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P. Groppo
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Tel.: (39) 06 5705 4741
 Fax: (39) 06 5705 3152
 E-mail: Paolo.Groppo@fao.org



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Editorial

“International peace and security are closely linked to economic development and social progress and have a two-way effect on each other. Agrarian reform – a prerequisite for development – must also therefore be viewed within the broader context of the most fundamental problems of contemporary society.”

So began the *Report of the Special Committee on Agrarian Reform* commissioned by the Conference of FAO in 1969. Now, almost 30 years on, we once again address the issue of land and the increasing number of conflicts it generates. While there is no doubt that attention must be paid to this issue (by *de facto* consensus of the major international development organizations), the basic quandary is how to proceed.

For a number of years, FAO’s Land Tenure Service has sought to contribute to the debate on the basis of acceptance that agrarian societies are diverse and that solutions must come directly from those concerned and not derive from external visions bearing little resemblance to local realities. The refusal to accept an “easy” answer to the land issue does not, however, mean that we should not explore ways of taking the matter forward. This volume sets out to facilitate the debate by suggesting a methodological itinerary that has four distinct stages:

- general understanding of the issue;
- in-depth analysis, requiring appropriate methodological tools;
- elaboration of appropriate measures, using a participatory approach;
- ongoing monitoring to introduce any modifications needed as country and regional situations change.

Often, we must turn to agrarian history if we are to understand the deep-rooted origins of an agrarian issue – a lesson taught to us by Marc Bloch and his disciples. The first articles take up this theme: C. Kay provides a stimulating historical account of agrarian reform in Latin America; P. Mathieu, S. Mugangu Matabaro and A. Mafikiri Tsongo share their reflections on one of the bloodiest conflicts of recent years, that of the Great Lakes Region in Africa; and G. Ciparisse analyses the historical evolution of land access rights in sub-Saharan Africa. These three articles all emphasize the notion of complexity and the intricate web of factors which produces a sometimes explosive mix of agrarian reform.

The fact that complexity is the key to understanding today’s agrarian societies means that we need methodological instruments that will take into account the structural complexity of agrarian systems that differ hugely from one country and region to another. We must also have a clear idea of the role of agrarian reforms:

“Unlike the concept underlying most of the reforms implemented in an earlier period, it is now considered that straightforward changes in land tenure are not sufficient and do not by themselves constitute an objective. For reform to be carried out successfully and to produce the desired effects on the general development process, such changes must be accompanied or rapidly followed by others of an institutional nature and various additional measures ... Nevertheless, with a population exerting increasing pressure on agricultural land and technological advances that open the way to substantial rises in levels of living, reform now has the twofold aim of serving as an instrument for equitable redistribution and as a vehicle for increasing productivity and bringing about the desired improvement. Without this last effect, measures of a merely redistributive nature would achieve only modest and temporary results.” (*Report of the Special Committee on Agrarian Reform*, FAO, 1969.)

This concept of agrarian reform requires a global, all-embracing system perspective. The next article describes selected tools needed for close scrutiny of the linkages between migration and development. This article, although written 20 years ago, is reproduced here

because today it would seem most topical. At the time, it was already calling into question the dichotomous distinction between urban and rural areas. A majority of commentators made a clear differentiation between these two worlds in the 1960s and 1970s when debate on agrarian reform was at its most intense. Author J. du Guerny and others with him were already challenging this vision, affirming that the two worlds were in fact complementary. Today, while there seems to be general agreement on this matter, we need more than ever to define methodological instruments that will provide an integrated analysis of these territories, given that agrarian reforms have tangible repercussions for the so-called urban or peri-urban environment.

The next articles suggest actions to improve the agrarian structures of selected countries. Their central focus is on the role required of the different actors (the importance of coordination) and on the need to clarify the juridical and legal framework so as to provide greater security to the holders of land rights. We have chosen in this section to concentrate on customary rights, communal rights and individual rights, particularly in Africa (see the articles on Benin, Zambia and Swaziland). Little or no coordination combined with a poor grasp of the historical background and an absence of careful analysis can result in highly controversial actions, as seems to be the case in Bolivia.

Finally, the last part of this issue features an evaluative study by F. Chen and J. Davis on the recent land reform experience in China, which sets out a number of concrete proposals for a shift in orientation.

As we prepare to commemorate the twentieth anniversary of the World Conference on Agrarian Reform and Rural Development which represented the apogee of interest in this topic, it appears to be a good time to take stock of our bulletin. The bulletin was established in 1963. It published a series of optimistic articles in the 1960s and 1970s, but the tone became more neutral in the following decade. The 1990s began with a change in format and style, although the difficult times of the past still left their mark. It was manifestly hard to find researchers, experts and governments interested in a renewed debate of the land issue, despite the events of 1989 (the collapse of the Berlin Wall and of Communism in Eastern Europe) which would soon attenuate the hitherto political connotations of agrarian reform. The Land Tenure Service is very pleased to be able to resume regular publication of the biannual bulletin, which has enabled it to increase fivefold the contributions offered annually to its readership, at a time when daily reality is becoming increasingly punctuated with conflicts arising from access to and utilization of natural resources.

Editorial

«La paix et la sécurité internationales sont étroitement liées au développement économique et au progrès social et s'influencent mutuellement. La réforme agraire – préalable nécessaire au développement – doit aussi être considérée dans le contexte plus large des problèmes fondamentaux de la société contemporaine.»

Ainsi commençait le *Rapport du Comité Spécial de la Réforme Agraire*, exécuté par la Conférence de la FAO en 1969. Presque 30 ans plus tard, nous en sommes à nouveau à discuter de la question foncière et des conflits qui surgissent en nombre croissant à ce sujet. Si aucun doute ne subsiste aujourd'hui quant à la nécessité de reprendre ce thème (un consensus *de facto* existe parmi les grandes organisations internationales de développement), la discussion se concentre sur la façon d'agir en la matière.

Depuis quelques années, le Service des régimes fonciers de la FAO essaie de contribuer à cette discussion en utilisant comme points de repère, d'une part, l'acceptation de la diversité des sociétés agraires et, d'autre part, le fait que les réponses, pour avoir une chance de pouvoir être mises en application, doivent venir des acteurs directement concernés et non pas des visions véhiculées de l'extérieur, étrangères à la réalité locale. Le refus d'une solution «facile» aux problèmes fonciers ne signifie pas, pour autant, qu'il ne faille pas rechercher une méthode de travail pour approfondir le sujet et avancer. Avec ce numéro du bulletin, nous voudrions apporter une contribution au débat, en suggérant un itinéraire méthodologique divisé en quatre étapes:

- la compréhension générale du problème;
- un diagnostic approfondi, demandant des outils méthodologiques appropriés;
- l'élaboration de mesures appropriées par une approche participative;
- un suivi continu permettant d'apporter les modifications que requièrent les évolutions des pays et des régions concernés.

La compréhension des raisons profondes qui font surgir une «question agraire» fait souvent appel à l'histoire agraire, telle que nous l'ont apprise Marc Bloch et ses disciples; la première série d'articles nous donne des éléments de réponse. C. Kay nous propose une lecture historique stimulante des processus de réforme agraire en Amérique latine. P. Mathieu, S. Mugangu Matabaro et A. Mafikiri Tsongo soumettent une réflexion sur un des conflits les plus sanglants de ces dernières années, celui de la région des Grands Lacs en Afrique. G. Ciparisse, quant à lui, s'interroge sur l'évolution historique des droits d'accès à la terre en Afrique subsaharienne. Un trait commun unit ces trois articles: l'accent qui est mis sur la complexité et l'enchevêtrement des aspects qui produisent le mélange parfois explosif des réformes agraires.

La complexité devenant ainsi le maître mot pour lire les sociétés agraires des temps modernes, nous renvoie à la nécessité de mettre au point des instruments méthodologiques qui rendent compte de la complexité structurante de systèmes agraires fort différenciés d'un pays à l'autre, d'une région à l'autre, avec une idée claire du rôle des réformes agraires:

«Contrairement à l'idée qui inspirait la plupart des réformes mises en œuvre à une époque antérieure, on considère maintenant qu'il ne suffit pas de modifier le régime foncier et qu'un tel changement n'est pas une fin en soi. Pour que la réforme se fasse avec succès et produise les effets souhaités sur le processus de développement global, les changements doivent être assortis ou rapidement suivis d'autres modifications de caractère institutionnel et de diverses mesures supplémentaires ... Néanmoins, étant donné la pression démographique croissante qui s'exerce sur les terres agricoles et les progrès technologiques qui ouvrent la voie à un relèvement sensible du niveau de vie, la réforme a désormais pour double objectif de servir à redistribuer équitablement les terres et à accroître la productivité pour réaliser l'amélioration souhaitée. Faute de remplir cette dernière

condition, des mesures de caractère purement redistributif n'aboutiraient qu'à des résultats modestes et momentanés.» (*Rapport du Comité spécial de la réforme agraire*, FAO, 1969.)

Une telle conception de la réforme agraire demande donc une vision globale et holistique. L'article suivant décrit certains des outils nécessaires à l'analyse des relations entre migration et développement. Cet dernier article, bien qu'écrit il y a 20 ans et reproduit ici, nous semble être d'extrême actualité; en effet, il remettait déjà en question la vision dichotomique entre espaces urbains et ruraux. Lors de la période la plus intense quant au débat autour des réformes agraires (années 60 et 70), la vision dominante distinguait clairement ces deux mondes. L'auteur J. du Guerny, et d'autres avec lui, montraient déjà qu'il en n'était rien et qu'il s'agissait d'aspects complémentaires. Aujourd'hui, alors qu'un accord semble exister sur ce sujet, il est plus nécessaire que jamais de mettre au point des instruments méthodologiques qui permettent l'analyse intégrée des ces territoires, étant donné que les réformes agraires ont des répercussions concrètes sur l'environnement appelé urbain ou périurbain.

Les articles suivants portent sur des propositions d'intervention en vue d'améliorer les structures agraires de certains pays. Les fils conducteurs sont, d'un côté, le rôle demandé aux différents acteurs (la recherche d'une concertation entre eux); et, de l'autre, la nécessité d'éclaircir les questions juridico-légales, en vue de mieux sécuriser les détenteurs des droits sur la terre. Nous avons choisi, dans cette section, de privilégier le débat entre droits coutumiers, droits communautaires et droits individuels, particulièrement en Afrique (voir les articles sur le Bénin, la Zambie et le Swaziland). Peu ou pas de concertation, conjugué à une faible compréhension historique et à un manque d'analyse fine, peut aboutir à des propositions fort contestées, comme semble être le cas en Bolivie.

Finalement, la dernière partie de cette publication met en lumière une étude réalisée par F. Chen et J. Davis, portant sur une évaluation de l'expérience de réforme foncière récemment entreprise en Chine et fournissant des propositions concrètes pour sa réorientation.

Alors que l'on s'apprête à célébrer le vingtième anniversaire de la Conférence mondiale sur la réforme agraire et le développement rural qui représenta le pic de sensibilité sur ce thème, il a semblé tout indiqué de tirer un sommaire bilan de notre bulletin. Créé en 1963, le Bulletin publia nombre d'articles optimistes dans les années 60 et 70, pour ouvrir ses colonnes à des articles plus anonymes la décennie suivante. Les années 90 s'étaient ouvertes avec un changement de format et de style de présentation, mais encore sous l'empreinte des difficiles moments précédents. La difficulté de trouver des chercheurs, des experts, des gouvernements intéressés à la résurgence du thème «terre» était patente, malgré les événements de 1989 (chute du Mur de Berlin et effondrement du communisme dans les pays d'Europe orientale) qui allaient permettre peu après de considérer la réforme agraire avec une connotation politique moins marquée qu'auparavant. Le Service des régimes fonciers est particulièrement satisfait aujourd'hui d'avoir eu l'occasion de revenir, de manière continue, à la parution biannuelle du bulletin, ce qui a permis de quintupler le nombre de contributions offertes annuellement à nos lecteurs, au moment où, en nombre croissant, le quotidien est ponctué de conflits liés à l'accès et à l'utilisation des ressources naturelles.

Editorial

«La paz y la seguridad internacionales están estrechamente ligadas al desarrollo económico y al progreso social, se influyen mutuamente y, por lo tanto, la reforma agraria, requisito esencial del desarrollo, tiene que examinarse también en este campo más vasto de los problemas fundamentales de la sociedad contemporánea.»

Así comenzaba el *Informe del Comité Especial de Reforma Agraria*, solicitado por la Conferencia de la FAO en 1969. Casi 30 años más tarde, nos encontramos de nuevo examinando la cuestión de la tenencia y los conflictos que surgen cada vez con mayor frecuencia en relación con ella. Si no hay lugar a dudas ahora en cuanto a la necesidad de volver sobre el tema (existe en la práctica un consenso entre las grandes organizaciones internacionales de desarrollo), el debate se concentra en la manera de actuar al respecto.

Desde hace algunos años, el Servicio de Tenencia de la Tierra de la FAO trata de contribuir a este debate utilizando como punto de referencia por una parte la aceptación de la diversidad de las sociedades agrarias, y por otra el hecho de que las respuestas, para tener la posibilidad de que se lleven a la práctica, deben proceder de los actores directamente interesados y no de planteamientos presentados desde el exterior, extraños a la realidad local. El rechazo de una solución fácil para los problemas de la tenencia no significa, pues, que no haya que buscar un método de trabajo para examinar el tema y avanzar en él. En el presente número del boletín, trataremos de aportar una contribución al debate, proponiendo un itinerario metodológico dividido en cuatro etapas:

- comprensión general del problema;
- diagnóstico detallado, que requiere mecanismos metodológicos idóneos;
- elaboración de medidas apropiadas, mediante un enfoque participativo;
- una supervisión constante que permita aportar las modificaciones que exija la evolución de los países y las regiones interesados.

Para comprender las razones profundas de la aparición de una «cuestión agraria», muchas veces hay que recurrir a la historia de la agricultura, tal como la han presentado Marc Bloch y sus discípulos; en la primera serie de artículos se dan los elementos para una respuesta.

C. Kay propone una lectura histórica estimulante del proceso de reforma agraria en América Latina. P. Mathieu, S. Mugangu Matabaro y A. Mafikiri Tsongo proponen una reflexión sobre uno de los conflictos más sangrantes de los últimos años, el de la región de los Grandes Lagos en África. G. Ciparisse se pregunta por la evolución histórica de los derechos de acceso a la tierra en el África subsahariana. Estos tres artículos presentan una característica común: se pone de relieve la complejidad de los aspectos que da lugar a la mezcla tal vez explosiva de las reformas agrarias.

De esta manera, la complejidad se convierte en la palabra clave para comprender las sociedades agrarias de los tiempos modernos, siendo necesario preparar instrumentos metodológicos en los que se tenga en cuenta la complejidad estructural de los sistemas agrarios, que presentan grandes diferencias de un país a otro y de una región a otra, con una idea clara de la función de las reformas agrarias.

«A diferencia del concepto que predomina en la mayor parte de las reformas que se implantaron en períodos anteriores, se considera ahora que los simples cambios en la tenencia de la tierra no constituyen por sí mismos un objetivo ni son suficientes. Para que la reforma pueda implantarse con éxito y genere en el proceso general de desarrollo las consecuencias que con ella se persiguen, esos cambios tienen que estar acompañados o prontamente seguidos por otros de carácter institucional y medidas complementarias de muy variado orden [...]. Sin embargo, con una población que presiona en escala creciente sobre la tierra agrícola, y avances tecnológicos que abren el camino a sustanciales

progresos en el nivel de vida humano, la reforma tiene ahora el doble objetivo de servir como un instrumento de equitativa distribución y como un vehículo para aumentar la productividad y obtener aquel mejoramiento. Sin este último efecto, las medidas simplemente redistributivas lograrían tan sólo modestos y transitorios resultados» (*Informe del Comité Especial sobre Reforma Agraria*, FAO, 1969).

Esta idea de la reforma agraria, exige, por consiguiente, una visión global y sistémica. En el artículo siguiente se describen las relaciones entre la migración y el desarrollo. Este artículo, aunque escrito hace 20 años, se reproduce aquí porque nos parece de una actualidad extraordinaria; efectivamente, se ponía en duda, ya desde entonces, la visión dicotómica entre los espacios urbanos y rurales. Muchos autores establecían una clara diferenciación entre esos dos mundos en los años sesenta y setenta, período en el que más intenso era el debate en relación con las reformas agrarias. J. du Guerny (y otros con él) ya demostraban que no era así y que se trataba de aspectos complementarios. En la actualidad, si bien parece haber un acuerdo sobre este tema, es más necesario que nunca poner a punto los instrumentos metodológicos que permitan realizar un análisis integrado de estos aspectos, teniendo en cuenta que las reformas agrarias tienen repercusiones concretas en el medio llamado urbano o periurbano.

En los artículos siguientes se presentan propuestas de intervención con objeto de mejorar las estructuras agrarias de ciertos países. El hilo conductor es, por una parte, la función que han de desempeñar las distintas partes interesadas (la búsqueda de una concertación entre ellas); por otra parte, la necesidad de aclarar las cuestiones jurídico-legales, con el fin de tranquilizar más a quienes poseen los derechos sobre la tierra. En esta sección hemos decidido dar prioridad al debate entre los derechos consuetudinarios, los comunitarios y los individuales, particularmente en África (véanse los artículos sobre Benin, Zambia y Swazilandia). La concertación escasa o nula, junto con una comprensión histórica deficiente y la falta de un análisis detallado, puede llevar a propuestas muy controvertidas, como parece haber ocurrido en Bolivia.

Finalmente, en la última parte de este número presentamos un estudio realizado por F. Chen y J. Davis relativo a una evaluación de la experiencia de reforma de la tenencia emprendida recientemente en China, con propuestas concretas para su reorientación.

Nos ha parecido oportuno presentar un balance resumido de nuestro boletín, ahora que está próxima la conmemoración del 20º aniversario de la Conferencia Mundial sobre la Reforma Agraria y el Desarrollo Rural, que representa el ápice del interés sobre el tema. El boletín fue creado en 1963; publicó numerosos artículos optimistas (en los años sesenta y setenta), pero su tendencia fue más neutra en el decenio siguiente. Los años noventa comenzaron con un cambio de presentación y de estilo, pero siempre con la impronta de los difíciles momentos anteriores. La dificultad de encontrar investigadores, expertos y gobiernos interesados en el renovado debate del tema de la tierra era manifiesta, a pesar de los acontecimientos de 1989 (caída del muro de Berlín y hundimiento del comunismo en los países de Europa oriental), que podían haber permitido considerar la reforma agraria con una connotación política menos acentuada que antes. El Servicio de Tenencia de la Tierra está ahora particularmente satisfecho de haber tenido la ocasión de seguir adelante de manera continua con la publicación semestral del boletín, lo cual ha permitido quintuplicar el número de contribuciones ofrecidas anualmente a nuestros lectores en un momento en el que la vida diaria está cada vez más marcada por conflictos vinculados al acceso y la utilización de los recursos naturales.

