

Land reform in Africa: lessons from Kenya

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Introduction

"What is a title deed anyway? It is just a piece of paper" (DN 29/02/96) These words were spoken by a Kenyan Minister after the bloody eviction of twelve thousand families by the minister's private army and police from an immigration zone in southern Kenya in October 1993. His words bluntly summarise growing conflicts over and tensions about access to land on the African continent. As recently as 1989, the World Conference on Agrarian Reform and Rural Development noted that "... land availability was not a major problem in the context of most African countries" (WCARRD 1989:17). However, nowadays, access to land is becoming problematical. Africa's land use and tenure frontiers are shifting. Is the continent heading for a situation in which landlessness and unequal land distribution patterns resemble those of the Asian and Latin American continents?

In this chapter experiences on the African continent, in Kenya and South Africa in particular, will be discussed. A major land reform was started in Kenya in the 1950s. It was based mainly on western ideas of individual freehold tenure, but also allowed the registration of group titles, especially in the dry zones of the country. Recently, South Africa also embarked on the development of a comprehensive land reform programme. Its goal is to address the legacy of 'apartheid' in relation to land distribution and to create security of tenure in land rights for South Africans (Republic of South Africa 1996). Could Kenyan experiences of group tenure provide a model for the South African land reform policy? Or should they adopt 'modern' concepts of individual tenure systems?

Access to land in Africa: facts, policies, and concepts

During 1975-90, the world's developing regions witnessed an increase in the agricultural population of some 355 million, whilst the arable area under production expanded with 46.5 million ha. Africa (66 percent) and the Far and Near East (59 percent) show high proportions of the agricultural population, as compared to Latin America (26 percent) in 1990. The 1975 percentages for these regions were 74, 68, and 37 percent, respectively. This means that Latin America, in particular, has reduced the relative importance of its agricultural population in the total labour force, whereas the reductions in other regions are only modest. Table 1 shows the change in land available for cultivation. In the latter half of the 1980s the expansion of land for agriculture slowed down worldwide,

Table 1 Change in main types of land use (in '000 ha), 1975-90

	Kenya				Africa				Latin America			
	(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
1975	2,240	38,100f	2,640f	13,989	169,028	893,227	724,989	1,176,937	126,397	554,652	972,488	364,127
1980	2,270f	38,100f	2,540f	14,059	173,350	894,383	712,031	1,184,417	138,621	566,007	946,213	366,810
1985	2,370f	38,100f	2,440f	14,059	177,424	890,971	698,447	1,197,339	143,229	577,218	920,421	376,783
1990	2,430f	38,100f	2,340f	14,099	181,610	900,242	685,169	1,197,160	151,954	588,514	892,806	384,377
All Developing Countries												
	South Africa				Near and Far East							
	(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
1975	13,392f	81,740f	4,150f	22,822	459,629	788,071	599,176	1,305,608	725,691	2,044,990	2,286,773	2,529,974
1980	13,254f	81,420f	4,150	23,280	461,452	804,141	582,098	1,304,719	744,353	2,072,885	2,231,822	2,538,281
1985	13,169	81,378	4,515f	23,042	465,028	841,496	563,794	1,282,087	756,403	2,115,788	2,175,123	2,540,022
1990	13,174f	81,378f	4,515f	23,037	468,348	882,072	555,894	1,246,097	772,262	2,166,933	2,127,730	2,520,417

Source: FAO 1990

(1) Arable Land and Land under permanent Crops (2) Permanent Meadows and Pastures (3) Forests and Woodland (4) Other land

f = FAO estimate

whereas the increase in the agricultural population was slightly higher. For Africa, however, the percentage increase in arable land (2.4 percent) is very much less than the growth in the agricultural population (11.4 percent). The effect of this imbalance in growth has been increased pressure on land.

Landlessness or *near-landlessness* seems to be on the rise all over the world, in the urban as well as in the rural areas. *Landless* agricultural workers do not have access to this productive resource. *Near-landlessness* has been defined by Leonard (1989:13) as "... access to plots of land too small to provide a minimal livelihood under existing land use patterns and technical capabilities".

