the Swaziland dispute Case 5). When elites do not do a reasonable job at this task, they do the following: create the impression of unequal land access in communities or of land access based on patronage (the Rwanda dispute Cases 1-4 and the Mozambique dispute Cases 1-5); allocate land to others on the basis of personal connections or for profit (the Swaziland dispute Cases 1, 2, and 3; the Rwanda dispute Cases 2, 3, and 4; and the Mozambique dispute Cases 1-5); create confusion about leadership within the land community (the Swaziland dispute Cases 1, 2, and 6 and the Mozambique dispute Cases 1, 4, and 5 – particularly in peri-urban areas); give rise to dissent and the growth of factions in communities (the Swaziland dispute Case 2); and foster confusion about customary land tenure rules because they apply them idiosyncratically rather than systematically from case to case (the Swaziland dispute Cases 1, 2, 3, 5, and 6 and the Mozambique dispute Cases 1-5).

If various observers have offered different interpretations regarding the impacts of elites' land control maneuvers at the state and com-

munity level, they have not dealt with the difficult aspect of motivations: in other words, such observers have not offered context-specific interpretations regarding elites' beliefs and actions. The question arises: when are elites acting out of self-interest and when for the land community? In part, this question has an academic side: it aims to discover how elites conceive, first, of territory and land, and, second, what their role is in developing culture- and individual-specific conceptions of territory and land. But this question also has a practical side because it aims to discover why elites develop particular national land policies/laws and why they administer local land communities in a particular manner. Most importantly, the question aims to discover how elites justify their conceptions about and their practical approaches toward land administration.

The academic side of this question can be addressed by a brief examination of the elites' perspectives regarding land in the four countries covered in this paper. In the Kenya example, some national and local political elites believed that they should rebuild, according to ethnic criteria, local land communities within the national territory. In the Swaziland example, national royal elites believed that they should guarantee that chiefs were loyal and that they uniformly administered their land communities within the national territory according to royal criteria. It would seem that the powerful Swazi monarchy continues to consider national territory as royal territory; expressed otherwise, the state remains synonymous with the royal family. In the Rwanda and Mozambique examples, the national elites encouraged local authorities and populations to act independently, although

according to vaguely defined national policy objectives, in forming communities within the national territory.

As far as the first practical side of the question is concerned, that is, whether and how elites are acting out of self-interest, observers commonly accuse African elites of the following self-interested actions: allocating the best land to themselves; rewarding their associates with land allocations or favorable decisions about contested land; restricting the membership of land communities to suit their own interests; selling land for profit; permitting non-customary use of land for profit; "shopping for forums" (bureaucratic or legal) in order to support their particular interests; and controlling local committees that deal with land allocations and development initiatives. Overall, the self-interest argument implies that it is in elites' own best interest to maintain a "hidden" system of operational land tenure (particularly customary tenure but even private tenure), in which they keep the rules and procedures flexible and somewhat opaque, so that they can shape land law and practice according to their own specifications (e.g., they can ensure that land is settled by persons of their choosing and that these persons use the land according to their specifications).

As far as the second practical side of the question is concerned, that is, whether and how elites are acting for the land community, African elites commonly justify their actions by arguing that they have done the following: fostered the unity of the land community in the pursuit of common political objectives (e.g., in Kenya); integrated the land community for the purpose of development objectives (e.g., in

Swaziland and Rwanda); and consolidated the land community (in terms of landholdings) for numerous reasons, including security (e.g., in Rwanda and Mozambique). In essence, elites argue that their approach to land administration is justified because it ultimately benefits all individuals or all land communities within the nation. Moreover, elites argue that their approach creates order and structure in the national land tenure system, such that individual land interests are transformed into collective territorial interests.¹⁹

Conclusions

In this paper, I relied upon a conflict model to demonstrate how, why, and with what effect Africa's elites seek to control land in both non-war and post-war national contexts. More specifically, I looked at the different land tenure systems, the different types of elites, and the different types of land disputes that involve elites in four African countries. I focused upon customary land tenure systems, which continue to be important in many African countries. In such systems, land is viewed as "relational," that is, controlled by individual elites who apply informal, flexible, and localized rules and practices (a social and political perspective toward land). These systems stand in contrast to systems in which land is viewed as "territorial," that is, controlled by a bureaucratic state apparatus in which formal and standardized rules and practices are applied (an administrative

19. From my experience, African elites justify their land administration policies or practices with reference to groups (e.g., women farmers) or to communities – rarely to specific individuals.

perspective toward land). Many African elites support a continuation of relational systems of land tenure (whether within a customary or a converted system of land tenure) because they derive personal and group economic and political benefits by controlling land and land communities within such systems. For their part, many ordinary Africans support the continuation of customary land tenure systems because, in theory, such systems ensure land access for all, regardless of economic assets.

Africa's elites, whether acting in self-interest or for land communities, are essentially focused

upon local and regional interests in territory, rather than upon national or international interests in the global community. Therefore, as long as such elites adhere to an individual- or group-centered concept of territory, as embodied within most systems of customary land law, they will not be inclined to move toward a global perspective of land. In a world that is increasingly thinking in global terms, Africa's elites find themselves caught between traditional, localized pressures to control territory and land communities and modern world tendencies to de-emphasize territory for the benefit of global interests.

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Abstract

Laurel L. Rose, *African Elites' Land Control Maneuvers*

The general assumption in the literature is that African elites' efforts to control land, either through acquiring personal land holdings or assuming administrative responsibilities, are self-interested. In this regard, two questions might be raised: 1) why and how do African elites seek to control land in the contexts of different communities and states? and 2) what impacts do their land control maneuvers have upon their communities and states? In this paper, I discuss these questions, examining and contrasting the different ways in which an expanding and diversifying elite class in several African countries manipulate the rules and practices of land tenure.

Résumé

Laurel L. Rose, *Les manœuvres des élites africaines pour le contrôle de la terre*

Il est couramment admis dans la littérature que les efforts des élites africaines pour contrôler la terre, soit en acquérant des biens fonciers propres, soit en assumant des responsabilités administratives, servent leurs intérêts personnels. Deux questions peuvent être soulevées à cet égard : 1) pourquoi et comment les élites africaines cherchent-elles à contrôler la terre dans différentes communautés et États ? 2) quelles sont les conséquences de ces manœuvres au sein de ces mêmes communautés et États ?