La réforme agraire en Amérique latine: ombres et lumières

L'auteur soutient qu'avec la diffusion ces dernières années de politiques néolibérales en Amérique latine, l'ère des grandes réformes agraires, qui a commencé avec la révolution mexicaine au début de ce siècle, touche à sa fin sur le continent. Il est donc opportun de tenter de faire le point sur les causes et les conséquences des réformes agraires mises en œuvre dans la plupart des pays de la région. Ces réformes sont évaluées en fonction de leur impact sur la production agricole, la répartition des revenus, l'emploi, la pauvreté, les rapports entre les sexes, ainsi que du point de vue social et politique. Les gouvernements ont souvent sous-estimé la difficulté qu'il y a à transformer la structure du régime foncier et se sont fait une fausse idée des multiples processus dynamiques que déclenchent la réforme agraire et qui, dans bien des cas, ont eu des conséquences inattendues et involontaires. Les réformes agraires ont souvent provoqué des contre-réformes et néo-réformes dramatiques suscitées par les luttes politiques et sociales qu'elles ont déchaînées. C'est ainsi que les résultats de la réforme agraire en Amérique latine ont été variés et ont donné lieu à un système agraire plus complexe et plus flou. Même si, initialement, certaines réformes agraires avaient pour objectif le bien du paysannat, elles ont, dans la plupart des cas, favorisé l'instauration d'une agriculture capitaliste. La tendance récente à se tourner vers des politiques économiques néolibérales et foncières a ultérieurement encouragé l'agriculture capitaliste tout en accroissant la marginalisation de l'agriculture paysanne.

La reforma agraria en América Latina: luces y sombras

Con la propagación de las políticas neoliberales en toda América Latina durante los últimos años, se aduce que la época de las reformas agrarias importantes, que comenzó con la revolución mexicana al comienzo del siglo, ha llegado a su fin en el continente. Es oportuno, pues, tratar de presentar un panorama general de las causas y las consecuencias de las reformas agrarias que se llevaron a cabo en la mayoría de los países de la región. Las reformas agrarias se evalúan en función de sus repercusiones en la producción agropecuaria, la distribución de los ingresos, el empleo, la pobreza y las relaciones entre el hombre y la mujer, así como desde la perspectiva social y política. Los gobiernos han infravalorado a menudo la complejidad de la transformación de la estructura de la tenencia de la tierra y valorado erróneamente los múltiples procesos dinámicos puestos en marcha por la reforma agraria, con frecuencia con consecuencias involuntarias inesperadas. Las reformas agrarias han provocado muchas veces contrarreformas y neorreformas radicales tras las luchas sociales y políticas desencadenadas por ellas. Por consiguiente, los resultados de la reforma agraria en América Latina han sido desiguales y han dado lugar a un sistema agrario más complejo y fluido. Si bien en principio algunas reformas agrarias tenían por objeto beneficiar a los campesinos, el resultado predominante ha favorecido el crecimiento de la agricultura capitalista. El reciente desplazamiento hacia políticas económicas y agrarias neoliberales ha dado un impulso adicional a la agricultura capitalista, marginando aún más la de los campesinos.

Latin America's agrarian reform: lights and shadows

Cristóbal Kay¹

Associate Professor of Rural Development, Institute of Social Studies, The Hague, the Netherlands

It is argued that with the spread of neoliberal policies throughout Latin America in recent years, the era of major agrarian reforms that started with the Mexican revolution at the beginning of the twentieth century has come to a close on the continent. It is thus opportune to attempt a general overview of the causes and consequences of the agrarian reforms which were implemented in most countries of the region. The reforms are evaluated in terms of their impact on agricultural production, income distribution, employment, poverty and gender relations as well as from a social and political perspective. Governments have often underestimated the complexities of transforming the land tenure structure and misjudged the multifarious dynamic processes set in motion by the agrarian reforms, which frequently had unexpected and unintended consequences. Agrarian reforms often provoked dramatic counterreforms and neo-reforms following the social and political struggles they unleashed. Thus the outcome of Latin America's agrarian reforms has been varied and has given rise to a more complex and fluid agrarian system. While initially some agrarian reforms were intended for the benefit of the peasantry, the predominant outcome has favoured the development of capitalist farming. The recent shift to neoliberal economic policies as well as land policies has given an additional impetus to capitalist farming while further marginalizing peasant farming.

Starting with the Mexican revolution at the beginning of the twentieth century, agrarian reforms were implemented throughout most of Latin America, especially from the 1950s to the 1980s. With the spread of neoliberal policies across the region in the past decade, the era of agrarian reforms seems to have come to a close (Herrera, Riddell and Toselli, 1997). Thus this is an appropriate moment to evaluate the agrarian reforms in terms of their impact on agricultural production, income distribution, employment, poverty and gender relations as well as from a social and political perspective, and also to explore the prospects of the neoliberal land policies.

Governments have often underestimated the complexities of transforming the land tenure structure. They have also misjudged

the intricate dynamic processes set in motion by the agrarian reforms, which frequently had unexpected and unintended consequences. Agrarian reforms often provoked dramatic counterreforms and neo-reforms following the social and political struggles they unleashed. Thus the outcome of Latin America's agrarian reforms has been varied and has given rise to a more complex and fluid agrarian system. While initially some agrarian reforms were intended for the benefit of the peasantry, the predominant outcome has favoured the development of capitalist farming (de Janvry and Sadoulet, 1989). The recent shift to neoliberal economic policies has given an additional impetus to capitalist farming while further marginalizing peasant farming.

The apparent end of the era of agrarian reforms does not necessarily mean that the land question has been resolved in Latin

¹Useful comments by Andy Thorpe are acknowledged.

America, but that it no longer commands the political support that it did during the 1960s and 1970s, when cold war concerns arising from the Cuban revolution and an emergent peasant movement put agrarian reform firmly on the political agenda (de Janvry, 1994). Neoliberal land policies have shifted priorities away from expropriation of estates, which typified the populist agrarian reform period, towards privatization, decollectivization, land registration, titling and land tax issues.

The most significant symbol of the neoliberal winds sweeping through Latin America has been the change in 1992 of Article 27 of Mexico's Constitution of 1917, which had opened the road to Latin America's first agrarian reform and which enshrined a principal demand for "land and liberty" by the peasant insurgents during the Mexican revolution. Before 1992 no government had dared to modify this key principle of Mexico's Constitution, but the forces of globalization and neoliberalism proved too strong to resist and the government took the risk of tackling this hitherto sacred cow (Randall, 1996). The new agrarian law marks the end of Mexico's agrarian reforms. It allows the sale of land of the reform sector and the establishment of joint ventures with private investors including foreign capitalists, thereby indicating Mexico's commitment to the North American Free Trade Agreement (NAFTA) (DeWalt, Rees and Murphy, 1994; de Janvry, Gordillo and Sadoulet, 1997).

The Latin American agrarian reform experience also has lessons for countries that have recently embarked on, or intend to introduce, a programme of land expropriation and redistribution (such as South Africa) as well as for those admittedly few countries planning to intensify and extend the expropriation process (such as Zimbabwe) or those where NGOs and other actors are seeking ways to revive the agrarian reform issue, as in the Philippines (Borras, 1997). As the pursuit of neoliberal policies by most Latin American countries has resulted in the privatization of the collective agrarian reform sector, the Latin American case also has lessons for the former communist countries

in transition from a centrally planned economy to a market-oriented economy, particularly those countries that are decollectivizing their agricultural sector (Spoor, 1997), as well as for countries committed to privatization of communal areas as in some African countries and elsewhere (Nsabagasani, 1997).

The paper begins by discussing Latin America's dismal agricultural economic performance from the end of the Second World War until the beginning of the agrarian reform period in the 1960s. The causes of this poor performance have been the subject of lively debate between structuralists and neoclassical economists (Lehmann, 1978). While structuralists stressed the unequal and bimodal land tenure system, the neoclassical economists emphasized public policy which in their view discriminated against agriculture.

Subsequently the paper analyses the causes and objectives of agrarian reform. While governments often used agriculture's poor growth record as a justification for agrarian reform legislation, they were mainly driven by internal as well as external pressures. Social conflicts escalated in the countryside as peasants and rural workers were less willing to tolerate poor living standards, exploitative working conditions and a marginal position in society. The spread of urban influences into the countryside had begun to undermine patron-client relationships and increased the influence of political parties and other urban groups willing to support the organization of peasants and rural workers into trade unions and other associations confident enough to challenge the landlords' domination (Kay, 1980).

The collectivist character of the more significant agrarian reforms in Latin America is then highlighted, and the impact of the agrarian reforms on production, income distribution, employment, poverty, gender relations and socio-political integration is discussed. The paper provides only a general analysis of these issues, because the situation differed between countries and because methodological problems and the

inadequacy of the available statistical data make the evaluation difficult even in the case of specific country studies.

Finally, the paper explores the impact of neoliberal land policies in those countries where they have been followed for a significant period. For countries that have recently taken this path, it is only possible to make informed guesses as to the likely outcome by drawing on the results of the neoliberal pioneers.

AGRICULTURE'S PERFORMANCE PRIOR TO AGRARIAN REFORM

Latin America's agricultural growth record in the period following the Second World War was poor, especially with respect to domestic food production. Agricultural production² grew at an annual rate of 2.6 percent between 1934 and 1960 (ECLA, 1963).³ However, owing to high rates of population growth, agricultural production per caput grew only marginally, i.e. by only 0.3 percent between 1950 and 1964 (ECLA, 1968). Not until the late 1950s did agricultural production per caput reach pre-war levels (ECLA, 1963).

Although agricultural exports grew faster than domestic food crop production, Latin America's position in the world agricultural market deteriorated. Food imports increased by 44 percent between 1948-1952 and 1965, while agricultural exports increased only 26 percent (ECLA, 1968). By comparison, world agricultural exports grew by 50 percent in the same period, which indicates Latin America's relative decline in world markets. Agriculture's net contribution to foreign exchange earnings deteriorated, placing an additional strain on Latin America's balance of payment problems.

Agriculture in Latin America was inefficient and wasteful of resources, mainly land and labour. A highly unequal land tenure system was largely to blame, but inadequate government support for agriculture was also

a factor. Most agricultural growth stemmed from an increase in area cultivated rather than an increase in yields. Extensive growth without major technical and social transformations clearly predominated over intensification of agriculture. The contrast with the developed world is striking. In Latin America the area cultivated increased by 24 percent and yields by 7 percent between the periods 1948 to 1952 and 1957 to 1959, while in Europe the corresponding figures were 3 percent and 24 percent, respectively (ECLA, 1963).⁴ From the 1850s to the 1930s the hacienda system (often referred to as the *latifundio-minifundio* complex) expanded and achieved a dominant position within Latin America's agrarian structure. This expansion was often achieved by displacing the rural indigenous population to marginal areas. In this golden age of the hacienda system, landlords were at the height of their economic power, political influence and social prestige. Only in Mexico was the dominance of the hacienda system successfully challenged by the revolutionary upheavals of 1910 to 1917. However, it was not until the era of the populist government of Cárdenas (1934 to 1940) that the hacienda system finally lost its predominant influence in Mexico. The Bolivian revolution of the early 1950s also dealt a major blow to the landlord system with the implementation of an extensive agrarian reform programme.

The Cuban revolution of 1959 signalled the final demise of the hacienda system in most Latin American countries. Fearful of the spread of revolution to other countries in the region and the spectre of socialism, the United States Government launched the Alliance for Progress initiative, which encouraged governments throughout the region to implement agrarian reform programmes by providing economic aid. Consequently, from the 1960s to the 1970s a number of countries in Latin America undertook agrarian reforms, among them Chile, Peru, Ecuador and Colombia. In the

² Including crops and livestock but excluding forestry.

³ When sugar, cotton and banana export crops are excluded the agricultural growth rate falls to 2.2 percent per annum (1934 to 1960).

⁴ It is unlikely that the differences in resource endowments between Latin America and Europe can explain such lack of agricultural intensification in Latin America.

late 1970s and 1980s, following the Sandinista revolution in Nicaragua and the civil war in El Salvador, agrarian reforms were also carried out in those countries. Only in Argentina has agrarian reform been completely absent. In Brazil strong opposition from landlords stalled any significant agrarian reform, but there has been some minor land redistribution since the restoration of democratic rule in the mid-1980s (de Souza Leite, 1994; FAO, 1996).

Prior to agrarian reform Latin American governments had adopted policies encouraging the modernization of the hacienda system. The introduction of import-substitution industrialization policies after the Second World War had already begun to transform the traditional hacienda system. Such government measures as subsidized credits for the purchase of agricultural machinery and equipment, improved livestock, fertilizers and high-yielding-variety seeds and technical assistance programmes were intended to stimulate the technological modernization of large landed estates. The social relations of production had also begun to change. Labour-service tenancies and to some extent sharecropping began to give way to wage labour (Goodman and Redclift, 1981). Some landlords sold part of their estates to finance improvements on the remainder of their property, thereby advancing a process of "transformation from above" (Kay, 1988a). This process paradoxically gained momentum with the agrarian reform. It is ironic that many agrarian reforms in Latin America resulted in the modernization of the hacienda system and its transformation into capitalist farms rather than its elimination from below by redistributing hacienda land to peasants. In this sense many agrarian reforms initially accelerated an already established path from landlord system to agrarian capitalism rather than the development of peasant farming (de Janvry, 1981; Kay 1988a). However, as will be seen later, the subsequent unravelling of agrarian reforms has opened up the possibility of a peasant road to agrarian capitalism, albeit one subordinated to agro-industrial capital.

In explaining Latin America's poor agricultural performance, structuralists emphasize the high degree of land concentration while neoclassical and monetarist interpretations stress government policy, in particular price and trade policies which allegedly discriminated against agriculture (Valdés and Siamwalla, 1988). Government price controls on some essential food commodities and an exchange-rate policy that overvalued the local currency and thus made food imports cheaper and agricultural exports less profitable acted as disincentives to agricultural production (Valdés, Muchnik and Hurtado, 1990). While it is generally accepted today that the import-substitution industrialization policy adopted by most governments in Latin America discriminated against agriculture, the fact that large agricultural producers were often compensated, at least to some extent, by countervailing policies is generally ignored (Kay, 1977). For example, landlords received highly subsidized credits and benefited from cheap imports of agricultural machinery and inputs as a consequence of the above-mentioned trade policy, and they benefited from special technical assistance programmes. Thus government policy was biased not just against agriculture but within agriculture against peasants and rural workers (Kay, 1981).

While after the Second World War in many Latin American countries landlords no longer dominated the political system, they still exerted a major influence on government policy and could swing the power of the State in their favour regarding relations between landlords and peasants (Huber and Safford, 1995). Tenants had to pay high rents (either in money, in kind or in labour services) and agricultural workers were paid low wages and had poor working conditions. Rural labour was largely unorganized and confronted a series of legal obstacles impeding unionization. Working conditions throughout rural Latin America were exploitative and repressive (Duncan and Rutledge, 1977).

Latin America's bimodal agrarian structure was seen by structuralist and liberal reformists (largely from the United States) as

inegalitarian and inefficient and as having detrimental social and political consequences. While structuralists tended to favour cooperative or associative farming organizations, liberals championed family farming, although some also promoted cooperatives. It was argued that agrarian reform, by modifying the uneven income distribution, would widen the domestic market for industrial commodities, strengthen the industrialization effort by increasing the supply of agricultural commodities and have a beneficial impact on foreign exchange.

A powerful case for agrarian reform was made by reformist analysts who stressed that the high degree of land concentration was an inefficient use of resources. Large farms used land in an extensive manner which resulted in low land productivity, and much land remained uncultivated. Monoculture, which was generally adopted by plantations in areas of export agriculture, had deleterious effects on the environment. Extensive land use also limited employment opportunities and contributed to low labour productivity. Because of the relative abundance of agricultural workers and the high degree of land concentration, landlords could continue to pay low wages even where labour productivity had increased through investments (de Janvry, 1981). It was also held that land concentration hampered the adoption of modern technology, as landlords could obtain high incomes without intensifying production given the large amount of land they owned. Landlords also viewed their estates as a useful hedge against inflation. Ownership of a large landed estate also conferred high social status and political power. Thus farming efficiency was not always a priority for landlords. Reformists also blamed land concentration for the social inequality, marginalization and poor living conditions of the majority of the rural population in Latin America (Feder, 1971).

With respect to prices, structuralists were the first to highlight the deterioration of Latin America's terms of trade. The decreasing purchasing power of agricultural exports in terms of industrial imports was a

disincentive. Structuralists argued that price incentives, which were emphasized by the neoclassical economists, were unlikely to improve agricultural efficiency and growth rate, as *latifundistas* reacted slowly to them and they did not often induce the modernization of the enterprise.

Minifundistas also failed to react positively to price incentives, but for different reasons, such as lack of resources and technical knowledge. Although later studies show that structuralists may have underestimated the positive effect of price incentives, it does not follow that they would have been a better policy tool than agrarian reform for achieving growth with equity in the countryside. Furthermore, many studies that found farmers to be more responsive to market mechanisms than structuralists had presumed were undertaken after agrarian reform measures had been introduced. Just as it can be argued that structuralists underestimated the dynamic potential of landlords, so it can be argued that neoclassical economists underestimated the negative effects of Latin America's agrarian structure for economic development. While structuralists pinned their hopes on agrarian reform, neoclassical thinkers placed theirs in free markets. Following the implementation of agrarian reform and the more recent experiments with free markets, a consensus is emerging that both courses are needed to attain growth with equity.

THE BIMODAL LAND TENURE SYSTEM

The Alliance for Progress prompted a comprehensive study of Latin America's agrarian structure during the first half of the 1960s. In the mid-1960s the Inter-American Committee for Agricultural Development (CIDA)⁵ published reports on seven countries: Argentina (1965), Brazil (1966),

⁵ CIDA was set up in 1961 by the Organization of American States (OAS); the Inter-American Development Bank (IDB); the Inter-American Institute of Agricultural Sciences, known today as the Inter-American Institute for Cooperation on Agriculture (IICA); FAO; and the United Nations Economic Commission for Latin America (ECLA), later renamed the United Nations Economic Commission for Latin America and the Caribbean (ECLAC).

Colombia (1966), Chile (1966), Ecuador (1965), Guatemala (1965) and Peru (1966). These were later followed by two or three other country reports. The CIDA studies (reviewed in Barraclough, 1973; Barraclough and Domike, 1966) represent the most ambitious collective study to date of Latin America's land tenure. They had a major influence on shaping a certain view of the Latin American agrarian question as well as on the design of agrarian reform policies. They conveyed a bimodal view of Latin America's land tenure system and were used by governments to lend scientific weight to the case for agrarian reform legislation.

Latin America had one of the most unequal agrarian structures in the world. At one extreme were the *minifundistas*, who owned very small landholdings (*minifundios*); at the other were the *latifundistas*, who owned very large landholdings (*latifundios*) in the form of plantations, haciendas and *estancias*. By 1960 *latifundistas* owned roughly 5 percent of farm units and about four-fifths of the land, while *minifundistas* owned four-fifths of farm units but had only 5 percent of the land (Barraclough, 1973). The middle-sized farm sector was relatively insignificant. Although subsequent studies have shown this bimodal characterization to be exaggerated – tenants had a significant degree of control over resources within the estates, and medium farmers had access to better land and were more capitalized and thus contributed more to agricultural output than originally estimated – Latin America still had one of the most polarized agrarian systems in the world.

Peasant holdings were the main providers of employment, accounting for about half of the agricultural labour force, of which four-fifths were unpaid family workers. Large estates employed less than one-fifth of the agricultural labour force (Barraclough, 1973). In 1960 an estimated one-third of the total agricultural labour force was landless and a variety of tenancy arrangements were widespread; approximately one-quarter of agricultural workers (or more) were tenants or squatters (Barraclough, 1973).