Landlessness is principally a phenomenon of the Asian countries. Nearly two-thirds of landless and near-landless people live in Asia, as against one-fifth in Africa and one-tenth in Latin America. In terms of percentage of *agricultural* people who are landless or near-landless, Africa remains less affected, although it is estimated that the increase in landlessness is highest there. Table 2 shows an increase over the 1980-85 period of 11.8 percent for pure landless and 10.5 percent for near-landless in Africa. The mean figures for the developing regions of the world were 5.3 and 7.1 percent, respectively. Table 2 also shows that inequality in land distribution is most profound in Latin America. Africa has the least unequal distribution of land holdings, whilst Asia occupies an intermediate position. Among African countries, Madagascar and Kenya have the most distorted land distribution pattern. For Kenya this is expressed in a gini-coefficient of 0.77 (1981). Also, almost 32 percent of all rural households are estimated as having holdings of less than 1.0 ha.

Three major lines of policy towards land prevailed in Africa during the early 1980s. In some countries, there was a shift towards the socialisation of land by way of co-operatives and state farms (e.g. Mozambique). In other countries, the privatisation and individualisation of land was either continued or begun (e.g. Kenya, Malawi). Thirdly, some countries made adaptations to existing tenures to modify the relations between the tribal chiefs and the state, as in the Gambia and Lesotho (see WCARRD 1988:38). In general, the switch towards the second type of land policy is what seems to be prevailing in Africa at the present time. "The last five years have seen the wholesale abandonment of economic planning based on social property concepts to a planning pattern emphasizing some form of private property rights" (Riddell 1988:39).

This 'property rights' paradigm is based on neo-classical economic theories. It argues that traditional African land-tenure systems induce inefficient allocation of resources, because property rights are not clearly defined, costs and rewards are not internalised, and contracts are not legal or enforceable (Johnson c.i. Barrows and Roth 1990:266). The theory holds that individualisation of land tenure (1) increases the landholder's security of tenure; (2) increases investments by improving tenure security; and (3) will transfer land to those who are able to extract a higher value of product from the land as more productive users bid land away from less productive users (see Barrows and Roth 1990:269).

Land tenure concepts define how individuals gain access to, and acquire use rights over, land, either temporarily or permanently (see Ezemoah 1987:36). There are many ways in which land rights are laid down. It is possible that title deeds have been given out (*statutory law*) or that land is transferred by a traditional law of succession (*customary law*). Hellen (1977:54-74) makes a twofold division within the category of land which falls under the regulations of the statutory law:

Table 2 Distribution of land and landlessness for selected countries

	1970s	1980s	Pure Landless	Near Landless
Country	(gini coefficients)		(as % of all rural households)	
Africa				
Cameroon	0.44	-		
Ethiopia	0.43	-		
Gabon	0.47	-		
Kenya	-	0.77	-	31.8
Lesotho	0.39	-	1.1	28.3
Liberia	0.73	-		
Madagascar	-	0.80		
Reunion	0.70	0.65		
Sierra Leone	0.44	-		
Far East				
Bangladesh	0.42	-	29.0	78.0
India	0.64	0.62	30.0	55.0
Nepal	0.69	0.60	-	-
Sri Lanka	0.51	0.62	37.0	43.0
Near East				
Saudi Arabia	0.79	0.83		
Latin America				
Brazil	0.84	0.86	39.0	
Dominican Rep	0.79	-	77.0	
El Salvador	0.81	-	41.0	60.0 (<2.0 ha)
Guatemala	0.85	-		41.0
Jamaica	0.82	-		76.0 (<2.0 ha)
Paraguay	-	0.94		
Venezuela	0.92	-		

Source: WCARRD 1988. Note: the gini-coefficient is a measure of inequality in distribution increasing from 0 to 1.

- 1 *private* land – all land which is owned, held or occupied under a freehold title, or a leasehold title, or a certificate or claim, or which is registered as private land under a Registered Land Act
- 2 *public* land – all land which is occupied, used or acquired by the government and any other land not being customary or private land.

The dominant land use system in Africa remains customary tenure. The land is generally held by the community with fairly clearly defined spatial and temporal use rights allocated to its members (Field-Juma 1996: 18). The rules regulating access to and use of land are established primarily by an individual's position in the social group controlling

a particular territory. Land underlying customary law can be distinguished as: (1) *communally* used; (2) *individually* used; or (3) *reserve* land – not yet allotted. Thus the characteristics of community-based customary tenurial rights vary as under statutory law. As Lynch and Talbott (1995:26) indicate, there exists a bundle of individual and group rights which derive from long-term relationships established between local peoples and the natural resources that sustain them. Moreover, Lynch and Talbott stress that property rights are not contingent on state grants or documentation. Nor should they be. Community based property rights are as legitimate as state-sanctioned individual rights.