This agrarian system was inefficient. On the one hand, *latifundios* underutilized land by

farming it in an extensive manner and leaving a significant proportion uncultivated. On the other hand, *minifundios* were wasteful of labour, using too much labour on too little land. Not surprisingly, while labour productivity was much higher on *latifundios* than on *minifundios*, the reverse was the case regarding land productivity. In the 1950s and early 1960s, average production per agricultural worker was about five to ten times higher on *latifundios* than on *minifundios*, while production per hectare of agricultural land was roughly three to five times higher on *minifundios* than on *latifundios* (Barraclough, 1973). Given that much rural labour was unemployed or underemployed and land was relatively scarce, it was more important from a developmental perspective to raise land productivity than to increase labour productivity. Proponents of agrarian reform argued that land productivity could be increased more easily by redistributing land than by making costly investments in modern technology, which might also displace labour. Furthermore, agrarian reform was likely to have a far more favourable impact on income distribution than an exclusive emphasis on modern technology.

The land tenure and labour structure had begun to change prior to the implementation of agrarian reforms. In the changing political climate of the 1950s and 1960s, landlords foresaw the prospect of agrarian reform legislation and took evasive action. In order to avoid expropriation, some landlords reduced the size of their estates by subdividing them among family members or by selling some land. In addition, landlords aimed to reduce the internal pressure for land from tenants who, as agricultural producers, were keen to expand their tenancy and reduce rent payments. Landlords avoided this internal pressure by reducing the number of tenants and replacing permanent workers with seasonal wage labourers, who had fewer legal rights than permanent wage labourers and could be more easily dismissed or laid off as the situation demanded. Mechanization allowed landlords to reshape the composition of their

labour force and to reduce it substantially, thereby further weakening internal pressures for land redistribution and higher wages.

As noted above, the mere threat of an agrarian reform can precipitate the breakup and capitalization of the hacienda. Agrarian reform legislation generally exempted farms below a certain size and in some cases modern and efficient farms that exceeded this limit. Landlords attempted to evade expropriation by subdividing and modernizing their estates. Farm efficiency was often judged by the presence of machinery and the use of wage labour rather than tenant labour. Tenancies were particularly frowned upon, as they were considered part of a feudal and oppressive labour regime.

The medium-sized capitalist farm sector also expanded, especially in those countries where agrarian reform legislation allowed landlords to retain part of their estate after expropriation, i.e. when they had the right to a "reserve" (*reserva*), as in Chile. Landlords generally retained the heart of the hacienda, which encompassed the best land and the main farm buildings. In addition, landlords often retained their livestock and agricultural machinery which, concentrated on a smaller farm, improved both the capital/land ratio and the capital/labour ratio.

CAUSES AND OBJECTIVES OF AGRARIAN REFORM

The most far-reaching agrarian reforms have tended to be the outcome of social revolutions. Such was the case in Mexico (1917), Bolivia (1952), Cuba (1959) and Nicaragua (1979). However, radical agrarian reforms were also undertaken by elected governments, as in Chile during the Frei (1964 to 1970) and Allende (1970 to 1973) administrations, or even by military regimes, as in Peru during the government of General Velasco Alvarado (1969 to 1975). Agrarian reforms that were less wide ranging (in terms of the amount of land expropriated and the number of peasant beneficiaries) were carried out largely by civilian governments in the rest of Latin America. The major exception is Argentina, where to date no agrarian reform has taken place and agrarian reform has not

formed part of the political agenda. The uniqueness of the Argentine case is explained in part by the relative importance of family farming and middle-sized capitalist farms as well as by the relatively high degree of urbanization. Paraguay and Uruguay had colonization programmes but in neither country has a significant agrarian reform taken place.

Agrarian reforms have generally been the outcome of political changes from above. Although in some instances these were responding to social pressures from below, few agrarian reforms in Latin America were the direct result of peasant uprisings. However, although the peasantry was not an important social force behind the reform legislation, it did significantly influence the reform process. Those areas where rural protest was strongest tended to receive the most attention from agrarian reform agencies.

Urban social forces and even international forces, as in the case of the Alliance for Progress, played an important part in bringing about agrarian reform. Technocratic and reformist governments seeking to modernize agriculture and integrate the peasantry often initiated agrarian reforms. Not surprisingly, they confronted opposition from landlords, who sometimes succeeded in blocking or reversing the legislation. Agrarian reforms are social processes whose unintended consequences may redirect the initial purpose of the reform along radical or conservative lines (but usually the latter) or may in some instances derail it completely.

In Guatemala, President Arbenz's agrarian reform of 1952 was brought to an abrupt end in 1954 when he was overthrown by an armed invasion which received support from the United States Government. Arbenz's agrarian reform measures, which had expropriated about one-fifth of the country's arable land and benefited close to one-quarter of the peasantry, were quickly reversed (Brockett, 1988). In Chile, Frei's moderate agrarian reform of 1964 to 1970 fuelled demands from the peasant movement for intensification of the reform process. The radicalization of the peasant movement was a factor helping Allende to win the presidency

in 1970. Peasant radicalism in turn pushed Allende's democratic socialist programme for expropriations beyond its original intent (Kay, 1978). The subsequent military coup of 1973, which repressed and disarticulated the peasant movement, returned only part of the expropriated land to former owners. Despite its political power, the military government did not dare to undo the agrarian reform completely.

In espousing agrarian reform, governments were pursuing a variety of objectives. A major objective, and the primary one for more technocratic types of agrarian reform, was a higher rate of agricultural growth. Thus only inefficient estates were to be expropriated and more entrepreneurially run estates were encouraged to modernize further. It was expected that as a result less land would be left idle and land would be cultivated more intensely, and that agricultural output would therefore increase. Another economic (and social) objective was equity. It was thought that a fairer distribution of income would facilitate the import-substituting industrialization process by widening the domestic market for industrial goods. A more dynamic agricultural sector would lower food prices, generate more foreign exchange and create more demand for industrial commodities. Thus the underlying economic objective was to speed up the country's industrialization process.

Agrarian reforms also had social and political objectives. By distributing land to peasants, governments hoped to ease social conflicts in the countryside and to gain the peasantry's political support. Land redistribution and measures assisting the creation or strengthening of peasant organizations were also undertaken to incorporate the peasantry into the social and political system. Giving peasants a stake in society would strengthen civil society and the democratic system. More radical agrarian reformers were particularly keen to organize and mobilize the peasantry in order to weaken landlord opposition to expropriation.

Governments also aimed to increase their support among the industrial bourgeoisie whose economic interests could be furthered

by agrarian reform. However, this objective was more problematic, as industrialists often had close ties with the landed class and were fearful that social mobilization in the countryside could spill over into urban areas. Political links between landlords and the urban bourgeoisie were far closer than commonly thought, and the bourgeois generally placed their political interests before short-term economic gains. They were well aware that agrarian reforms could gain momentum and spark urban unrest, perhaps leading to worker demands for higher wages, better working conditions and even the expropriation of urban enterprises. The Chilean agrarian reform experience is a good illustration of just such a situation. The increasing demands and mobilization of rural and urban workers strengthened the alliance of the rural and urban bourgeoisie, including some middle-class sectors. In Peru the progressive military government of Velasco Alvarado undertook a sweeping agrarian reform in the expectation that it would help the country's industrialization process. However, the government failed to win the support of the industrial bourgeoisie for such a development project and was unable to persuade expropriated landlords to invest their agrarian reform bonds, paid out as compensation for expropriated land, in industrial ventures. The reluctance of the industrial bourgeoisie was not surprising given that the government was creating a social property sector in which the State would control all major industrial and commercial firms and allow a degree of worker participation.

Although agrarian reforms were largely instituted from above, once expropriation was under way conflicts in the countryside often escalated. Peasants demanded a widening and deepening of the agrarian reform process, while landlords opposed such demands and put pressure on the government and in some instances on the armed forces to suppress the increasingly bold actions of the peasants. This was particularly the case in countries where political parties and other organizations used a reformist opening in the country's political

system to strengthen peasant organizations and assist their social mobilization. Support, or lack of it, from urban-based political parties and urban social groups was often crucial in determining the outcome of the reform process.

SCOPE OF AGRARIAN REFORM EXPERIENCES

The scope of agrarian reform in Latin America varied greatly as regards both the amount of land expropriated and the number of peasant beneficiaries. The agrarian reforms in Bolivia and Cuba were the most extensive with respect to the amount of land expropriated: about four-fifths of the country's agricultural land. In Mexico, Chile, Peru and Nicaragua almost half the country's agricultural land was expropriated. In Colombia, Panama, El Salvador and the Dominican Republic between one-sixth and one-quarter of the agricultural land was expropriated (Cardoso and Helwege, 1992). A smaller proportion of agricultural land was affected by agrarian reform in Ecuador, Costa Rica, Honduras and Uruguay (ECLAC and FAO, 1986). In Venezuela about one-fifth of the land was affected by the agrarian reform, but almost three-quarters of this had previously belonged to the State and was largely in areas to be colonized. Thus Venezuela's agrarian reform was mainly a colonization programme.

Cuba, Bolivia and Mexico were the countries in which the highest proportion of peasants and rural workers benefited from the agrarian reform. In Cuba and Bolivia about three-quarters of agricultural households were incorporated into the reformed sector, while in Mexico the proportion was less than half. In Nicaragua, Peru and Venezuela the proportion of beneficiaries was about one-third, in El Salvador one-quarter and in Chile one-fifth. In Panama, Colombia, Ecuador, Honduras and Costa Rica the proportion of all agricultural families that benefited from land redistribution varied from slightly less than one-tenth to slightly more than one-tenth (Cardoso and Helwege, 1992; Dorner, 1992). In other countries the proportion was even lower.

The fact that the agrarian reforms with the

widest scope were the outcome of revolutions indicates the importance of the question of political power. Where landlords were defeated and displaced from power, the agrarian reform was wide in scope. In some instances, however, landlords have been able to reverse some or all of the gains of the agrarian reform following a major political upheaval such as a counterrevolution or military *coup d'état*.

Once the agrarian reform process has been initiated peasants have sometimes been able to push it further than intended or to redirect it according to their interests. For example, peasant communities (*comuneros*) in Peru which had been excluded from land in the reformed sector, and which could only benefit from the profits generated by the reformed enterprises, later gained direct access to land from the reformed sector. As few reformed enterprises made any profits, and given the shortage of land in peasant communities and the peasants' historical claims (real or imagined) to the land of the expropriated haciendas, the peasants' claim to a share of the former estates is understandable. After violent clashes between *comuneros* and the police, significant amounts of land were transferred from the reformed enterprises to the peasant communities.

In Nicaragua, where the agrarian reform policy had privileged State farms since 1979, peasants succeeded in pressing the Sandinista government to adopt a less State-centred reform policy. After 1984 some reformed enterprises were transferred directly to peasant beneficiaries in either cooperative or individual ownership. This shift in policy was also provoked by the desire to reduce the influence of the *contras* among the peasantry and to stimulate food production (Utting, 1992). Following the policy change, the amount of expropriated land redistributed to peasant beneficiaries in individual ownership trebled from 8 percent in the period from 1981 to 1984 to 24 percent in the period from 1985 to 1988 (Enríquez, 1991). The new policy also modified the earlier advantage given to State farms by granting peasant beneficiaries more favourable access to scarce inputs. However, because of civil war

and the resulting economic deterioration of the country, peasants still faced a difficult situation. In Colombia, Ecuador and currently in Brazil, peasants have also resorted to land invasions which resulted in expropriation and access to land (Petras, 1997; Veltmeyer, 1997). Nevertheless these land invasions lacked the scope and significance of those in Mexico, Chile and Peru.

In many Latin American countries, however, peasants were not able to extend the expropriation process or to prevent landlords from blocking or reversing the process. In most Latin American countries the scope of agrarian reform remained limited in terms of land expropriated and peasant beneficiaries. Despite an explicit commitment to agrarian reform and peasant farming, a large majority of Latin American governments implemented timid agrarian reforms and failed to support peasant farming to any significant extent. Rhetoric prevailed as governments were either too weak to implement a substantial agrarian reform or had the underlying intention of promoting capitalist farming. William Thiesenhusen (1995a), the doyen among Latin Americanist agrarian reform experts, captures this reality well in the title of his recent book, *Broken promises: agrarian reform and the Latin American campesino*.

COLLECTIVIST CHARACTER OF THE REFORMED SECTOR

Collective and cooperative forms of organization within the reformed sector were, surprisingly, far more common than one might expect in the capitalist (with the exception of Cuba) context of Latin America. In Mexico, particularly since the Cárdenas government of the 1930s, the *ejido* has dominated in the reformed sector. The *ejido* is a collective type of organization, although farming is largely carried out on a household basis. Until recently it was illegal to sell *ejido* land. In Cuba, State farms have predominated since the early days of the revolution, and by the mid-1980s most individual peasant farmers had joined production cooperatives. Production cooperatives and State farms were the

dominant farm organization in Chile's reformed sector during the governments of Frei and Allende (1964 to 1973). This was also the case in Peru following Velasco Alvarado's agrarian reform of 1969 until the gradual dissolution of the collectives in the 1980s, in Nicaragua from the Sandinista revolution of 1979 until 1990, and in El Salvador during the Christian Democrat regime of 1980 to 1989. Only a small proportion of the expropriated land was distributed directly as private peasant family farms.

An important explanation for the statist and collectivist character of Latin America's most important agrarian reforms lies in their inherited agrarian structure. Prior to reform, large-scale farming prevailed in the form of plantations, haciendas and *estancias*. Governments feared that subdividing these large landed estates into peasant family farms might lead to a loss of economies of scale, reduce foreign exchange earnings as peasant farmers would switch from export-crop to food-crop production, impair technological improvements, limit the number of beneficiaries and reproduce the problems of the *minifundia*. Furthermore, a collective reformed sector reduced subdivision costs, allowed more direct government control over production and in some instances marketing, and could foster internal solidarity. In those countries pursuing a socialist path of development, such as Cuba, Allende's Chile and Nicaragua under the Sandinistas, a collectivist emphasis was also underpinned by political and ideological factors. In some cases collective forms of organization were regarded as transitory, as in Chile and El Salvador. As beneficiaries gained entrepreneurial and technical experience a gradual process of decollectivization was envisaged.

Agrarian reform policy-makers throughout Latin America greatly underestimated the relative importance of peasant farming, such as sharecropping and labour-service tenancies, within large landed estates. National census data generally failed to record, or to record accurately, the number of peasant tenant enterprises within the hacienda system (the "internal peasant

economy”). This led policy-makers to underestimate the difficulties of organizing collective farming and the pressure that beneficiaries would exercise within the collective enterprise for the expansion of their own family enterprises. The new managers of the collective reformed enterprises, generally appointed by the State, had far less authority over the beneficiaries than landlords had and were unable to prevent the gradual erosion of the collective enterprise from within.

The enduring influence of the pre-reform large landed enterprises on the situation after reform is startling. In this sense the collectivist character of the reformed sector should not be overstated, as it was often more apparent than real. For example, in Peru about half the agricultural land of the reformed sector (collective and State farms) was cultivated on an individual basis. In Chile and El Salvador the figure was about one-fifth, and only in Cuba was it insignificant. This reflects the varying degrees of capitalist development and proletarianization of the agricultural labour force in each of these countries before the agrarian reform.

The differences between types of estates, such as plantations and haciendas, were also reflected in the character of post-reform enterprises, as illustrated in the case of Peru. Prior to expropriation, the large coastal sugar plantations were capitalized and employed largely wage labour, whereas the domestic-market-oriented haciendas of the highlands relied much more on tenant labour. It was far easier to set up centralized and collective management systems on the expropriated sugar plantations than on the highland haciendas, and this had an important influence on the subsequent process of decollectivization.

A feature of Cuba’s agrarian reforms (1959 and 1963) that is not often mentioned is the fact that Castro’s government greatly extended peasant proprietorship, giving ownership titles to an estimated 160 000 tenants, sharecroppers and squatters. Before the revolution, peasant farmers had only numbered about 40 000 (Ghai, Kay and Peek, 1988). Cuba’s agriculture was

dominated by sugar plantations and the agricultural labour force was largely proletarian. A large proportion of seasonal sugar-cane cutters came from urban areas. The plantation sector was taken over by the State without much difficulty. Over time State farms were amalgamated into even larger units, becoming giant agro-industrial complexes under the direct control of either the Ministry of Agriculture or the Ministry of Sugar. Cuban policy-makers were great believers in the tenet “large is beautiful”. It was not until almost two decades after the revolution that the Cuban leadership launched a campaign for the cooperativization of peasant farmers. Peasants were encouraged to form agricultural and livestock production cooperatives (*cooperativas de producción agropecuaria* or CPA), having resisted joining State farms, and within a decade over two-thirds of all peasant farmers had done so. CPAs were clearly outperforming State farms (Kay, 1988b) and they became an example to State farms, eventually leading to their transformation as will be discussed later.

IMPACT OF AGRARIAN REFORMS

The success or failure of agrarian reforms is a subject of much controversy. Few comprehensive evaluations of agrarian reforms have been undertaken to date, and in those few cases the answers are not always clear-cut as a consequence of the complexity of the task. Evaluations vary according to the criteria used, the weight given to each of these criteria and the period considered. A long-term evaluation can lead to a completely different assessment than one carried out sooner. As the agrarian reform process is itself protracted, a long-term evaluation can only be undertaken three or more decades from the start. While a longer-term perspective might be more appropriate, this also is not without difficulties as other factors intervene to influence the outcome of an agrarian reform. It is notoriously difficult to attribute a particular outcome to the agrarian reform, let alone to make any precise measurement of its impact. Thus any evaluation should be treated with caution.

Agrarian reforms can be assessed in narrow economic terms or in broader systemic and institutional terms. They can be evaluated in terms of their impact on growth, employment, income distribution, poverty and socio-political participation as well as on the wider development context. More recent evaluations have included the impact of agrarian reforms on gender divisions and on the environment.

While agrarian reform may be a precondition for sustainable development, it is not a sufficient condition. Agrarian reform should not be regarded as a panacea for all the ills afflicting Latin American rural economies and societies, yet the initial campaigns and proposals for agrarian reform were often seen in this enthusiastic light. Agrarian reform was perceived as a way of liberating the peasantry from landlordism with its associated feudal and exploitative conditions. It was seen as a way of achieving equitable rural development which would reduce rural poverty. It was also considered important for facilitating Latin America's struggling industrialization process by expanding the domestic market and easing foreign exchange constraints.

Given that agrarian reforms were seen as a panacea, it is paradoxical that governments failed to provide the financial, technical, organizational and other institutional support needed to ensure their success. In many instances the continuation of import-substitution industrialization policies and the persistent discrimination against agriculture in terms of price, trade and credit policy made the task of creating a viable agrarian reform sector impossible. Clearly, mistakes in design and implementation of agrarian reforms also contributed to their eventual unravelling.

Most agrarian reforms failed to fulfil expectations for a variety of reasons. In some instances, agrarian reform was implemented in a half-hearted fashion by governments that paid lip service to agrarian reform for domestic or foreign political purposes, whether to gain votes from the peasantry or aid from international agencies. In other instances fierce political opposition from

landlords, sometimes with the support of sectors of the bourgeoisie, restricted the reforms.

Agricultural production

The impact of agrarian reform on agricultural production has been mixed. Most analysts agree that results fall well below expectations. In Mexico, agricultural production increased by 325 percent from 1934 to 1965, the highest rate in Latin America during this period. This growth, however, was the result of the impetus given to agrarian reform by the Cárdenas government and the supportive measures for agricultural development; since that period Mexican agricultural performance has been poor (Thiesenhusen, 1995a). Nevertheless, research has shown that farms within the *ejido* reform sector, which are predominantly farmed as individual family plots, are as productive as farms of equivalent size in the private sector (Heath, 1992). However, the most dynamic sector in Mexican agriculture is that of private middle-sized and large-scale farmers. During the last few decades these farmers have been the main beneficiaries of government policy which has favoured commercial agriculture and given little support to reform beneficiaries. Major government investments in irrigation and provision of subsidized credits have principally favoured large farmers and export agriculture while neglecting the *ejido* food-producing sector.⁶

In Bolivia, marketed agricultural output in the years immediately after agrarian reform declined as reform beneficiaries increased their own food consumption. With respect to production, some contend that levels were maintained while others argue that it took almost a decade for production to reach its pre-revolutionary level (Thiesenhusen, 1995a). Subsequently agricultural growth was achieved in large part through the colonization of the eastern lowlands, a process encouraged by the State and

⁶ It was only during 1980/81 that the Mexican government attempted to reinvigorate peasant agriculture and the *ejidos* by pursuing a food self-sufficiency policy (*Sistema alimentario mexicano* or SAM) financed by the influx of petrodollars and the boom in Mexico's oil export earnings.

designed to boost commercial farming and export agriculture.

In Chile, agrarian reform under Frei (1964 to 1970) initially had a very favourable impact on agricultural production. Production increased by an annual average rate of 4.6 percent between 1965 and 1968, three times faster than in the previous two decades (Kay, 1978). However, growth slowed down in the last two years of the Frei administration. Under the Allende government production increased significantly in the first year, stagnated during the second year and declined sharply in 1973 as a result of socio-political upheavals and input shortages. It is estimated that much of the initial increase in agricultural output came from the commercial farm sector, especially the *reservas*. This is not surprising given that landlords often kept the best land and farm equipment which enabled them to intensify production. The reformed sector performed reasonably well at first, receiving much government support in the form of credits, technical assistance, marketing facilities, mechanization and so on. This is not an insignificant achievement given that landlords had decapitalized their estates before expropriation. However, as the expropriation process escalated and strained the administrative and economic resources of the State, the reformed sector faced increasing problems. Internal organizational problems began to arise as beneficiaries devoted more time to their individual plots than to the collective enterprise.

In Peru the agrarian reform did not increase agricultural production from its low level. The growth rate of 1.8 percent from 1970 to 1976 was similar to the average pre-reform rate of the 1960s (Kay, 1982). During the period 1970 to 1980 the average annual growth rate of agriculture was negative, i.e. -0.6; a drought in 1978 and a severe economic recession in the late 1970s had negative consequences for agriculture (ECLAC, 1993). During the 1980s agriculture recovered, growing by 2 percent yearly, but this agricultural growth was still slower than annual population growth (2.2 percent) (IDB, 1993). The reformed sector, plagued with

internal conflicts between government-appointed managers and beneficiaries, was partly responsible for this poor performance. The State exacerbated matters by its failure to provide resources or adequate technical training to beneficiaries and by its continued adherence to a cheap-food policy which reduced the reformed sector's profitability. Furthermore, reformed enterprises experienced land invasions by highland peasant communities as well as the violent activities of the Shining Path guerrilla movement in the 1980s.

In Nicaragua a series of factors conspired against the economic success of the 1979 agrarian reform. In the decade before the agrarian reform agriculture had been stagnant. After agrarian reform in the 1980s agricultural output declined on average by 0.9 percent yearly (IDB, 1993). Armed conflict between the *contras* and the government severely disrupted production. Other contributing factors were the insecurity of tenure which inhibited investment by private farmers, the mass slaughter of livestock by farmers fearful of being expropriated, shortages of labour, disruption of the marketing system and mismanagement of the reformed enterprises (Enríquez, 1991).

In El Salvador the 1980 agrarian reform was implemented during a period of civil war which came to an end in 1992 (Seligson, 1995; Paige, 1996). Gross domestic product declined by 0.4 percent yearly, while agricultural production declined by 0.7 percent yearly in the 1980s (IDB, 1993). The commonly held view that individual farming is superior to collective farming is not borne out in El Salvador. Yields achieved on the collective land of the producer cooperatives of the reformed sector were often higher than yields on family plots either within or outside the reformed sector (Pelupessy, 1995).

Income distribution, employment and poverty

The gains in income distribution derived from agrarian reforms have been lower than anticipated. The redistributive effects are greater where more land is expropriated and distributed to a larger proportion of the rural population, especially the rural poor. The less

paid out in compensation to landlords and the less the beneficiaries have to pay for the land, especially if they include a large part of the rural poor, the greater will be the redistributive impact. Similarly, an agrarian reform has a greater redistributive effect in countries with a relatively large rural economy and population. The redistributive impact is also much influenced by social policy and by the performance of the economy as a whole. In Cuba, for example, the redistributive impact of agrarian reform was much higher than in Ecuador, not only because the agrarian reform was far less significant in Ecuador but because health and education policies in Cuba targeted the rural poor. In Peru, Velasco's agrarian reform redistributed only an estimated 1 to 2 percent of national income through land transfers to about one-third of peasant families (Figuroa, 1977). Sugar workers on the coast, already the best paid rural workers, benefited most while *comuneros*, the largest and poorest group among the peasantry, benefited least (Kay, 1983).

The initial positive redistributive impact of many agrarian reforms in Latin America was often cancelled out by the poor performance of the reformed sector (collective or private) and by macroeconomic factors such as unfavourable internal terms of trade and foreign exchange policy. If agriculture and the economy are stagnant, only poverty has been redistributed. In addition, by excluding the poorest segments of the rural population – members of peasant communities, *minifundista* smallholders and seasonal wage labourers – from land redistribution, many agrarian reforms increased socio-economic differentiation among the peasantry. Tenant labourers and permanent wage workers, who generally became full members of the reformed sector, sometimes continued landlord practices of employing outside seasonal labour for a low wage or renting out pastures or other reformed-sector resources to *minifundistas* and *comuneros*. They could thus be perceived by non-members as the new landlords. This was particularly the case in Peru, El Salvador and Nicaragua but also elsewhere in Latin America.

The income distribution effect of agrarian reform also depends on the reform's influence on employment. In Peru it is estimated that the rate of male agricultural employment trebled in the decade following the Peruvian agrarian reform but it was still growing only at a modest 0.9 percent per year (Kay, 1982). The net employment effects of the Chilean agrarian reform were also modest as rural outmigration continued unabated. The *reservas* used less labour per hectare than the former haciendas because of their higher degree of capitalization. In contrast, the reformed sector employed more labour per hectare, particularly family labour, than the former estates. However, in some reform enterprises the amount of land cultivated declined because of capital and input shortages, and this reduced the employment effect.

Given the disappointing record of agrarian reforms with respect to agricultural production, income distribution and employment, their impact on poverty alleviation is likely to be marginal. While standards of living generally improved for the direct beneficiaries of agrarian reform, these beneficiaries were not generally the poorest in rural society; except in Cuba, they did not include the *minifundistas*, seasonal wage labourers, *comuneros* or members of the indigenous communities who account for the largest share of the rural poor and particularly of the rural destitute. However, the Mexican and to some extent the Bolivian agrarian reforms did redistribute land to indigenous communities. In Peru after a decade of protests and land invasion of the reformed sector by *comuneros* some land was transferred to indigenous communities.

Any gains are easily eroded in periods of economic crisis. For example, any meagre improvements that may have benefited the rural poor in the agrarian reform period of the 1960s and 1970s were partially cancelled out during the so-called lost decade of the 1980s when Latin America was beset by debt crisis. Estimates of rural poverty vary because of the inadequacy of the data and the different methodologies and definitions

employed. At best, rural poverty remained constant during the 1980s, the improvements of the previous decades having been arrested (Feres and León, 1990), while the incidence of destitution increased from 28 to 31 percent of rural households (Altimir, 1994). At worst, rural poverty rose from 45 percent to over half of Latin America's rural population (*The Economist*, 1993).

Gender relations

In terms of reduction of gender inequalities the assessment is rather negative. Most land reform legislation ignored the position of women, failing to include them explicitly as beneficiaries, to give them land titles or to incorporate them into key administrative and decision-making processes in the cooperatives, State farms and other organizations emerging from the reform process. Even in Cuba, women made up only one-quarter of production cooperative members and were even fewer on State farms. In Mexico 15 percent of *ejido* members were women, while in Nicaragua and Peru women accounted for only 6 percent and 5 percent of cooperative members, respectively (Deere, 1987). Women were excluded as beneficiaries because of legal, structural and ideological factors. The stipulation that only one household member could become an official beneficiary, i.e. a member of the cooperative or receiver of a land title, tended to discriminate against women since households were usually headed by men (Deere, 1985). The agrarian reform in Chile reinforced the role of men as the main breadwinners and gave women only limited opportunities to participate in the running of the reformed sector, despite some legislation to the contrary as under the Allende government (Tinsman, 1996).

Socio-political integration: participation and stability

The greatest contribution of agrarian reforms may lie in the stimulus given to institution building in the countryside. Governments facilitated the organization of the peasantry into trade unions and cooperatives of various kinds, such as producer, marketing and credit associations. This brought about a

considerable degree of integration of the peasantry into the national economy, society and polity. Prior to reform, insurmountable obstacles blocked peasants from creating their own organizations. With the agrarian reforms, political parties began to vie for the peasant vote and extended their networks to rural areas where in the past reformist and left-wing political parties in particular had often been excluded by the landed oligarchy. Peasant participation in civil society was much enhanced. Many peasants, when granted a land title, felt that only then had they become citizens of the country. By weakening the power of landlords and other dominant groups in the countryside, agrarian reforms encouraged a greater organizational and participatory presence for the peasantry in local and national affairs. However, this greater voice was not shared by all categories of peasants or all regions of countries. There were also setbacks from which, in some instances, peasants have been unable to recover until today.

Agrarian reform programmes were usually accompanied by legislation or other measures to promote peasant organizations, through which governments often sought to extend and consolidate their influence in the countryside. Governments were more successful in gaining the allegiance of peasants from the reformed sector who were the direct beneficiaries of government patronage. However, they were not always able to keep their allegiance. Some peasant organizations came to regard government patronage as a hindrance and sought a degree of autonomy by breaking free from the government's co-optation.

In Mexico, agrarian reform clearly contributed to the stability of the political system (although not necessarily to its democratic development). For many decades the ruling Institutional Revolutionary Party (PRI) successfully co-opted the peasantry, but in recent years its hegemony has been challenged by a variety of political forces and its grip over the peasantry has loosened, as evidenced by the Zapatista rebellion in Chiapas in southern Mexico. In Cuba the agrarian reform certainly strengthened the

Castro regime, as the reform was popular and benefited a large proportion of the rural labour force. In Bolivia the agrarian reform, by granting land to Amerindian peasants, reduced social conflicts in the countryside. The threat to political stability largely came from other social forces.

In the short term, however, agrarian reforms have tended to intensify social conflicts in the countryside and in society at large. In Chile, strikes and land seizures by farm workers escalated as peasants became organized, gained in self-confidence and had less to fear from repression. Landlords could no longer so easily dismiss striking farm workers nor count on swift retribution from the State against a peasant movement which was demanding an acceleration and extension of the expropriation process. The intensified conflicts in the countryside contributed to the military *coup d'état* which led to the violent overthrow of the Allende government and brought an end to the democratic system which had distinguished Chile from most other Latin American countries.

The agrarian reform in Chile brought about a major organizational effort. In 1965 only 2 100 rural wage workers were affiliated with agricultural trade unions; this figure increased to 140 000 in 1970 and to 282 000 by the end of 1972 (Kay, 1978). Thus about four-fifths of all rural wage workers were members of trade unions, an unusually high figure within the Latin American context. Following Allende's overthrow peasant organizations were weakened to such an extent that they have found it very difficult to rebuild and to recover their influence since the end of Pinochet's dictatorship in 1990.

In Peru the military government of Velasco Alvarado set up the peasant organization Confederación Nacional Agraria (CNA), through the Sistema Nacional de Apoyo a la Movilización Social (SINAMOS), as a rival to the autonomous peasant organization Confederación Campesina del Perú (CCP) which was founded in 1947. However, CNA became increasingly independent of government tutelage, demanding a more

radical expropriation process and a greater say in the running of the reformed enterprises which were largely managed by the State. As a result of CNA's growing independence and strength (at one point CNA had twice as many members as CCP), the government dissolved it in 1978. Conflicts between agrarian reform beneficiaries and peasant communities, in which *comuneros* invaded the land of the reformed sector, subsided when the government transferred some of the reformed-sector land to the peasant communities. Although the Shining Path guerrilla movement was partly spawned by the agrarian reform, it failed to take root in the countryside, especially in those regions with the greatest agrarian reform activity.

In Nicaragua the Sandinista agrarian reform also provoked a major effort to organize the peasantry (Enríquez, 1997). The government helped to set up the Unión Nacional de Agricultores y Ganaderos (UNAG) in 1981, and by 1987 one-fifth of all agricultural workers had joined (Blokland, 1992). UNAG also managed to wrench a greater degree of autonomy from the State over time, and it has remained the most important peasant and farmer organization in the countryside to this day.

Agrarian reforms were often restricted in scope and thwarted in their aims by opposition forces or by government mismanagement. However, in those countries where agrarian transformation went deepest and where poverty and social exclusion were significantly reduced, social stability and political integration are taking hold and facilitating economic development. Hence it is possible to argue that, from a longer-term perspective, agrarian reforms have promoted social stability, if still precarious, and made a major contribution to the democratization of society. While agrarian reforms marked a watershed in the history of rural society in many Latin American countries, the root causes of social and political instability will remain as long as relatively high levels of rural poverty and peasant marginalization persist.

It can be concluded from the above that agrarian reforms provide a framework for

growth, equity and sustainable development in rural society only when accompanied by complementary policies and appropriate macroeconomic measures. While agrarian reforms are clearly facilitated by a favourable external environment, internal transformations remain critical for determining their outcome. Rather than regarding agrarian reform as a panacea, it is best to see it as an instrument of transformation, albeit an important one, for the achievement of these objectives.

LAND POLICY IN THE NEOLIBERAL PERIOD

The neoliberal winds sweeping through Latin America (and indeed the world) since the 1980s have had major consequences for the rural sector. Agro-industrial, marketing, technical assistance, banking and other State enterprises which had provided a series of subsidized services to farmers and peasants have been privatized. Reforms in the foreign trade regime and removal of price controls changed relative prices, giving an incentive to agricultural exports. Commercial farmers were best able to adapt to the changing circumstances and to exploit some of the profitable export opportunities, particularly in non-traditional agro-exports. By contrast, peasant farmers were ill equipped to meet the neoliberal challenge, given their traditional disadvantage in the market, which was far from being a level playing field. However, a minority of peasant groups – those with better resource endowment, entrepreneurial skills, locational advantages (in terms of closeness to markets and agro-climatic conditions) or access to development programmes of NGOs – have adapted successfully.

In place of agrarian reform, neoliberalism favours a land policy that emphasizes free markets and security of property rights. An active and free land market is seen to result in the allocation of land to the most able producers. Security of tenure would stimulate long-term investment. A large proportion of peasant farmers, especially in regions of colonization, had no titles or insecure ones. International agencies such as the World Bank and NGOs financed

programmes of land registration and titling throughout Latin America (Stanfield, 1985). It was argued that secure and transparent property rights would facilitate land transactions and give producers access to credit in the formal financial market, as they could use their property as collateral.

Neoliberals also favour individual property rights over collective or communal systems, as they are seen to lead to greater efficiency and market transparency. The neoliberals thus encouraged governments to introduce measures to facilitate the privatization of the communally held land of indigenous peasant communities as well as the breakup of the collective reformed sector (Bretón, 1997; Zoomers, 1997). In some cases these neoliberal measures formalized an ongoing unravelling of the collectivist reformed sector (and of communal arrangements within peasant communities). As a result of mismanagement and inadequate State support, the beneficiaries began to look for individual solutions to the collectives' problems. This generally meant that they expanded their own peasant economy within the reformed sector. Collective agriculture encountered the familiar problems of inadequate individual work incentives and free riders. Beneficiaries were generally paid the same wage regardless of work performance. Some members did not even bother to show up for work and many began to work for less than five hours per day. Management controls were often lax and collective resources and inputs were often misused or privately appropriated. Profits, if they did materialize, were often redistributed instead of being invested. At times management was too remote, failing to consult or involve members of the collective in decision-making. This pressure on collective agriculture was exacerbated by land seizures by peasants living in indigenous peasant communities or in smallholder (*minifundia*) areas who had been left out of the agrarian reform process.

With the installation of neoliberal governments, be they democratic or military, the cooperative, collective and State farms were broken up. Under the neoliberal reforms

and the parcellation of the reformed sector, the former hacienda peasants who had become land reform beneficiaries now became the new owners of plots of land. The growth of this new group, known as *parceleros* after the parcel of land (*parcela*), has greatly expanded the peasant farm sector in many Latin American countries. Chile was the first to initiate this process, in late 1973; Peru has followed in a more gradual manner since 1980, Nicaragua since 1990 and Mexico and El Salvador since 1992. Some expropriated land has been returned to former owners (particularly in Chile), but most has been distributed as parcels of private property to members of the reformed sector. In some countries many members of the reformed sector were unable to secure a parcel and joined the ranks of the rural proletariat. The parcellation process doubled or even trebled the land area under the ownership of the peasant farm sector. The extent to which this process will lead to the development of a peasant road to agrarian capitalism remains to be seen. A number of peasants who initially gained access to a piece of land were unable to keep up their repayments or finance their farm operations and had to sell. The process of parcellation has turned sour for many who face impoverishing peasantization or complete proletarianization.

In Chile, under the counterreform of Pinochet's military government, about 30 percent of expropriated land was returned to former owners, almost 20 percent was sold to private individuals or institutional investors, and about half remained in the reformed sector (Jarvis, 1992). The reformed sector itself was subdivided into parcels or *unidades agrícolas familiares* (agricultural family units). Less than half of the original beneficiaries were unable to obtain a parcel because the size of the reformed sector was reduced by half through the counterreform and because parcels were relatively generous, averaging about 9 basic irrigated hectares. A basic irrigated hectare (b.i.h.) is a unit of high-quality land, so parcels with low-quality land were larger than 9 physical hectares and commonly varied between 11 and 15 ha.

Parcels were, on average, roughly nine times larger than *minifundias*. In the allocation of parcels there was clear political discrimination against peasant activists who were expelled from the reformed sector. The *parceleros* had to buy the land from the State, at a price of about half its market value. Furthermore, in subsequent years about half of the *parceleros* lost their land because they were unable to repay the debts they incurred to purchase a parcel or because they lacked capital, management and market experience.