Land reform in South Africa*

Landlessness is one of South Africa's most crippling problems. The Mandela Government tries to tackle these issues in its Reconstruction and Development Programme (RDP). Land reform is presented as an essential pre-condition for the RDP to succeed.

During the white-minority government's philosophy of 'apartheid', the ultimate aim of this policy of separate development was to create a 'homeland' or 'national state' for each black ethnic group in South Africa. Shortly after the Union of South Africa was formed, this policy was given legislative backing in the Natives Land Act of 1913 (Riddell et al. 1986:177). Land was held in trust and administered by traditional authorities on behalf of the community. In 1955 the Tomlinson commission advised to the National Party Government to give freehold title to the black population in these 'scheduled' areas; this marked the birth of the 'homelands' policy whereby black groups in South Africa were granted homelands with their own semi-independent governments (see Houghton 1956). Still customary tenure remained the dominant form in the reserves areas. By contrast, virtually all of the agricultural land outside the homelands was held in freehold tenure mainly by the white population.

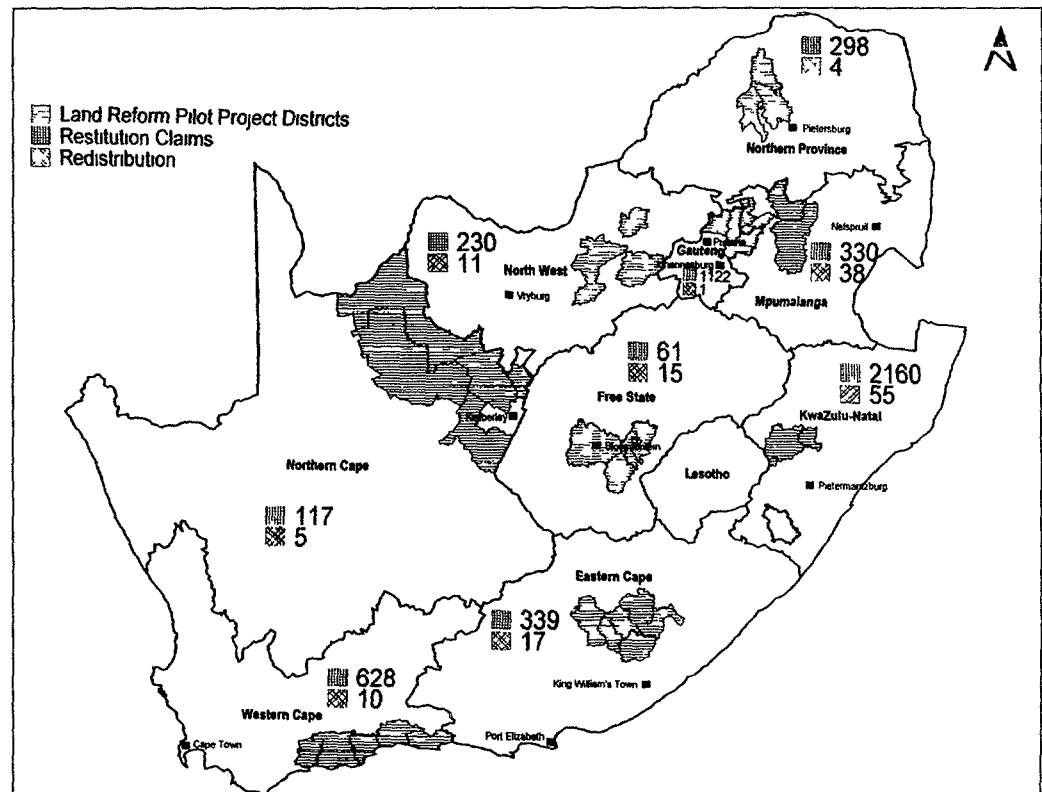
In 1976 Transkei became the first homeland to gain 'independence'. The South African government regarded these homelands as independent countries, but they were to convince the majority of black South Africans or the rest of the world of this status. In the early 1980s, the homelands represented 13 percent of the total land in South Africa – allocated to 89 percent of the population (see Riddell et al. 1986:178). In 1995 approximately 17.6 million people, 58 percent of the African population, lived in the former reserves (*bantustans*), on 13.6 percent of the land. The remaining 22.4 million South Africans lived on the 86 percent land formerly owned or controlled by whites. This included 12.8 million Africans, most of whom lived in townships within commuting distance of white urban areas. The 3.4 million coloured people were spread over townships and rural reserves. Some 1 million Indians lived mainly in urban townships. Finally, the majority of the 5.2 million whites lived in small towns, urban, and metropolitan areas, while approximately 55,000 were farmers (Jensen 1996:4).