A notable difference between pre-reform (1965) and post-counterreform (1986) land tenure structure in Chile is that the 5 to 20 b.i.h. farm sector has more than doubled, while the large-farm sector (more than 80 b.i.h.) has been reduced by more than half (Kay, 1993). The striking growth of the 5 to 20 b.i.h. farm sector, which presently comprises about one-quarter of the country's agricultural land, was largely the result of parcellation. The sector is composed of middle-sized and rich peasant farmers as well as small capitalist farmers. The formation of *reservas* and the partial restoration of expropriated estates to former landlords has also led to a significant expansion of the medium-to-large capitalist farm sector (i.e. 20 to 80 b.i.h.), which accounts for almost one-third of the country's land. Large farms of over 80 b.i.h. have little in common with the former haciendas and account for about one-quarter of the country's land. Average farm size in this sector (about 125 b.i.h.) is much reduced from that of the average hacienda (235 b.i.h.) (Jarvis, 1992). More important, the social and technical relations of production have been completely transformed, and today the large farms are thoroughly modern capitalist farms. Many medium-sized and large capitalist farms shifted their production pattern to non-traditional agricultural exports which have formed the backbone of Chile's agro-export boom of the past two decades. Few *parceleros*, let alone *minifundistas*, have been able to engage in agro-export production and to reap any benefits of this boom (Murray, 1997).

In Peru, agricultural production cooperatives on the coast, with the exception of the sugar cooperatives, were subdivided into parcels or family farms and transferred to members of the cooperative. The parcels were typically between 3 and 6 ha in size and averaged 4.5 ha. In the highlands part of the land of the cooperatives was transferred collectively to adjacent peasant communities (a process referred to as *redimensionamiento*) and part was distributed as parcels to individual members of the cooperative.⁷ It has taken many years to legalize this land transfer and titling process and the process is still ongoing. The Peruvian parcellation process is the largest to date in Latin America. The sector comprising farms of less than 10 ha, of which a significant part is parcels, currently controls about one-half of Peru's agricultural land and about two-thirds of the country's livestock (Eguren, 1997). But lack of finance, among other factors, greatly hampers the development of the *parcelero* farm sector.

Agrarian reform and the subsequent unravelling of the reformed sector has thus given rise to a more complex agrarian structure. It has reduced and transformed the *latifundia* system and enlarged the peasant sector and the commercial middle- and middle-to-large-farm sector. Decollectivization has also increased heterogeneity among the peasantry as the levelling tendencies of collectivist agriculture have been removed. Following the introduction of neoliberal policies the commercial-farmer road to agrarian capitalism is gaining the upper hand. Capitalist farmers are the ones to benefit from the liberalization of land, labour and financial markets, the further opening of the economy to international competition, the new drive towards exports and the withdrawal of supportive measures for the peasant sector. Their greater land, capital and technical resources, their superior links with national and especially international markets and their greater influence on

⁷ However, some of the large-scale livestock cooperatives in the Central Highlands have not yet been subdivided.

agricultural policy ensure that they are more able to exploit the new market opportunities than peasant farmers.

Cuba has not remained unaffected by the neoliberal consensus. With the demise of the Soviet Union and the transition of the former socialist countries from a planned to a market system, Cuba has also had to make some adjustments, although still within its socialist system. Greater opportunities and economic incentives have been provided for peasant farmers and producer cooperatives. In 1994 private agricultural markets were introduced where prices are not controlled by the State and where producers can sell any surplus production that remains when they have met their quota for the State market (Douzant-Rosenfeld, 1997). As a result of the increase in the achievement of the cooperative sector since late 1993, the enormous State-farm sector is being decentralized into cooperative-type management units through the creation of "basic units of cooperative production" (*unidades básicas de producción cooperativa*, UBPC). The UBPC members negotiate their production plans with the State but they own what they produce and can distribute any profits among themselves. The cooperative-farm sector is now far more important than the State-farm sector, which once owned four-fifths of Cuba's land. Indications are that UBPCs have significantly improved the performance of the former State farms (Deere, 1995).

CONCLUSIONS

The impact of agrarian reforms on agricultural output, rural poverty, income distribution and social and political participation is at best mixed. However, the institutional changes they involved have undoubtedly contributed to capitalist development. Land and labour markets have become more flexible and investment opportunities in agriculture have improved, thereby enhancing agriculture's responsiveness to macroeconomic policy and global market forces. The main legacy of agrarian reform is the part it has taken – albeit since the unravelling of the reformed

sector – in hastening the demise of the landed oligarchy and in clearing away the institutional debris which prevented the development of markets and the full commercialization of agriculture. Thus the main winners have been the capitalist farmers. Although a minority of *campesinos* gained some benefits, for the majority the promise of agrarian reform remains unfulfilled.

Poverty, exclusion and landlessness or near landlessness are still far too common in Latin America. Land issues have not yet been resolved, as is so clearly illustrated by the Chiapas uprising in Mexico (Burbach, 1994; Barkin, 1996) and the contemporary struggle for a piece of land by landless peasants in Brazil, spearheaded by the *Movimento sem Terra* (MST) (Petras, 1997). The Cardoso government has promised to grant land to 280 000 peasant households in Brazil. To date land has been distributed to over 100 000 of these households under pressure from the MST and as a result of its campaign of selective seizure of estates and massive demonstrations (*The Economist*, 1997).

The era of radical agrarian reforms, however, is over. Despite the continuing arguments by scholars and activists in favour of agrarian reform (Lipton, 1993; Barraclough, 1994; Thiesenhusen, 1995b) as well as the recent upsurge in ethnic and peasant movements for land redistribution in the region, there has been a shift from State-led and interventionist agrarian reform programmes to market-oriented land policies. Paradoxically, such land policies have been much driven from above by the State and international agencies. Thus future State interventions in the land tenure system are likely to be confined to a land policy that focuses not on expropriation but on progressive land tax, land settlement, colonization, land transfer and financing mechanisms, land markets, registration, titling and secure property rights. However, a variety of studies are indicating that such land policies are not turning out to be the promised panacea. While the potential benefits of clearly defined property rights may be substantial given that about half of rural

households lack land titles (Vogelgesang, 1996), the economic and socio-political context in which small farmers operate conspires against them. The evidence gathered so far shows that all that is achieved is a “modernizing of insecurity” (Jansen and Roquas, 1998; Thorpe, 1997). It has to be recognized that custom-based land titles as well as rental arrangements in rural communities often offer greater security and flexibility to peasants than World Bank-type land titling schemes. In the end peasants are the losers from these land titling projects because of their weak position in the market as well as in the political system which is unable to protect their land rights (Shearer, Lastarria-Cornhiel and Mesbah, 1990; Stanfield, 1992; Carter and Mesbah, 1993; Vogelgesang, 1997).

While the search for agrarian reform continues (Thiesenhusen, 1989), factors such as prices, markets, credit, technical assistance, wages, regionalization and globalization currently exercise a major influence on agriculture’s performance and the peasants’ well-being. It is vital for peasants and rural workers to organize and strengthen their representative institutions so that they can shape and secure their future survival in a world increasingly driven by globalizing forces. While major agrarian reforms, especially of a collectivist kind, are unlikely to recur, it is certainly premature to argue that current land policies and neoliberal measures are heralding the demise of the agrarian problem in Latin America; its resolution will still require changes in the unequal and exclusionary land tenure system.

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Land issues and violence in Africa: prevention of conflicts, drawing from the case of North Kivu (1940 to 1994)

Since 1993, northern Kivu, in eastern Democratic Republic of the Congo (former Zaire) has been the scene of large-scale violent fighting between rural groups of differing socio-ethnic origin. Between March 1993 and early 1996, tens of thousands of civilians were killed and hundreds of thousands displaced. This slaughter is the culmination of a long process of escalating conflict fuelled by a number of factors: the demographic and ethnic imbalances resulting from migration, the expropriation of smallholders, the uncertainties and confusion of nationality and, finally, political manipulation. This article summarizes the causes of this escalation of tension and its violent polarization. It suggests lines of action that might prevent or at least restrain the emergence of similar conflicts, concentrating on three intervention areas: rural development, land management and governance.

Problemas de tenencia y violencia en África: la prevención de los conflictos a partir del caso del norte de Kivu (1940-1994)

A partir de 1993, en la parte septentrional de Kivu (al este de la República Democrática del Congo, antiguo Zaire) se han registrado enfrentamientos violentos entre grupos de campesinos de distintos orígenes sociales y étnicos. Esa violencia ocasionó decenas de miles de muertos entre la población civil y el desplazamiento de cientos de miles de personas entre marzo de 1993 y el comienzo de 1996. Tales masacres son el resultado de un proceso histórico de agravamiento de los conflictos en el cual interfieren numerosos tipos de tensiones: los desequilibrios demográficos y étnicos derivados de las migraciones, la privación de la tenencia de los campesinos, las incertidumbres y la confusión en relación con las cuestiones de la nacionalidad y, por último, las manipulaciones políticas. En el artículo se resumen las causas de este proceso de escalada y de polarización violenta de las tensiones. Luego se proponen diversas posibilidades de actuación orientadas a prevenir o limitar la aparición de tales conflictos en los tres sectores de intervención: desarrollo rural, gestión de la tenencia, gobierno.

Enjeux fonciers et violences en Afrique: la prévention des conflits en se servant du cas du Nord-Kivu (1940-1994)

P. Mathieu

Institut d'études du développement, Université catholique de Louvain, Louvain-la-Neuve, Belgique

S. Mugangu Matabaro

Faculté de droit, Université de Bukavu, République démocratique du Congo

A. Mafikiri Tsongo

Faculté d'agronomie, Université de Butembo, République démocratique du Congo

Depuis 1993, la partie nord du Kivu (est de la République démocratique du Congo, ex-Zaïre) a été le lieu d'affrontements massifs et violents entre groupes de paysans d'origines socioethniques différentes. Ces violences ont fait des dizaines de milliers de morts civils et des centaines de milliers de personnes déplacées entre mars 1993 et début 1996. Ces massacres sont le résultat d'un processus historique d'escalade conflictuelle attisée par plusieurs facteurs de tension: les déséquilibres démographiques et ethniques résultant des migrations; la dépossession foncière de la paysannerie; les incertitudes et la confusion relatives aux questions de nationalité; et, enfin, les manipulations politiques. L'article résume les causes de ces processus d'escalade et de polarisation violente des tensions. Il propose ensuite diverses lignes d'action susceptibles de prévenir ou de limiter l'émergence de tels conflits dans trois domaines d'intervention: le développement rural, la gestion foncière et la gouvernance.

DIVERSITÉ ET ENCHAÎNEMENT DES SOURCES DE CONFLITS FONCIERS

Dans de nombreuses régions d'Afrique, les conflits dont font l'objet la terre et les ressources naturelles semblent devenir plus nombreux et plus violents. Un certain nombre de causes et de facteurs structurels sont souvent invoqués pour expliquer cette situation (Chauveau et Mathieu, 1998), notamment:

- Une réponse immédiate (et insuffisante) laisse penser que les conflits ont pour origine le contexte écologique et démographique difficile des pays africains: population en rapide augmentation et dégradation des ressources naturelles. Cette réflexion est à la fois simpliste et insuffisante. Simpliste, car la dégradation

des ressources naturelles productives est loin d'être un processus généralisé.

Insuffisante, car l'accroissement démographique et la rareté des terres cultivables, entraînant une compétition forte pour un espace rare, constituent sans doute un facteur favorisant et important mais, en aucun cas, une condition occasionnant automatiquement des actes de violence. La raréfaction des ressources et l'augmentation des populations ne suffisent pas, loin de là, à justifier tous les conflits violents pour les ressources naturelles, et leur récent accroissement. En effet, les densités de population élevées n'entraînent pas systématiquement la concurrence pour les ressources naturelles, et cette

concurrence ne débouche pas nécessairement sur des conflits. Un aspect particulier du contexte démographique est, sans doute plus important:

l'augmentation des déplacements massifs de population. Les rapports entre populations autochtones et allochtones deviennent donc plus fréquents, alors que, bien souvent, les groupes qui entrent ainsi en contact se connaissent peu ou mal, ne partagent pas une histoire et des valeurs communes, et ne se réfèrent pas aux mêmes autorités politiques locales.

- L'emboîtement et la superposition de droits fonciers multiples sur un même espace sont une caractéristique importante des systèmes fonciers traditionnels africains: différents acteurs ont en effet des droits fonciers spécifiques, éventuellement pour des activités et/ou pour des horizons temporels différents, sur les mêmes terres. Ces systèmes complexes reposent sur une disponibilité suffisante des ressources et surtout sur un consensus social réciproque entre les divers «ayants droits» fonciers. Les divers droits des uns et des autres sont en effet hiérarchisés: certains statuts sont dominants et d'autres dépendants, et un ensemble de relations sociales – et non juridiques – de subordination, de dépendance et d'acceptation des hiérarchies doivent être respectées (Mugangu Matabaro, 1997).
- Certains changements exogènes contribuent aujourd'hui à créer des enjeux conflictuels. Il s'agit, par exemple, des projets de développement agricole ou des aménagements qui augmentent significativement la valeur productive des terres. En de tels cas, la nécessité d'adapter ou de créer des institutions spécifiques (démarche souvent imposée par l'Etat ou par l'intervenant technique ou financier extérieur) ainsi que la redéfinition des équilibres de pouvoir locaux (à l'occasion de l'intervention externe et des recompositions institutionnelles qu'elle suscite) créent des situations sociales plus ouvertes et incertaines.

- Ces incertitudes ou inquiétudes foncières augmentent aussi lorsqu'une articulation confuse et instable entre les trois principales logiques de régulation foncière (la coutume, le marché, les lois modernes) les rend toutes trois également inaptes à coordonner la concurrence et arbitrer les situations conflictuelles (Mathieu, 1996). Les relations de compétition pour la terre deviennent à ce moment plus tendues, et ces tensions s'expriment à divers niveaux des relations sociales: à l'intérieur de la famille (entre aînés et cadets, résidents et émigrés, hommes et femmes, etc.), entre villages, entre catégories sociales ou entre groupes ethniques. La confusion des régulations institutionnelles accroît surtout la précarité des droits des acteurs paysans les plus pauvres. Dans les situations de cohabitation ethnique difficile, cette précarité globale (foncière, mais aussi économique) renforce souvent les réactions de méfiance et de ressentiment qui alimentent parfois les conflits ethniques.

Les déplacements rapides et importants de population et les opérations d'aménagement de l'espace ont comme caractéristique commune de créer des situations foncières nouvelles, et cela bien souvent sans que ni l'Etat, ni les mécanismes sociaux endogènes n'aient défini la façon socialement acceptable dont les nouvelles valeurs du foncier pourront être redistribuées et gérées. Dans de telles situations, ces changements rapides accroissent la rareté et la valeur de la terre, tout en modifiant l'équilibre des pouvoirs dans l'espace local. Cela crée des opportunités de changement et des enjeux à deux niveaux: manipulations et spéculations foncières profitables (appropriation des ressources), d'une part, recompositions politiques (restructuration des rapports de pouvoir), d'autre part. La colonisation agraire ou l'aménagement technique de l'espace créent donc nécessairement des enjeux (à ces deux niveaux), des opportunités (surtout pour les plus riches, les plus puissants, les mieux informés ou ceux bénéficiant de relations et les plus rusés), et des risques (pour les plus faibles). Toute intervention

technique ou modification rapide du rapport populations/ressources entraîne ainsi des implications sociales et des enjeux de pouvoir.

En fait, aucune des sources de tensions mentionnées ci-dessus ne constitue à elle seule une cause nécessaire et suffisante de conflits fonciers graves. Les processus conflictuels s'articulent selon des enchaînements variables entre diverses sources de tensions qui aboutissent à la remise en cause des règles auparavant reconnues comme légitimes pour l'attribution des différents droits fonciers. En outre, les causes et les dimensions foncières et non foncières, liées à l'environnement économique et politique, doivent être également prises en considération pour rendre compte des différents types de conflits.

COMPÉTITION FONCIÈRE ET TENSIONS POLITICO-ETHNIQUES DANS LE MASISI (KIVU), 1940-1994

Le Masisi est une zone de 4 700 km² au nord-ouest de Goma, chef-lieu de la province du Nord-Kivu. Ces collines fertiles, encore boisées et très peu peuplées au début de ce siècle (12 habitants au kilomètre carré en 1940) ont attiré des flux importants de migrants en provenance du Rwanda depuis plus de 50 ans: immigration massive d'abord encadrée et organisée par les autorités coloniales (dès 1937) puis largement spontanée, suite aux famines et aux affrontements politico-ethniques entre Hutus et Tutsis au Rwanda voisin. Au début des années 90, les diverses catégories de populations d'origine rwandaise (dont certaines, les plus anciennes, avaient obtenu la nationalité zaïroise entre l'indépendance et 1981) étaient devenues majoritaires, représentant au moins 70 pour cent de la population totale de la zone de Masisi (estimée à 800 000 personnes début 1994) et probablement entre 30 pour cent et 50 pour cent de la population du Nord-Kivu (trois millions d'habitants). Les densités effectives approchaient 300 habitants au kilomètre carré pour les terres cultivées par les paysans, alors que des propriétaires étrangers à la zone (politiciens, commerçants,

aussi bien zaïrois que migrants récents d'origine rwandaise) occupaient, avec des titres fonciers officiels, de grands domaines de plantations et d'élevage extensif obtenus bien souvent en expulsant les paysans qui, auparavant, exploitaient ces terres.

Depuis 1991 et en particulier mars 1993 (donc bien avant l'arrivée massive des réfugiés du Rwanda en juillet 1994), une grande partie de cette région du Nord-Kivu, autour de la zone du Masisi au nord de Goma, a été le théâtre d'affrontements meurtriers entre groupes locaux anciennement implantés (Hunde, Nyanga, Tembo) et membres de divers groupes Banyarwanda¹. Parmi ceux-ci, certains étaient établis de longue date au Nord-Kivu, particulièrement les habitants du canton traditionnel du Bwisha, à la lisière est du Nord-Kivu, inclus dans le Congo depuis les découpages des frontières coloniales de 1885-1910, mais qui faisait partie des royaumes historiques du Rwanda à l'époque précoloniale. La plupart des Banyarwanda du Nord-Kivu sont cependant arrivés au Masisi à partir de 1937, dans les déplacements de population organisés par les autorités coloniales belges. Ces migrations ont continué et sont restées importantes après l'indépendance du Congo et du Rwanda. Dès les années 60 cependant, la cohabitation difficile entre autochtones et migrants dans le Masisi avait entraîné des tensions sociales très vives. Celles-ci s'exprimaient principalement sur deux terrains: la rivalité politique au sein des

¹ Cette appellation d'usage courant dans l'est du Zaïre servait à désigner (depuis les années 40) toutes les personnes installées dans la région et ayant en commun des racines culturelles et/ou géographiques rwandaises, ainsi que l'usage de la même langue (le kinyarwanda, parlé au Rwanda). Cette désignation très englobante et apparemment évidente (les individus ainsi désignés sont en effet clairement identifiables, au moins par l'usage de la langue) recouvrait en fait des groupes sociaux très divers: les petits paysans (hutus) nés au Masisi de parents transplantés par le pouvoir colonial dans les années 40, les paysanneries de culture rwandaise habitant le canton du Bwisha depuis des siècles (historiquement rattachées aux royaumes traditionnels du Rwanda), les migrants clandestins (agriculteurs hutus) arrivés du Rwanda à la recherche de terres avant ou après 1960, les éleveurs tutsis arrivés avec leur bétail à diverses époques, ou encore les intellectuels et hommes d'affaires cosmopolites (souvent aussi d'origine tutsi) arrivés en plusieurs vagues à partir de 1959.

institutions politiques régionales, et des litiges locaux d'origine foncière entre paysans. Ces litiges étaient violents, souvent avec mort d'hommes, et ils ont été de plus en plus nombreux dans tout le Nord-Kivu (pas uniquement entre les groupes autochtones les plus anciens et les Banyarwanda) à partir de 1979 (Katuala-Kabala, 1984).