The government land reform policy is to redress the injustices of colonisation and apartheid; to foster national reconciliation and stability; to underpin economic growth; and to improve household welfare and alleviate poverty. The challenge is to find a way of redistributing land to the needy while at the same time maintaining public confidence in the land market. The land reform programme is made up of three main components:

* I am most grateful to Henry Bredekamp for comments on an earlier draft of this section

land restitution, land redistribution, and land tenure reform (Republic of South Africa 1996 u)

Map 1 Republic of South Africa land reform data



Source Republic of South Africa 1996

Issues of restitution concern in the first place the relocation of some 3.5 million people dispossessed by racially discriminatory legislation and practice. Restitution can take the form of restoration of the land from which claimants were dispossessed, the provision of alternative land, payment of compensation or a combination of the above measures. One of the most controversial elements in the land reform proposals is the clause which allows the government to expropriate land at payments below market value.

The purpose of the redistribution element is to provide the poor with land for residential and productive purposes in order to improve their livelihood. Redistribution issues involve assisting poor people to obtain credit for land purchase in addition to grants and subdividing agricultural land such that land aspirations, economic development and ecological conservation are served at the same time. Redistribution will be largely based on willing-buyer-willing-seller arrangements. In many cases, communities are expected to pool their resources to negotiate, buy and jointly hold land under a formal title deed.

The purpose of the land tenure reform is to extend security of tenure to all South Africans under diverse forms of tenure. Citizens should be supported to choose the form

of tenure most appropriate to their needs and conditions. For example, the Government is committed to legally recognising communal and group tenure and will institute interim protective measure to this end in order to reduce tenure insecurity amongst holders of informal rights. Where communities choose to retain communal or group tenure, they should be able to decide at the local level how the system will be administered, choosing from a range of options, including traditional authorities, local governments, trusts, communal property associations, and other models (Jensen 1996:19). In collaboration with stakeholders, including the private and non-government sectors, the Government will set up tenure reform projects in selected test areas to establish best practice. For this reason, South African NGOs have now turned to other parts in Africa to learn from other land tenure reform experiences. Kenya, in particular, is of interest to the South Africans because of interesting similarities with the South African situation in the areas of redistribution, restitution and tenure reform.

Lessons from Kenyan land reform experiences

In Kenya, high potential agricultural land is limited to some 20 percent of its territory. Moreover, it has a distorted land ownership structure, which is a legacy of the colonial period, during which high-potential arable and good pasture land was reserved for white settlers. No real correction was implemented in the post-colonial period. By the late 1970s some 2.4 percent of Kenyan holdings accounted for some 32 percent of Kenya's total arable land. In 1990, landlessness in Kenya was estimated to affect some 10 percent of the total population increasing by at least 1.5 percent annually. In the late 1960s, in order to deal with the problem of diminishing land availability, the World Bank urged breaking away from the community-based systems of land, which ensured security of ownership to certain groups. Instead, a free land market should be created in order to enable more people to emigrate away from the most densely populated to the less densely populated regions.

Besides the transfer of land formerly held by Europeans to African farmers and the creation of settlement schemes, the Kenyan land use policy was mainly directed at the adjudication and registration of land in the 'non-scheduled' areas. The rationale for this replacement of customary land rights by individual tenure arrangements was to create a collateral for loans and the encouragement of long-term investments. A negative consequence, however, has been the creation of a group of landless people, as land has become increasingly concentrated in the hands of a happy few. This newly emerging elite of African farmers is constituted particularly of businessmen, politicians and civil servants. This probably explains the high political constraints for a real land reform policy within Kenya. This is in line with experiences in Latin America, where the outcome of most land reform programmes has been disappointing (Kleinpenning 1978:95ff). If an impressive land reform is not carried out, a process by which the poor may sell land to their wealthy neighbours and migrate to the semi-arid areas will, in all probability, continue and intensify. In the dry areas, these immigrants compete with a rapidly growing young generation of land-seeking pastoralists and with those Kenyans interested in land speculation (see Migot-Adholla 1981:44). We now turn to these dry areas of Kenya, which are the home of the pastoralists and, increasingly, the asylum of the 'spontaneously' land-seeking farmers.