A partir des années 60, tensions et incertitudes ont créé un sentiment de précarité économique et d'insécurité foncière parmi les petits paysans en butte aux vexations et à l'arbitraire tant des chefs coutumiers locaux que des autorités administratives zaïroises. Les discours des politiciens des deux bords, mobilisant leur électorat sur une base identitaire et cultivant les inquiétudes et le ressentiment réciproque de paysanneries au bord de l'étouffement économique et foncier, ont exacerbé une angoisse socioéconomique croissante et des «logiques persécutrices»² qui se sont cristallisées sur deux facteurs centraux: la terre (la sécurité foncière) et l'identité (le droit à la nationalité zaïroise des divers groupes qualifiés de Banyarwanda). Au terme de la Conférence nationale (1990-1992) et à l'approche d'élections inévitables, des massacres ont été déclenchés en mars 1993 par des groupes de jeunes paysans autochtones, sans doute organisés et manipulés par les politiciens locaux. En quelques mois, les violences perpétrées par des milices et des bandes armées des deux camps ont fait entre 10 000 et 14 000 morts (suivant les estimations) et plus de 200 000 personnes déplacées pour échapper aux exactions et au «nettoyage ethnique» exécuté par ces milices. Après une brève accalmie début 1994, les mêmes troubles ont repris et ont connu une escalade continue des moyens utilisés, du niveau de violence et du nombre de combattants avec l'arrivée des anciennes FAR (Forces armées du Rwanda) et des Interhamwe dans les camps de Goma après juillet 1994. En novembre 1994, une

² Selon l'expression de Willame (1997): ce terme indiquant que chaque groupe se voit menacé par la malveillance et le complot des «autres» soupçonnés de part et d'autre de vouloir l'élimination du groupe rival.

nouvelle «guerre du Masisi» reprend et s'étend rapidement aux zones avoisinantes (Rutshuru, Walikale), après que des membres des FAR et ex-Interhamwe arrivés avec les réfugiés aient commencé à intervenir dans les zones au nord de Goma (vols de bétail des éleveurs tutsis, attaques de villages hunde). En mai 1996, les associations locales de droits de l'homme estimaient le nombre total de morts à 70 000 et celui des personnes déplacées à 250 000³. Cette escalade de la violence s'est poursuivie et étendue ensuite dans tout le Kivu jusqu'à l'entrée en scène de l'AFDL (Alliance des forces démocratiques de libération du Congo) et de ses alliés fin octobre 1996.

On observe ici un cas de conflit complexe et «multidimensionnel» (Pourtier, 1996). Parmi les causes de l'escalade des tensions, il y a un malentendu foncier originel et une compétition à la fois foncière et politique entre les groupes. Un autre facteur est l'insécurité foncière structurelle et croissante à partir des années 70, insécurité qui s'est exprimée par de multiples conflits fonciers locaux et violents, à partir de 1979. Dans l'histoire de ce conflit, les enjeux de sécurisation et les conflits locaux, associés à d'autres sources de tensions, ont conduit à une escalade progressive qui s'est «cristallisée» finalement sous la forme de combats rangés dont le but était l'exclusion ou la destruction de l'autre groupe.

Après avoir brièvement résumé les causes complexes de l'escalade conflictuelle dans le cas du Nord-Kivu, le texte examine ensuite les types d'actions qui auraient pu prévenir et limiter ces dynamiques conflictuelles. Ces propositions présentent des axes d'interventions à prendre en compte de façon prioritaire dans une perspective de prévention des conflits liés à la terre. Elles sont bien sûr tardives et sans doute inutiles à court terme dans le cas précis du Kivu. Elles peuvent cependant être pertinentes pour le futur dans d'autres contextes africains: comment éviter la généralisation des escalades conflictuelles violentes à partir

³ Chiffres rapportés par le journal zaïrois *Le Soft*, 6 mai 1996, cité par Pourtier (1996).

de situations de rareté foncière et d'incertitudes institutionnelles qui risquent de devenir plus fréquentes. De nombreuses zones d'Afrique sont aujourd'hui, ou peuvent être demain, dans des situations analogues à celle du Kivu depuis une vingtaine d'années: forte pression foncière, cohabitations ethniques difficiles entre des groupes diversifiés, administrations et Etats affaiblis et instables.

L'ENCHEVÊTREMENT DES CAUSES DE L'ESCALADE DES CONFLITS: ETHNICITÉ, NATIONALITÉ ET INSÉCURISATION FONCIÈRE

Les processus historiques d'escalade du niveau de violence dans les conflits au Nord-Kivu résultent de causes multiples et complexes. Deux principaux facteurs d'inquiétude et d'accroissement des tensions ont joué un rôle déterminant durant ces 25 années: la question foncière et celle de la nationalité.

La question foncière peut se résumer en quelques mots:

- rétrécissement de l'espace disponible pour des paysanneries de plus en plus nombreuses;
- dépossession foncière de ces mêmes paysanneries, en grande partie organisée par la collusion entre chefs coutumiers, bourgeoisies urbaines et administrations corrompues;
- incertitude et précarité croissantes des droits fonciers paysans, résultant à la fois des pratiques foncières clientélistes et opportunistes des chefs coutumiers autochtones et de la disqualification des droits fonciers traditionnels par les lois foncières modernes (promulguées en 1966 et 1973), au nom de la propriété étatique du sol (Mathieu et Kazadi, 1990).

La gestion foncière (par les chefs coutumiers et les institutions légales modernes en interaction) a été à la fois un lieu d'enrichissement pour ceux qui la contrôlaient et une cause d'inquiétude (crainte d'être déracinés des terres qu'ils occupaient) pour ceux qui ne la contrôlaient pas, donc pour les paysans des groupes craignant d'être exclus ou minorisés dans le jeu du pouvoir politique.

La question de la nationalité a été marquée par deux législations successives et contradictoires promulguées à 10 ans d'intervalle (Pabanel, 1991).

- En janvier 1972, d'après la loi 72-002, «les personnes originaires du Ruanda-Urundi, qui étaient établies dans la province du Kivu avant le premier janvier 1950 à la suite d'une décision de l'autorité coloniale, et qui ont continué à résider depuis lors dans la République jusqu'à l'entrée en vigueur de la présente loi, ont acquis la nationalité zaïroise le 30 juin 1960».
- En 1981, de nouveaux textes législatifs annulent cette première loi et définissent des conditions beaucoup plus restrictives pour l'accès à la nationalité, imposant une démarche individuelle de naturalisation pour obtenir la nationalité qui avait été accordée 10 ans auparavant de façon collective et automatique. Une ordonnance de mai 1982 précise que «sont nuls et nonavenus les certificats de la nationalité zaïroise ou tout autre document d'identité délivré en application de l'article 15 de la loi n° 72-002 du 5 janvier 1972 sur la nationalité zaïroise » (art. 21).

La question de la nationalité des migrants venus du Rwanda (mais à des époques très différentes) a donc été marquée par une confusion politico-juridique inextricable, qui en a fait une question littéralement «indécidable». Il était devenu impossible, dans le contexte institutionnel et politique du Zaïre entre 1981 et 1993, de dire «qui était zaïrois et qui ne l'était pas» au Nord-Kivu. Or, pour les acteurs locaux (les paysans, mais aussi les intellectuels et politiciens liés aux premiers), la réponse à cette question était d'une importance vitale. En effet, dans le contexte de la démocratisation parachutée et assez chaotique du Zaïre (1990, autorisation du multipartisme; 1990-1992, Conférence nationale souveraine), le règlement de la question de la nationalité allait nécessairement déterminer quel serait, après les élections, le groupe ethnique capable de contrôler les majorités politiques des assemblées régionales, et donc le pouvoir politique dans les provinces. Derrière la

question de la nationalité, il y en avait donc deux autres: celle de la compétition pour le pouvoir politique régional, et celle de la légitimité sociale de l'implantation des migrants (anciens ou récents) d'origine rwandaise. Cette légitimité était elle-même affaire de perceptions sociales et constituait l'enjeu des discours et des processus de représentation idéologique du groupe rival. Ainsi, la compétition politique et l'insécurisation foncière s'associaient dans un contexte de clientélisme, de corruption institutionnelle et de paupérisation rurale intense pour créer un terrain favorable aux appels à l'extrémisme et à la violence de la part des politiciens liés aux deux groupes ethniques.

Trois autres facteurs ont fortement contribué aux dynamiques d'escalade conflictuelle entraînant une montée en puissance des formes de violence et une radicalisation progressive des oppositions entre groupes socioethniques.

Absence d'espaces de communication entre groupes sociaux sur la compétition sociale et foncière

Les discours de politiciens xénophobes ont pu d'autant plus facilement influencer l'imaginaire social qu'il n'y avait pas d'autres arènes de communication pour négocier ou arbitrer les prétentions politiques et foncières concurrentes des groupes en présence. Aucun espace institutionnel de communication n'était disponible pour une négociation ou un arbitrage à propos des multiples enjeux et motifs de discordance entre les groupes sociaux: compétition pour la terre, pour les revenus, pour le pouvoir et question des identités nationales. Aucune de ces questions n'a trouvé de lieu d'arbitrage légitime et efficace ou de confrontation dialoguée. Les seuls registres de communication sur ces questions et ces inquiétudes ont été les discours des politiciens et les rumeurs populaires (souvent orchestrées par ceux-ci).

Absence de régulation institutionnelle de la compétition foncière

L'Etat n'arbitrait pas réellement la compétition foncière car il n'avait ni la force,

ni la légitimité, ni la volonté, ni les ressources humaines et techniques pour le faire. Les agents de l'Etat accordaient des titres fonciers en contrepartie de paiements informels et en collusion avec les pouvoirs fonciers coutumiers. Ceux-ci ne contrôlaient plus une compétition pour la terre qui mettait en jeu des sommes d'argent et des niveaux de pouvoir qui les dépassaient. Bon nombre de chefs coutumiers locaux (*bami*) se sont disqualifiés par leur vénalité et leur dépendance à l'égard du politique moderne. Enfin, le marché foncier (qui est aussi une forme possible de régulation de la concurrence pour les ressources) était officiellement absent, mais en fait présent (ou émergent) sous une forme largement occulte, imparfaite, opaque et tributaire du politique, à travers les mécanismes de corruption et les relations clientélistes.

Cette situation à première vue chaotique bénéficiait en fait aux acteurs les plus riches et les plus puissants. Ceux-ci ont obtenu de vastes superficies de terres sous le régime juridique de la concession foncière à partir du milieu des années 70. Une caractéristique importante de cette situation était l'absence d'institutions juridiques de recours ou d'arbitrage accessibles et crédibles. Aussi bien dans la sphère coutumière que dans les institutions étatiques, il n'y avait aucun espace institutionnel crédible et accessible aux acteurs du foncier «à la base» (les petits paysans) pour exprimer leurs plaintes ou rechercher un arbitrage des litiges résultant d'une compétition foncière inégale.

Absence de développement économique et social

Enfin, la présence d'importants groupes de jeunes désœuvrés et de paysans sans terre, sans espoir d'accéder à une vie économique et sociale «normale», a été au Kivu, comme dans d'autres cas récents de violences de masse (Rwanda, 1994; Sénégal-Mauritanie, 1989), un facteur décisif des violences massives. Ceux qui étaient dépossédés de tout (et surtout d'espoir) dans la paix ont fini par croire qu'ils n'avaient rien à perdre et tout à gagner dans la violence meurtrière et dans la guerre.

Lorsque des groupes sociaux entiers ont eu la conviction d'être menacés dans leur survie matérielle (l'accès à la terre) et sociale (l'accès au pouvoir politique), la visée d'une «élimination sécuritaire» et violente de l'autre groupe a été facilement légitimée comme une solution évidente et nécessaire par les discours de certains politiciens et intellectuels dès 1991. A partir de ce moment, la violence du massacre populaire est devenue l'option la plus facile pour apaiser l'angoisse, à défaut de résoudre les vrais problèmes ayant provoqué celle-ci.

RECOMMANDATIONS POUR LA PRÉVENTION DES CONFLITS AGRAIRES ET FONCIERS

Actions structurelles en matière de politiques de développement rural

Une des causes primordiales favorisant les conflits fonciers locaux est la pauvreté, le dénuement, le manque de terres des petits paysans pour qui l'agriculture est synonyme de subsistance.

Une des premières recommandations est donc d'appuyer les actions de développement rural bénéficiant aux petits paysans, notamment dans les domaines suivants: création d'emplois ruraux non agricoles (diminuant la pression sur les terres), diffusion de progrès techniques agricoles (permettant de conserver les sols fragiles, d'augmenter les rendements et donc les revenus qui peuvent être obtenus à partir de parcelles de petite taille), et amélioration de la commercialisation et/ou des prix agricoles (augmentant le revenu monétaire tiré d'une même production physique).

Les recommandations sont au nombre de trois:

Recommandation 1 – Un développement rural incorporant la création d'activités non agricoles: artisanat, transformation des produits agricoles. Un processus de développement rural intégrant agriculture et activités non agricoles, contribuant ainsi à alléger la pression sur la terre en créant des opportunités de revenus et des emplois non directement tributaires de la production agricole et de la terre comme facteur limitant.

Recommandation 2 – Un développement

agricole soutenant les possibilités d'intensification et de diversification, par des activités accessibles aux paysans: arboriculture, commercialisation du petit élevage, intégration agriculture-élevage, commercialisation des produits vivriers, intensification des cultures paysannes de rente (café, pyrèthre, papaine, etc.). Un tel soutien au secteur de la production agricole paysanne passe par de nombreuses actions sectorielles (innovations agronomiques et techniques, crédit, commercialisation, formation, etc.), dans une approche générale d'appui aux initiatives locales, approche souple et adaptable aux spécificités locales, opposée aux recettes et paquets technologiques tout prêts et uniformes pour toute une région.

Recommandation 3 – Equilibrer les relations entre l'agriculture paysanne et le secteur agricole capitaliste «moderne» latifundiaire (concessions de grande surface, plantations modernes, domaines d'élevage extensif). Le secteur d'élevage extensif en particulier – fortement encouragé par diverses aides extérieures – a constitué un facteur d'accroissement de la compétition foncière et de la polarisation sociale, sans générer de revenus (privés) réinvestis sur place, ni de revenus publics (taxes, impôts) qui auraient pu financer le développement régional.

Pour toute action de développement, il s'agit donc de savoir quel type d'agriculture et quelles catégories sociales sont favorisés ou défavorisés par les actions de l'homme. Dans un espace rural densément peuplé, toute action technique qui accroît les capacités d'expansion d'une utilisation spécifique de l'espace par une catégorie sociale se fera en effet nécessairement aux dépens d'autres groupes, et en entraînant des tensions sociales accrues. Dans la définition de leurs priorités, les aides extérieures et les plans de développement régional devraient donc anticiper et prendre en compte toutes les conséquences sociales des options techniques et sectorielles qu'elles envisagent d'appuyer.

Pour éviter que le secteur de l'agriculture extensive dit «moderne» (latifundia) soit une cause de conflits fonciers et de polarisation

sociale excessive, l'extension de ce secteur doit être contrôlée et régulée dans la perspective d'un développement régional intégré. Cela implique l'existence d'institutions régionales de pilotage du développement, animées par des administrations gestionnaires et compétentes, entretenant des relations de concertation avec les acteurs et opérateurs de développement de la société civile.

Actions structurelles en matière foncière

Orientation générale. Favoriser la transparence et la communication sur les objets et enjeux d'affrontements, à partir de l'existant et non à partir de réglementations nouvelles.

Pour illustrer cette perspective, nous reprenons ici un passage des conclusions d'une étude sur les problèmes fonciers dans le centre-ouest ivoirien, région également marquée par de nombreux conflits fonciers et des relations interethniques tendues:

- Pour rendre transparents les droits, procédures et obligations des relations clientélistes qui s'imposent dans les faits, l'essentiel n'est donc pas de les codifier, mais de faciliter l'identification des enjeux, la clarification des règles normatives, la régulation des règles pragmatiques.
- Afin de clarifier les enjeux et les règles ainsi que les inflexions que les relations clientélistes leur font subir, il convient de n'exclure a priori aucune forme de coordination susceptible de contribuer à cette clarification.
- Par ailleurs, ce serait une grande erreur de limiter les conflits fonciers à leur seule dimension ... foncière. La perception par les acteurs des problèmes fonciers dépend en grande partie de la vie de relations dans son ensemble. Concernant en particulier les rapports entre les groupements autochtones et immigrés, cette vie de relation existe (par exemple à propos des groupements villageois, de l'Association des parents d'élèves, des relations de travail et de crédit, des obligations sociales à l'occasion des événements communs à toute vie de groupe, des activités religieuses, des

élections nationale...). En dépit des nombreux motifs de friction, elle pourrait être améliorée non pas par une réglementation mais par un appui des pouvoirs publics ... et pour le plus grand bien des relations foncières elles-mêmes.

- Organiser les règles foncières consiste non pas à empêcher la confrontation et le conflit mais à faciliter la communication dans l'affrontement. La communication dans l'affrontement implique l'action collective et la recherche d'innovations organisationnelles dans la concertation entre les différents groupes d'acteurs en confrontation. Il est clair que nous touchons là à la dimension fondamentalement politique des problèmes fonciers, et en particulier à l'organisation de la confrontation politique au niveau local (Chauveau, 1994).

Recommandations opérationnelles en matière foncière.

De très nombreuses actions institutionnelles et foncières peuvent accroître la sécurisation foncière en limitant les facteurs d'incertitude. Il n'est sans doute pas réaliste, à court terme, de vouloir proposer de nouvelles législations foncières, puisque ce sujet est hautement politisé et conflictuel, et que la meilleure législation ne vaut que par les administrations chargées de sa mise en œuvre et par son adéquation avec la société où elle s'inscrit.

Sans passer à des interventions lourdes, longues et très politiques de modification des législations foncières, des actions pragmatiques sont possibles et devraient s'inspirer de quelques principes simples en matière foncière:

- en concevant et réalisant des actions partant des pratiques et «demandes» paysannes en matière de sécurisation foncière, de façon autant que possible pragmatique plutôt que codifiée;
- en intégrant les légitimités coutumières (mais en limitant leur pouvoir d'arbitraire, notamment en ce qui concerne les «ventes occultes» des domaines fonciers coutumiers);
- en accroissant la clarté (transparence, enregistrement) des transactions;

- en limitant de façon générale les possibilités d'arbitraire et de corruption dans les transactions foncières (par des législations simples et des procédures accessibles au plus grand nombre);
- en encourageant la mise sur pied de mécanismes et la création d'espaces institutionnels plus ou moins formalisés permettant de négocier et d'arbitrer effectivement les litiges fonciers.

Appui à la réforme de l'Etat, gouvernance et société civile

Orientation générale. La sécurisation ou la pacification du foncier et l'ensemble de la démarche «clarification de la nationalité» n'auraient été réalisables au Kivu qu'en étant accompagnés de processus de communication relevant à la fois du politique et de la société civile:

- Mise en place de lieux et de mécanismes

Quelques exemples d'actions pouvant contribuer à la clarification et à la sécurisation des droits fonciers des paysans

Favoriser l'enregistrement écrit et systématique des transactions foncières, avec l'appui des administrations locales, formées et équipées pour le faire.