Maasai pastoralists: people, land and livestock

The Maasai are the one but largest pastoral group in Kenya. Today (1997), they number approximately 500,000 persons, as compared to some 25,000 Maasai at the beginning of this century. As a result, the Maasai now have to manage with a less favourable number of animals per head (5.5 Livestock Equivalent/Active Adult Male Equivalent) (e.g. 1930:18.0 LE/AAME). To offset these pressures, the Maasai are intensifying (i.e. keeping more improved breeds to raise milk and meat production) and diversifying their economy (wage labour, cultivation).

It is important to stress that the Maasai commons are not the equivalent of 'open access' regimes. Because of the seasonality and erratic nature of rainfall and forage availability in the district, access to grazing areas and water is secured in the pastoral community by traditional resource management institutions. These customary arrangements operate on different geographical scales. At the sectional level, the Maasai regulate access to land and water resources. Members of other sections are obliged to ask for permission to enter another section's territory. Families co-operate at the neighbourhood level, too, e.g. by preserving pastures for dry season grazing. The selective use of water sources, some of which are individually owned, is also part of these resource use arrangements. These traditional forms of resource control are now being eroded.

Maasai pre-independence land history

The 'Kenyan' Maasai districts (Kajiado, Narok and Trans Mara) cover some 39,000 km² as compared to some 50-60,000 km² at the end of the 19th century. At the start of the Colonial period, British settlers were offered large areas of land. When the response from Europe was very limited, the Colonial administration turned to South Africa. The Boers, in particular, who had been defeated by the British in the Anglo-Boer war, were attracted by the 'settler-friendly' land policy and legislation. Maasai pastoralists lost their high-potential grazing areas to the Boers and other white settlers. This area finally came to be known as Kenya's 'White Highlands'. The Maasai, were 'given' reserves of their own 'in return' under the 1904 and 1911 Treaties. In fact the Maasai were simply deprived of their best pastures and, in the end, lost some 35 percent of their former territory (see Rutten 1992).

Following the Maasai, other African groups were also confined to allocated reserves. The situation worsened for the latter after World War II when settlers started to send agricultural labourers back to their reserves. This eventually escalated into an armed struggle between the Mau Mau movement and the Colonial Government. In response, the 'Swynnerton' Plan to Intensify the Development of African Agriculture was launched in 1954. One of the central elements in the Plan was the consolidation and registration of titles in the high and medium potential zone. Traditional land tenure had to be removed, as it was considered to be blocking the way towards the intensification of African agriculture.

In 1960, just prior to Independence, the British Government passed an Order in Council ending the original reservation of the 'White Highlands' for farming by Europeans only. Land transfer schemes, based on a willing buyer/willing seller basis, were constructed to promote the gradual purchase of land by Africans. The most important and best known of these was the Million-Acre Settlement Scheme (see e.g. Leo 1984:70).

This settlement programme benefitted Africans of all classes, although in later years larger and more fertile tracts were accumulated by rich, prominent, successful Kenyans (see Siddle and Swindell 1990:82).

For the rangelands, opinions differed as to the right approach. This changed by the early 1960s, following a mixture of events which set the tone for new land tenure arrangements in the southern rangelands. Firstly, local level Maasai politicians, supported by the Local County Council, started acquiring large individual ranches without the legal means to do so. Both the British Administration and local Maasai feared a land grab. Secondly, the Maasai suffered from a severe drought. Several reports were written suggesting that the "... era of unregulated and free use of the land resources in the Kajiado District should be terminated as soon as possible" (Fallon 1962:47). Thirdly, there was a fear that more land would be lost to Game Reserves or National Parks. Finally, the Maasai feared that Independence would end the closed status allowing non-Maasai to enter freely into their districts. This scenario had been witnessed by the Maasai in the early 1960s following land consolidation in the Ngong and Loitokitok high-potential zones of the district.

At the Lancaster House Conference in London, dealing with Kenya's Independence, a Maasai delegation expressed their discontent with a possible loss of the special status of their territory. Likewise, the Maasai claimed the return of the fertile pastures lost to the Europeans. They did not want to evict Europeans willing to stay, but expected to receive the rents from the lease of this land. The British confirmed the security of tenure on the lines of the Treaties, but disagreed on any claim for compensations for the loss of land outside the present Maasai Reserves. The Maasai "... had given up land under the 1904 and 1911 Agreements and could not now claim it back" (see KNA/MAC/KEN/475).