L'enregistrement écrit des transactions foncières (ventes, locations, héritages) est une pratique nouvelle et en extension, émanant au départ des paysans eux-mêmes, et qui peut certainement contribuer à diminuer les litiges ainsi que les possibilités d'arbitraire des autorités coutumières, ainsi qu'à accroître le niveau général de sécurité des transactions et des droits fonciers. De façon pragmatique et sans modifications législatives, cette pratique peut même être systématisée et renforcée par une «reconnaissance administrative» des modes d'enregistrement locaux (semi-formels) des transactions, lorsque ce sont des administrations locales qui enregistrent ou authentifient de façon pragmatique les documents attestant des transactions foncières entre paysans. Au Rwanda (avant 1994), en Côte d'Ivoire, au Burkina Faso notamment, cette pratique administrative a joué ou joue encore un rôle significatif. (Bruce, Migot-Adholla, et Atherton, 1994; Mathieu, 1996a).

Faciliter l'accès des paysanneries à l'information et aux procédures relevant du droit foncier moderne, en vue de leur permettre d'utiliser ces procédures pour sécuriser leurs droits fonciers. Cet accès à l'information et à une certaine maîtrise des procédures de droit écrit peut être appuyé par l'action d'ONG locales de service, travaillant en milieu rural avec l'aide de «juristes aux pieds nus» se chargeant de vulgariser l'information sur les lois foncières en milieu rural, et jouant un rôle d'intermédiaire en dispensant des conseils en matière de procédures. De telles actions ne sont pas possibles dans n'importe quel contexte social et ne peuvent être réalisées que par des personnes ou des organisations connaissant bien le milieu social. Des actions de ce type

ont été tentées ou sont en cours dans certains pays africains (Sénégal, Niger et Afrique du Sud).

Projets de développement agricole et gestion des ressources naturelles, incorporant un volet de sécurisation foncière. Dans ce type de projet, la sécurisation des droits fonciers est liée à des interventions communautaires pour la gestion des ressources naturelles: actions de reboisement, conservation des eaux et des sols et aménagement de bassins versants. Des expériences intéressantes dans ce sens ont été réalisées (notamment à Madagascar et au Sahel) associant ces actions avec une sécurisation juridique des droits fonciers paysans.

Formation, appui et suivi des administrations foncières régionales. «Le remède efficace au problème des spoliations des terres réside dans l'intervention du législateur. Ce dernier doit, au sens de l'article 385 de la loi n° 73-021 du 20 juillet 1973, définir la nature juridique des droits immobiliers liés aux terres des communautés locales. Cette définition devra aller de pair avec le recensement de ce qui reste encore des terres coutumières et de leurs détenteurs.

L'intervention du législateur ne deviendra efficace qu'avec le recyclage et la formation tant technique que morale de nos agents du Service des titres fonciers, ainsi que de tous ceux qui interviennent dans le processus d'octroi des terres, qu'ils soient cadres politico-administratifs ou autorités coutumières. Cela éviterait les enquêtes de vacance de complaisance.

La solution au problème des «spoliations» requiert aussi une justice réaliste et équitable fondée essentiellement sur les descentes sur les lieux des concessions litigieuses et l'information juridique et judiciaire du peuple sur ses droits» (Katuala, 1984).

de communication entre groupes ethniques (par exemple, à propos d'actions concrètes de développement social local: dispensaires, écoles et routes).

- Mise en place de forums institutionnels de négociation et d'arbitrage des questions les plus délicates (en premier lieu le foncier) à propos desquelles les divers groupes se perçoivent en compétition ou en insécurité.

Propositions opérationnelles. Appuyer l'Etat pour que celui-ci engage un processus de décentralisation qui contribue à sa réhabilitation aux yeux des populations locales et rende plus efficaces ses interventions. Pour ce faire, des actions de coopération pourraient notamment:

- aider à la formation et au recyclage du personnel administratif communal (fonctionnaires territoriaux comme élus);
- appuyer le renforcement de la démocratie locale et de la société civile organisée (appui à la structuration des professions agricoles, appui aux associations impliquées dans le développement local, etc.);
- appuyer les différents modes d'expression des populations: supports de communication (radio rurale, journaux en langues locales), activités culturelles, etc.;
- encourager des organisations non gouvernementales (ONG) pluriethniques qui peuvent constituer un lieu d'échanges et de discussions de toutes les communautés. Organisation des forums intercommunautaires de réconciliation comme ceux tenus au Nord-Kivu fin 1993, après la première vague de troubles du Masisi⁴.

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⁴ Une présentation résumée de cette intervention pacifiante de la société civile se trouve dans l'ouvrage de Willame (1997), p. 124-130, et dans la revue *Dialogue* (Bruxelles) n° 192 (1996), p. 47-49.

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Access to land for all in sub-Saharan Africa: a utopia?

Where feasible, and perhaps necessary, in sub-Saharan Africa, governments could envisage allocating State-owned land directly to farmers or herders, without this in any way alienating the State's right of eminent domain over the land thus occupied. The beneficiaries would receive usufructuary titles from the State which would continue to hold effect so long as they or their next of kin directly worked the land, using practices suited to local agroclimatic conditions. Having only usufructuary but not ownership rights, they would not be allowed to sell, divide or pledge the land. Such a land tenure strategy would establish a dual system of access to natural resources in rural areas: the traditional system, prevailing in lineages and clans, whereby all members of the group have the imprescriptible right of access to these resources, in proportion to the needs of their nuclear family; and a second system for the disadvantaged rural population groups and for urban dwellers willing to return to the land under the conditions imposed by the State, but with guaranteed rights of tenure.

Acceso de todos a la tierra en el África negra: ¿una utopía?

Siempre que sea posible, los gobiernos del África subsahariana podrían prever el arrendamiento de las tierras de propiedad pública en beneficio de los agricultores y ganaderos, sin necesidad de perder su derecho eminente de propiedad sobre las zonas cedidas a los campesinos en tenencia directa. Estos últimos obtendrían así del Estado el título de usufructo durante suficiente tiempo para que ellos y sus familias pudieran aprovecharlas de una forma adaptada a las condiciones agroclimáticas locales, con la prohibición de vender, fragmentar o utilizar como fianza un terreno del que tengan el usufructo, pero no la propiedad. Este tipo de tenencia crearía en el medio rural un doble sistema de acceso a los recursos naturales: el tradicional, en vigor en las tribus y clanes, en el que todos los miembros de un grupo tienen un derecho imprescriptible de acceso a los recursos, de acuerdo con las necesidades del núcleo familiar, y un segundo en el que, para los campesinos desfavorecidos y los urbanizados obligados a regresar a la tierra, aunque el Estado les garantice los derechos de tenencia, lo hace con arreglo a las condiciones propias.

Accès à la terre pour tous en Afrique noire: une utopie?

Gérard Ciparisse

Coordonnateur, Service des régimes fonciers, Division du développement rural, FAO

En Afrique subsaharienne, les différents gouvernements de la région pourraient envisager, s'ils le jugent opportun, d'allouer des terres de leur domaine national à des cultivateurs et à des éleveurs directs, sans pour autant aliéner leur droit absolu de propriété sur les zones rétrocédées aux paysans en faire-valoir direct. De cette manière, ces derniers, ainsi que leurs proches, tiendraient de l'Etat des titres d'usufruit aussi longtemps qu'ils mettraient directement en valeur et d'une façon adaptée aux conditions agroclimatiques locales – avec interdiction de vendre, de fragmenter ou de mettre en gage – une terre dont ils ne seraient que les usufruitiers, et non pas les propriétaires. Ce genre de stratégie foncière créerait en milieu rural un double système d'accès aux ressources naturelles: celui, traditionnel, en vigueur dans les lignages et clans, c'est-à-dire celui où tous les membres du groupe ont un droit imprescriptible à cet accès aux ressources, selon les besoins de leur famille nucléaire; et un second pour les ruraux désavantagés ou les urbanisés qui seraient prêts à retourner à la terre, pour peu que les droits de tenure leur soient garantis par l'Etat, aux conditions de ce dernier.

La sécurité de la tenure comporte la stabilité des droits, l'exclusion de restrictions ou d'interférences en ce qui concerne la ressource en question; pour le tenant, la jouissance du bénéfice de son travail et de son investissement soit lors de son utilisation, soit lors du transfert de ses droits à un autre tenancier (Place, Roth et Hazell, 1994). Cette définition de la sécurité de la tenure repose sur la nature de cette dernière, sur sa durée ainsi que sur ses composantes légales et économiques.

Dans un cadre institutionnel occidental, une plus grande sécurité de la tenure avantage la production agricole. D'une part, elle permet au tenant de prendre des risques financiers – intrants divers et technologies améliorées par exemple – et d'employer la force-travail appliquée à la fertilité du sol avec plus de constance. D'autre part, elle supprime bon nombre de disputes foncières, libérant le temps et l'énergie des acteurs en présence pour la production, et non pour le *statu quo* et la paralysie de ceux qui

pourraient mettre en valeur les ressources en question. De plus, un terrain libre de contestations acquiert de la valeur et facilite d'autant l'obtention de crédits, surtout ceux portant sur le long terme.

Toutefois, une plus grande sécurité de la tenure, à elle seule, ne garantit pas à coup sûr une amélioration des performances agricoles, car les lois de l'offre et de la demande, les circuits de commercialisation et le contexte économique international, entre autres, concourent eux aussi à la production soutenue et profitable.

Référée telle quelle aux contextes fonciers d'Afrique noire, cette définition de la sécurité quant à la tenure n'est applicable qu'aux centres urbanisés et aux villes, peu ou prou aux zones rurales dont on veut évoquer ici les contraintes foncières: les conditions d'obtention de la sécurité mentionnées ci-dessus se réfèrent à une sécurité d'utilisation des ressources propre aux mentalités de droit écrit, droit inexistant dans les zones rurales d'Afrique subsaharienne. Il est clair

qu'aucun concept de droit de propriété privée, tel que l'entend le système juridique occidental tiré du Code romain, n'est compris dans le système de droits d'accès à la terre susmentionné. Seuls les droits *d'utilisation* et *d'usufruit* peuvent être associés; quant aux droits *abusus*, on n'en concède jamais (FAO, 1993a). Il reste à préciser que ce qui rend encore plus déroutantes les questions foncières en Afrique noire est le fait qu'une même ressource peut être gérée par plusieurs groupes de personnes, tour à tour, selon sa nature et selon des modalités reconnues de ces mêmes groupes: au Sahel par exemple, il arrive souvent que des paysans possédant des terres n'exercent leurs droits de propriété que durant la saison humide et jusqu'à récolte engrangée. Durant la saison sèche, l'entrée en possession de ces mêmes terres passe aux nomades qui y font paître leurs troupeaux, en quête de fanes et de paille sèche (FAO, 1997a).

La plupart des sociétés rurales d'Afrique noire, en effet, basent leurs systèmes socioculturels, religieux et économiques sur le culte des ancêtres et, pour une bonne part d'entre elles également, sur la loi coranique et non sur le droit de la personne dans une société donnée. Un double processus dans les relations sociales, affectives et religieuses lie les membres vivants et morts d'une même famille élargie, clan ou lignage: la protection dont sont assurés les vivants de la part des ancêtres et la crainte permanente de ne pas adopter les comportements socialement attendus dans le groupe.

Dans la vie du groupe ou du clan, chaque membre est tenu de veiller à la prospérité de la collectivité, telle que l'interprète le chef de famille. Dans cette perspective, les avantages personnels, les intérêts de l'individu ou ses propres initiatives doivent s'effacer devant les impératifs dictés par la survie de la collectivité. De même, la nécessité d'une cohésion interne du groupe, qui assure le respect du patrimoine indivisible légué par les ancêtres explique l'emprise d'un pouvoir unique s'exerçant sur chaque individu en vue d'assurer la prospérité générale et le respect des coutumes.

Par exemple, chez les Yakoma, en

Centrafrique, l'esprit *Kanda* est affectueusement appelé *Kotra* que l'on pourrait traduire par grand-père. Ce dernier protège ses descendants sur tout l'espace sous sa protection, dont ils connaissent les limites; il a également le pouvoir de sanctionner par des maladies ou d'autres signes ceux qui ne se comportent pas selon les normes de la société (FAO, 1996).

La superposition d'abord et l'interpénétration consécutive de plusieurs systèmes juridiques et sociaux rendent les questions de terre d'autant plus complexes qu'à ces droits et devoirs traditionnels en matière foncière s'est surimposé le droit des diverses puissances coloniales et des Etats modernes, une fois qu'a eu lieu la décolonisation.

La relative sécurité de la tenure traditionnelle

En Afrique noire, nombre de sociétés traditionnelles sont régies par des systèmes culturels et économiques basés sur la différenciation des droits et devoirs au sein du groupe considéré, en fonction de l'extraction sociale. Par exemple, les groupes Soninké et Toucouleurs, comme la plupart des groupes ethniques maliens et sénégalais, ont une structure sociale traditionnelle qui comprend les nobles, les libres hors-caste et les catégories inférieures. Dans les sociétés stratifiées, les droits à la main-d'œuvre sont influencés par la classe ou par la caste plutôt que par la durée du séjour dans le village ou l'ascendance du membre. En principe, les membres de castes professionnelles et les esclaves doivent consacrer un certain nombre d'heures au travail dans les champs appartenant aux maîtres ou aux nobles. Ainsi, chez les Soninké et les Haalpulaar (ou Toucouleurs) des Futa Toro de la vallée du Sénégal, les esclaves doivent travailler le matin pour leur maître et, l'après-midi, il leur est permis de pratiquer des cultures de subsistance sur leurs parcelles de petites dimensions et peu fertiles. Des structures et des pratiques assez semblables ont été observées chez les Songhai-Zarma au Niger et au Mali (FAO, 1993a).

L'extraction sociale fonde et justifie également la répartition des bénéfices du

labour selon que l'on appartient à la classe en possession des terres ou à une des autres catégories de la société rurale considérée, ces dernières n'ayant pas de droits d'utilisation des ressources indépendamment du bon vouloir des familles possédantes.

Pour les membres à part entière du lignage ou du clan, ni l'accès à la terre ni la sécurité de la tenure ne posent de sérieux problèmes: les chefs de terre ou de lignage, les anciens, les chefs de village ou les «maîtres de la terre» ou «du feu» sont tenus de mettre le patrimoine foncier à la disposition des membres du groupe pour leur permettre la survie et ce, en fonction des besoins de chaque famille nucléaire et de sa capacité de mise en valeur. Dans ce contexte – ici retracé de façon très schématique – la terre est indivisible et doit être transmise dans son entièreté aux futurs membres de la lignée. Point donc de division des possessions foncières, point de gestion des ressources de façon individuelle: le chef ou le conseil des aînés gère en indivision sans être propriétaire mais dépositaire des ressources, et tous les membres du lignage peuvent accéder à ces ressources en tant qu'usufruitiers, à condition de cultiver ou de mettre en valeur les ressources qui leur ont été allouées pour une période donnée; après quoi, le plus souvent, ces mêmes ressources retournent en friche¹ pour être dévolues à d'autres plus tard².

¹ Le terme couramment employé dans les contextes ruraux africains est jachère et non pas friche. On suit cependant ici la distinction stricte indiquée par Mazoyer et Roudart (1997), qui définissent la jachère comme étant «... une terre de culture en rotation, non ensemencée durant plusieurs mois, soumise au pâturage des animaux domestiques et, par définition, jachérée, c'est-à-dire labourée, par opposition à la friche boisée de moyenne ou de longue durée et défrichée par abattis-brûlis, qui est le cas le plus fréquent lorsqu'on parle de "jachère" dans les contextes ruraux africains».

² C'est la raison pour laquelle la méthode d'individualisation des droits sur la terre selon la méthode cartographique appliquée récemment par la Banque mondiale en Côte d'Ivoire réclame toutes les réserves: on ne peut baser la délivrance de titre à la propriété, dans les sociétés rurales traditionnelles, sur le fait de cartographier les champs d'un terroir villageois et de lier le nom du cultivateur de chacun des champs mis en culture et saisi comme tel, au moment du passage de l'équipe cartographique. En effet, une fois les divers champs retournés en friche, plusieurs années s'écouleront avant que les parcelles cartographiées ne soient redistribuées, et ce, pas nécessairement aux mêmes cultivateurs (Bassett, 1995).

Les terres du lignage ne peuvent être vendues ou aliénées définitivement. Il s'agit, comme le note Dissou (FAO, 1993b) d'empêcher tout transfert dont la finalité consisterait à faire sortir même un lopin de terre du domaine de la communauté parentale au profit d'un tiers appartenant à une autre communauté. L'application stricte de ce principe a entraîné l'incapacité de tout membre de la communauté parentale, y compris son chef, d'aliéner tout ou une partie des terres communautaires et l'incapacité des membres de sexe féminin d'hériter des biens fonciers communautaires, au niveau d'un ménage, par exemple; tout au plus, prête-t-on des terres à des quémandeurs, à des alliés, à des étrangers. Mais les parcelles cédées ne le sont jamais qu'à titre précaire et provisoire. Comme le fait remarquer Bodo (FAO, 1996), l'accès à la terre se fait essentiellement par héritage à l'intérieur du clan et donne un droit d'accès à la terre libre et non limité dans le temps. Il peut également avoir lieu sous forme de don d'une partie des terres à un groupe allié, vu le caractère sacré de l'alliance qui se tisse pour des générations, et il n'est pas limité dans le temps. Cependant, il arrive que le clan possesseur de la terre accueille des individus issus d'autres groupes souhaitant vivre avec lui. Dans ce cas, il leur est attribué, après un conseil, une portion de terre. En contrepartie, ils demeurent tributaires moralement à l'égard du clan bienfaiteur qui peut toujours revenir sur sa décision, même après des générations, en cas de manquement. La cession d'une portion de la terre à un étranger ne lui confère donc qu'un droit de jouissance qui est limité par la transgression de sa part des normes de la société propriétaire des terres. En outre, la disposition des terres, que ce soit pour les membres du lignage ou pour ceux à qui les droits d'usufruit sur certaines terres ou parcours ont été concédés, continue d'être subordonnée aux règles d'usage préétablies, qui imposent une mise en valeur correcte de la ressource.

Le groupe a en outre les moyens de contrôler, éventuellement de sanctionner, le négligent coupable de mettre en péril les ressources léguées par les ancêtres pour les

vivants d'aujourd'hui et de demain. Les dépendants du lignage ont un droit subordonné d'accès aux ressources naturelles. On ne peut dire qu'ils soient sans terre, mais ils dépendent du chef coutumier pour l'attribution précaire de terres. Au Niger par exemple, le système des castes est toujours en vigueur dans les zones rurales de l'ouest du pays; l'extraction sociale continue à déterminer et le statut de la personne et qui, dans le groupe, a pouvoir de décision. En milieu rural, la distinction majeure porte sur le noble (*borcin*) par opposition à l'esclave (*bannya*). Bien que l'esclavage ait été aboli, des considérations d'ordre socioculturel continuent à régir les rapports personnels, car l'accès des esclaves à la terre dépendait de leurs anciens maîtres et chefs de terre (FAO, 1997a).