Group ranches: private communal ownership under statutory law

In the mid-1960s discussions on land tenure issues in Kajiado District continued and in the end, all of the Maasai sections accepted the group ranch concept as introduced by the World Bank-sponsored Kenya Livestock Development Project in 1969. In short, the idea of a group ranch meant the setting aside of a certain area of land to be communally owned by a group of people who were recorded and registered as the legal owners through membership of the particular ranch. The land was held by the Group representatives on behalf of all other members and a Group Ranch Committee was made responsible for the conduct of all business, including the enforcement of grazing quotas and grazing management. By 1980, some 75 percent of the Kajiado District area was covered by a total of 51 group ranches. Initially, the Maasai had requested the World Bank to register the whole of one section as a group ranch. This was refused mainly for technical reasons.

The introduction of the group ranch had organisational, legal and economical consequences. Positive aspects of the group ranch concept from a Maasai point of view were the hampering of the loss of land to elite Maasai and non-Maasai immigrants and the construction of boreholes, dams, troughs and cattle dips. From a donor perspective, however, these aspects were overshadowed by such problems and failures as disappointment of investment and difficulties in loan repayment; the continuing trespassing of ranch boundaries; refusal to de-stock ranches; and no real transformation to a

market-oriented livestock production. Funds were withdrawn in the late 1970s and, in the early 1980s, calls were heard for the subdivision of the group ranches. Many Maasai were tired of corrupt group ranch committees and rich individual ranchers illegally using the group ranch pastures. After some hesitation and opposition from the Ministries of Livestock and Wildlife & Tourism, the Central Government gave permission for subdivision of the group ranches. Overall, it may be concluded that, in many respects, the group ranch concept was an artificial creation which lacked a firm traditional sociological as well as ecological basis. It was overambitious in aiming at destocking of the pastures and the commercialisation of production, while hardly taking into account the pastoralists' strategies and household needs. The final outcome of these problems and the resulting frustration was a growing wish among many Maasai for the subdivision of the group ranch into individually owned shares. By 1990 almost 80 percent of the groups had decided to dissolve the ranches.

Individualising the commons

We shall consider in detail the results of the subdivision of Olkinos group ranch. This ranch, which was formed in 1969, was the first group ranch to be subdivided among its members in 1986. Over 90 percent stated that they were very favourably disposed towards the principle of subdivision. Non-registered and mainly young Maasai, who were afraid of becoming squatters, objected. Field research in 1990 yielded the following results:

- a *Stratification*: the process of subdivision was most favourable to: group ranch committee members who allocated themselves and friends above average-sized ranches; land speculators (both Maasai and outsiders); the political and business elite, who were able to buy cheaply a large ranch close to Nairobi; non-Maasai middle class farmers and (foreign) agro-business companies. In some cases, poor Maasai could rent out their land and build up their herd. Those who suffered most were: people who obtained a small parcel of land or none at all (widows and 'youngsters'); family members of land vendors who 'misappropriated' the money (modern house, car, drinking); loan defaulters who were forced to sell all or part of their ranch;
- b *Economic viability*: ranch sizes were insufficient for 56.6 of households in the wet season and for 95.4 percent in the dry season. By 1990, these proportions had increased to 67.6 and 96.3 percent, respectively;
- c *Ecological viability*: it was found that, at 1986 stocking densities, 56.0 and 90.0 percent of the ranches should be considered overstocked in the short (1.59 ha/LE) and long term (4.45 ha/LE), respectively. A mere 4.2 percent of livestock keepers decreased their herd size after subdivision, as compared with 14.7 percent who actively increased their herd size. This, in combination with the sale of land, led to an increase in livestock densities;
- d *Range management*: the Maasai still prefer to use their ranches communally. They are well aware of the non-equilibrium character of their semi-arid area. Mainly wealthy immigrants who bought large parcels of land nearby and non-Maasai immigrants practising cultivation erected a fence. Maasai invested in wells and water pans;
- e *Commercialisation*: no real switch to a market and meat-oriented economy could be detected. The composition of the herd reflected a milk and subsistence-oriented livestock economy;

- f *Social and cultural*: the individualisation of land ownership has intensified an ongoing process towards single household settlements (*boma*). This puts a strain on short term assistance and the level of co-operation between former group ranch members;
- g *Land fragmentation and transfer*: within 4 years of subdivision over 55 percent of the owners applied to further subdivide their individual parcel. This was mainly done for selling purposes. No specific set of characteristics could be discerned for the group of sellers. Nevertheless, the group of former Olkinos committee members turned out to be foremost among the group of non-sellers. Among the group of buyers, non-Maasai predominated (80 percent);
- h *Loan acquisition*: in Olkinos only 6 percent of the ranchers used their new title deeds in acquiring a loan. Selling was stated to be much a faster, less difficult way of acquiring money than mortgaging.

Neo-classical theorists might argue that the land market will boost agricultural production. Recent activities started in subdivided group ranches concentrate on either highly capital-intensive commercial production (such as horticultural industries) or irrigated or small-scale rainfed agriculture. In both cases the ecological sustainability should be questioned. Foreign companies extract huge amounts of water to irrigate flowers for export to Europe. Food crops have been irrigated with borehole water, resulting in salinisation of the plots within two years. Environmental degradation might well be the result of the freehold land market in a semi-arid area. The World Bank (1992) finally came to realise the rationale for pastoral groups' mobility and herding strategies as it stated that "African pastoralists, such as the Maasai and Samburu of Kenya are able to exploit apparently marginal savannahs (...) development projects that do not take existing practices into account often fail".

Other factors influence the context of land reform which hardly form part of economic theory. In general, the relation between Maasai and the (non-Maasai) immigrants is tense. Some immigrants from Olkinos were forced to flee back to Nairobi and have still not returned. In neighbouring Narok District, the situation turned more serious in 1993, as many Kikuyu were killed and thousands chased, from their legally bought parcels at the instigation of local politicians in revenge for their voting for opposition candidates. These experiences and the continuous call by Maasai politicians for exclusive land rights have made Kikuyu afraid to buy land in Maasailand.

Finally, the corruption of the land allocation process is inevitable when a valuable good is allocated free and rationed administratively. In Kajiado District, where group ranches have been subdivided, elite groups, Maasai and outsiders, have profited most.

Conclusion

Access to land is becoming increasingly a problem in Africa today. In addition to a growth in the human population, tenure reforms are foremost responsible for this. Statutory law is replacing customary laws. The standard argument for tenure reform centres on the role of uncertainty in discouraging investment on land that is held without long-term security. Land title that enhances such security may induce investment and productivity increases both from the demand side, as farmers become more certain of reaping the benefits of investment in the future, and from the supply side, by affording farmers better access to credit. The rationale for this 'replacement' paradigm,

however, can be questioned from the economic, ecological and social point of view, especially for those regions where agro-ecological conditions are limiting and local groups lack the necessary experience and formal education to compete with better equipped groups in society.

We have discussed the Kenyan history of land tenure reform with particular attention to the pros and cons of group titles in the semi-arid areas. We concluded that, in spite of a land reform started in the 1950s, under which land in the hands of whites was transferred to Africans, an unequal land distribution has remained a feature of Kenya. The Maasai pastoralists, in particular, have lost huge amounts of land. After the loss of their high-potential lands in Central Kenya, they now face the influx of agricultural groups and large-scale capitalist farmers following the individualisation of land held under statutory group title. This communally-owned private title, introduced in the late 1960s, replaced traditional community-based management regulations over resources. The group ranches failed, mainly because of their sociologically and ecologically unsustainable format. Growing negative feelings towards the group ranch concept fuelled the ultimate call for subdivision into individually-owned plots to bring back flexibility in herd and range management in the hands of the individual producer and prevent exploitation of the poor by the rich.

Most notably, however, has been the effect of the creation of a land market. It is not so much individualisation as such, but rather the commoditisation of land that has been responsible for a rapidly growing stratification in the Maasai area. Many Maasai 'were not ready' for the reform in land tenure. They engaged themselves, sometimes tricked, into land transfers to better-off segments within society. Which lessons can be drawn for the South African land reform, in particular experiments in group tenure?

- 1 *adaptation*: interventions and methods of enforcement should build on local land tenure practices;
- 2 *security of tenure*: group titles can be instrumental in assisting large groups of less well-off people. The most appropriate set of tenure rights should be determined by the proper mix of ecological conditions and socio-economic situation;
- 3 *timing*: movement toward individual tenure reform should be initiated only when technical and socio-economic conditions warrant it. Local groups and NGOs should be involved in an open and transparent allocation. Most of all, people should be aware of the value of land and the possibilities for sustainable development in the individualised plots.

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