Pour ce qui est des catégories sociales n'ayant pas droit à l'accès direct aux ressources (les paysans sans terre principalement, les femmes dans une mesure moindre et les jeunes démunis de moyens de production), il convient d'établir des mécanismes d'accès à la terre et à la sécurité de sa tenure³ si l'on veut rompre le cercle vicieux de la nécessité d'une production vivrière accrue⁴ (ne serait-ce qu'en regard à la croissance démographique). Lesdits mécanismes devraient être associés à un système où les possesseurs de terroirs peuvent, dans une certaine mesure, entraver la production en refusant, à qui n'est pas de leur famille, l'accès à une partie des ressources qu'ils contrôlent, forts du pouvoir que leur reconnaît la tradition.

³ Selon Mathieu (1996), en pareil cas, la nécessité et l'urgence de trouver des mécanismes d'accès et de sécurité de tenure proviennent du fait qu'en situation de rareté ou de pression accrue sur les terres, la sécurisation des droits fonciers, si les techniques agricoles restent à peu près les mêmes, se fait de plus en plus souvent par exclusion des concurrents fonciers et la sécurisation des uns implique l'insécurisation foncière ou l'exclusion des autres.

⁴ D'après la FAO (1997b), 17 pays d'Afrique subsaharienne ont une moyenne de disponibilité énergétique alimentaire (DEA) par habitant inférieure à 2 100 calories par jour. Douze autres, entre 2 100 et 2 300 calories et six autres encore, entre 2 300 et 2 500 calories, alors que la moyenne mondiale se situe aux alentours de 2 720 calories/habitant/jour. En outre, 22 des 35 pays dont il est ici question devraient augmenter leurs prélèvements en énergie d'origine végétale de plus de 4 pour cent par an d'ici à 2050.

Qui est à la merci du bon vouloir des propriétaires fonciers n'a en effet d'incitation à produire ni plus ni mieux s'il doit avant tout produire pour le groupe qui gère en maître les ressources dont il dépend pour sa survie et celle de ses proches. Dans ce genre de contexte, son intérêt serait d'échapper à la logique socioculturelle et économique dans laquelle il se trouve et d'obtenir l'accès à des ressources naturelles qui ne dépendent pas d'un groupe dominant mais d'une entité lui garantissant la jouissance aussi complète et durable que possible des fruits de son travail et de son esprit d'entreprise sur un ensemble de ressources naturelles.

L'exode rural et la multiplication de grandes métropoles sont dus en grande partie à cette recherche d'autonomie des couches rurales les moins favorisées sur le plan social ou économique. En Afrique de l'Ouest, le pourcentage de population urbaine, par rapport à celle des campagnes, est passé de 14 pour cent en 1960 à 40 pour cent en 1990, et ce pourcentage pourrait atteindre plus de 62 pour cent en 2020 (OCDE/BAD/CILLS, 1994). Une donnée de cette même recherche prospective indique que pour l'Afrique de l'Ouest, le nombre de villes ou centres urbains passerait de 2 500 en 1990 à 6 000 en 2020 (FAO, 1998).

L'agriculture extensive

Les pratiques agricoles et pastorales les plus courantes en Afrique subsaharienne relèvent de l'utilisation extensive des ressources naturelles, à savoir leur usage temporaire pour les laisser ensuite au repos durant plusieurs années, le temps qu'elles se reconstituent. Ce type d'exploitation des ressources requiert peu d'intrants mais suppose de vastes étendues que les populations locales peuvent se permettre parfois de ne pas utiliser pendant de nombreuses années.

Les terres retournées en friche ne sont pas pour autant abandonnées, mais jouent un rôle important dans la gestion correcte du patrimoine foncier des populations pratiquant la culture itinérante ou le nomadisme pastoral. Il serait donc incorrect de prétendre que les terres en friche, les blocs

forestiers ou les anciens champs retournés à la brousse puissent être qualifiés de «terres vacantes»: en Afrique noire, toutes les surfaces ont un maître, que les démarcations territoriales soient visibles ou non, que des signes d'occupation et de mise en valeur soient présents ou non.

La théorie des terres vacantes dans la plupart des colonies européennes d'Afrique noire constitua avant tout un puissant instrument d'occupation du sol par des non-autochtones et non pas la formulation des diverses situations réellement vécues par les populations locales de l'époque⁵.

Selon la loi française, par exemple, toute terre qui n'est pas enregistrée ou possédée en conformité avec le Code civil revient à l'Etat (Article 539). Sur cette base juridique, l'administration coloniale française put considérer les domaines coloniaux comme propriété de la France qui, en retour, accordait de larges concessions, dont ne se privèrent pas de bénéficier nombre de sociétés européennes de mise en valeur, dépouillant ainsi les communautés indigènes d'une bonne part de leurs terres, surtout les plus fertiles et les mieux adaptées aux cultures de rente. De la sorte, dans les zones considérées comme non occupées, les Africains de souche ne pouvaient se faire reconnaître de droits sur des terres que s'ils les avaient enregistrées, quelle que soit la durée de leur permanence sur le sol avant la mainmise française.

Accès aux ressources naturelles pour tous

Comme le montrent de récentes études, il semble qu'en Afrique noire il n'y ait pas de corrélations significatives entre la sécurité de la tenure et la productivité. Il faut donc trouver ailleurs que dans la transformation

⁵ «... en établissant son monopole sur les terres conquises, (l'Etat colonial, en Centrafrique) s'est réservé la possibilité de son octroi aux compagnies concessionnaires et aux capitalistes individuels. Ainsi les bonnes terres ou les endroits du sous-sol riches en minerais seront accaparés par ces affairistes qui les feront fructifier dans l'intérêt de leurs commanditaires. L'introduction de la propriété privée et, partant, sa généralisation s'est faite par l'application du Code civil français, selon une procédure qui considère la terre comme un élément du capital pouvant être l'objet de possession, d'appropriation, de vente et d'exclusion; ce qui la distingue de la notion traditionnelle» (FAO, 1996).

éventuelle des modalités traditionnelles de tenure foncière une solution aux problèmes de production alimentaire insuffisante, notamment dans l'augmentation des surfaces cultivées. L'Afrique ne manque pas de terres cultivables non cultivées, comme le montrent les pourcentages de terre effectivement récoltée dans les 12 mois par rapport à la surface totale. Il apparaît ainsi que l'Afrique noire (tropicale pluvieuse) récolte effectivement chaque année 6 pour cent de sa surface totale (les surfaces désertiques et subdésertiques étant bien entendu exclues), tandis que l'Asie tropicale en récolte 35 pour cent; la seule comparaison de ces deux pourcentages donne évidemment à penser qu'il ne manque pas de surfaces cultivables non cultivées en Afrique noire (Gourou, 1979).

Une des voies à envisager pour augmenter les surfaces cultivées pourrait être de répéter l'expérience tentée au Sénégal avec l'approbation de la Loi n° 64/46 du 17 juin 1964 sur le domaine national, revue et corrigée. Cette loi stipulait que toutes les terres qui n'étaient pas encore enregistrées ou n'auraient pas été enregistrées dans les six mois de sa promulgation feraient partie du domaine national. Après cette période de grâce de six mois, de nouveaux enregistrements de propriété sur des terres devenaient du même coup impossibles. Environ 98 pour cent du territoire sénégalais tomba ainsi sous le coup de cette loi⁶.

La loi de 1964 divisait le domaine national en quatre catégories: les zones urbaines, classées, de terroir et les zones pionnières. Avec l'introduction de la loi sur le domaine national, les droits traditionnels de tenure étaient en principe supprimés, et les conseils ruraux investis du pouvoir en matière foncière, y compris celui d'allouer les droits d'usage de terres disponibles selon la capacité de mise en valeur des paysans en quête de terre⁷.

Les différents gouvernements pourraient envisager, s'ils le jugent opportun et faisable,

⁶ Le délai de six mois expirant en mars 1965, il a fallu le reconduire puis en reporter l'application. A partir de 1978, cinq décrets ont autorisé l'immatriculation en 1978, 1981 et 1983 (FAO, 1987).

d'allouer des terres de leur domaine national à des cultivateurs et à des éleveurs directs, sans pour autant aliéner leur droit absolu de propriété sur les zones rétrocédées aux paysans en faire-valoir direct⁸. De cette manière, ces derniers, ainsi que leurs proches, tiendraient de l'Etat des titres d'usufruit aussi longtemps qu'ils mettraient directement en valeur et d'une façon adaptée aux conditions agroclimatiques locales – avec interdiction de vendre, de fragmenter ou de mettre en gage – une terre dont ils ne seraient que les usufruitiers, et non pas les propriétaires. Cette manière d'accéder aux ressources naturelles et de les mettre en valeur avec la garantie de tenure reconnue par l'Etat – pour autant que les conditions posées à leur cession et mise en culture soient respectées – répondrait à un double souci d'équité (de justice sociale) et de production agropastorale accrue.

Le droit d'obtenir de la terre venant du domaine national ne devrait être accordé qu'aux hommes et aux femmes n'ayant pas un accès direct et privilégié aux ressources naturelles du groupe social dont ils font partie, qu'ils viennent de zones rurales ou de centres urbanisés et désirent retourner à la terre. Les dimensions de chaque lot varieraient en fonction des conditions agroclimatiques et écologiques locales, mais devraient suffire à assurer la survie de l'exploitation familiale en faire-valoir direct.

Compte tenu de la très grande diversité des structures sociales des paysanneries africaines et des multiples contextes

agroclimatiques, écologiques et démographiques dans un même pays, il n'est pas question ici de prôner un modèle unique par Etat. Plus modestement, il s'agit ici de suggérer qu'une stratégie nationale utilise avec imagination et sens de l'adaptation aux contextes locaux les terres du domaine national pour répondre au besoin de nouvelles terres et de production accrue. Par là même, la solution des problèmes de justice sociale, d'accès aux ressources pour tous ceux qui le désireraient et, vraisemblablement, le retour à la terre pour nombre de ceux que la vie citadine n'a pu satisfaire serait alors possible.

Les titres de tenure concédés par l'Etat seraient libellés au nom de la famille exploitante et pas seulement au nom du chef de l'exploitation, et ce pour éviter que les épouses ne soient lésées lors de la succession, comme c'est bien souvent le cas. L'exploitation pourrait être tenue en usufruit par les survivants au chef de l'exploitation, avec le bénéfice des améliorations apportées de son vivant à l'entreprise familiale.

Ce genre de stratégie foncière créerait en milieu rural un double système d'accès aux ressources naturelles: celui traditionnel, en vigueur dans les lignages et clans, c'est-à-dire celui où tous les membres du groupe ont un droit imprescriptible à cet accès aux ressources, selon les besoins de leur famille nucléaire, et un second pour les ruraux désavantagés ou les urbanisés qui seraient prêts à retourner à la terre, pour peu que les droits de tenure leur soient garantis par l'Etat, aux conditions de ce dernier. Tout cultivateur a besoin de la sécurité de tenure qui lui garantisse le bénéfice de ses investissements et du soin qu'il aura pris à cultiver la terre de façon appropriée. De même, les communautés rurales ont besoin de pouvoir veiller à l'application des règles de bonne gestion des ressources. Quant aux Etats, il leur incombe de mettre au point un cadre juridique pour le fonctionnement des structures qui déterminent et protègent les droits d'usage des individus comme des communautés, compte tenu de ceux de l'Etat (Lawry, 1990). Il est clair que, pour réussir, cette stratégie foncière a besoin et d'un appui

⁷ L'évolution des textes juridiques touchant la loi de 1964 sur le domaine national indique: «... une double transformation de la politique foncière étatique: dans une première phase, qui culmine avec la réforme territoriale de 1972, l'Etat sénégalais assure son monopole foncier sur les terres du domaine national dont, en 1964, il n'assurait que la "détention". Par le contrôle du fonctionnement des communautés rurales, l'Etat va orienter les pratiques foncières locales. A partir de 1981, l'administration sénégalaise a préféré favoriser la libre entreprise et l'émergence d'une catégorie de petits propriétaires agraires» (FAO, 1987).

⁸ Au Rwanda, depuis 1960, toutes les terres non enregistrées – que ce soit sous le régime des droits coutumiers ou sous celui des droits d'occupation – font partie du domaine de l'Etat. Qui a des droits sur ces terres domaniales ne peut en être privé sans compensation adéquate.

politique total de l'Etat qui l'envisagerait et des moyens appropriés pour la mettre en œuvre et lui faire produire tous les bénéfices théoriques que l'on peut attendre de cette politique.

En milieu rural africain, la terre est toujours perçue comme une sécurité économique et sociale du groupe, notamment en prévision de temps qui pourraient être difficiles. En outre, la terre est symbole d'autorité et source de pouvoir politique; en effet, qui peut attribuer des champs ou un parcours de transhumance, par exemple, possède un moyen de pression et une monnaie d'échange aussi bien politique qu'économique. Pour les chefs, le contrôle des terres villageoises signifie le contrôle des personnes, car d'eux dépendent les moyens de production des cultivateurs qui ont peu ou pas de terre du tout, alors qu'elle est indispensable à leur survie. Pour les ménages ruraux, la possibilité de produire dépend en grande partie des terres dont ils peuvent disposer et des terres auxquelles ils auraient accès en cas de besoin (FAO, 1997a).

Là où l'Etat voudrait entreprendre la rétrocession de terres du domaine national, il est impératif que soient parfaitement reconnus les droits traditionnels des chefs de terre et des lignages ainsi que la consistance des ressources naturelles respectives des diverses communautés rurales (champs, brousse, forêts, cours d'eau, berges et sources, parcours ou points d'eau et droits d'usage variés, sans oublier les terres laissées en friche ou en réserve). En contrepartie, les mêmes autorités locales et leurs communautés devraient reconnaître les droits de l'Etat sur les terres domaniales qui avoisinent les leurs.

Sans reconnaissance claire et définitive des droits respectifs des chefs de terre traditionnels et de ceux de l'Etat souverain, tout l'échafaudage d'une stratégie reposant sur la rétrocession de terres domaniales à ceux qui en ont besoin pour des raisons économiques et sociales s'effondre.

Dans la perspective développée ci-dessus, il ne s'agit pas d'exproprier les grands propriétaires traditionnels – sous le prétexte,

par exemple, du non-enregistrement de leurs ressources foncières – mais de créer, pour des raisons d'équité, de lutte contre la pauvreté rurale et de production accrue, un réseau parallèle d'agriculture et d'économie rurale, basé sur la rétrocession sous conditions de terres domaniales, avec l'accord de ces mêmes autorités traditionnelles locales et ce, pour des raisons d'utilité publique⁹.

L'Etat pourrait assortir les accords locaux entre chefs traditionnels et administration de la garantie d'un effort accru en ce qui concerne la mise en place d'infrastructures et de services sociaux en faveur des populations de la zone concernée. Un autre mécanisme permettant de faciliter l'obtention et le respect d'accords réciproques entre pouvoirs traditionnels sur les terres rurales et l'Etat, par le truchement de son administration locale, serait la mise au point d'un système de taxation du foncier tempérant les contestations éventuelles à l'encontre du domaine national; l'Etat pourrait en effet alléger la pression fiscale exercée sur les communautés rurales détentrices de droits coutumiers sur des propriétés collectives là où serait reconnu à l'Etat le droit de faire jouer les clauses du domaine national dans la perspective d'une redistribution de parcelles en faire-valoir direct, qu'elle soit précaire ou prenne la forme de baux emphytéotiques. Ou encore, l'Etat pourrait étudier un système de forte taxation sur les ressources naturelles non mises en valeur qui ne rentreraient pas dans la catégorie des terres en friche.

La distribution de parcelles du domaine de l'Etat – par le biais des titres aux familles des cultivateurs directs bénéficiaires et la description de la consistance des ressources confinantes – crée l'équivalent d'un

⁹ «... les colonisations spontanées ... conservent en certaines parties de l'Afrique leur vivacité: encore faut-il que la puissance publique fasse son devoir à l'égard de ces colonisations spontanées: bonnes routes, contrôle sanitaire, semis d'écoles. Il est vrai que les avantages dont bénéficieraient les colons spontanés pourraient conduire assez vite à l'encombrement de la surface colonisée et obliger la puissance publique à organiser le morcellement de l'espace à coloniser en vue d'empêcher les conflits fonciers et l'accaparement spéculatif des terres» (Gourou, 1979).

enregistrement de fait du droit d'usufruit d'une part et de propriété collective, d'autre part, sinon même un embryon de cadastre (Riddell, 1998).

De plus, si la distribution se réalisait par grands blocs, ces entités pourraient engendrer des pôles de développement, pour peu qu'ils soient bien choisis et pourvus d'un minimum d'infrastructures et de services sociaux. Dans bien des cas, les gouvernements ne se sont pas suffisamment souciés de doter les zones sujettes à la réforme agraire d'infrastructures et de services sociaux nécessaires, de mettre en place une organisation efficace d'assistance technique, de garantir un accès équitable au crédit à des coûts abordables et de limiter les distorsions en faveur des grandes propriétés terriennes (Conseil pontifical Justice et Paix, 1997).

Cette redistribution de terres domaniales aurait également l'avantage de maintenir en production d'importantes surfaces mises en valeur grâce à une main-d'œuvre abondante qui trouverait ainsi dans les zones rurales de quoi vivre et cesserait de rêver d'échapper aux contraintes des collectivités rurales où elle se trouve à l'étroit, en allant grossir le lot des marginalisés dans des centres urbains. A Madagascar, par exemple, une politique de gestion locale des ressources renouvelables appartenant à l'Etat a été récemment formulée et proposée notamment pour freiner les actes de dégradation et de destruction des ressources naturelles renouvelables. Les communautés rurales s'engagent en effet «à assurer la pérennité des ressources dès lors que la propriété de ces ressources naturelles renouvelables est celle de l'Etat» (Bertrand et Weber, 1995). Il n'en reste pas moins nécessaire de se mettre à l'abri des ingérences politiques et pressions de tous ordres en ce qui concerne la sélection des bénéficiaires des parcelles de terres domaniales.

L'accès aux terres du domaine national: une dangereuse utopie?

Il peut sembler paradoxal et même contradictoire de reconnaître la vanité de la théorie des terres vacantes, d'une part, et

d'affirmer qu'aucun espace, en Afrique noire, n'est sans maître et, d'autre part, de proposer de faire jouer le mécanisme juridique du domaine national, importé d'Europe à la fin du siècle dernier, afin de procurer l'accès aux ressources naturelles au nom de l'équité et d'une production accrue.

On peut affirmer sans ambages qu'il y a contradiction, ou plus exactement institutionnalisation d'une dualité qui existe dans les sociétés rurales d'Afrique subsaharienne et préexistait aux équipées coloniales du XIX^e siècle.

L'administration d'immenses territoires africains a introduit les institutions et le droit occidental dans des milieux essentiellement ruraux où le droit écrit des colonisateurs n'avait aucun sens. Les appareils coloniaux ont permis la création de nations africaines devenues indépendantes les unes après les autres avec, comme héritage, des institutions, des cadres législatifs et des constitutions «modernes» ainsi que les divers apanages des domaines nationaux avec, en sus, un mode de représentation du peuple qui n'était pas en mesure de promouvoir de vraies concertations nationales au sein des jeunes Etats. D'ailleurs, nombre d'entre eux ont négligé leurs ruraux, tout absorbés qu'ils étaient par la consolidation de l'appareil étatique.

De l'héritage colonial et du reliquat de ses institutions inadaptées provient le dualisme des approches foncières dont il est ici question. Il serait vain de vouloir renier cet héritage ou de revenir à des situations *ex ante*, sans institutions modernes qui permettent de faire naître et croître des Etats reconnus comme tels dans le concert des nations grâce à ce legs colonial, aussi ambigu qu'il puisse paraître aux yeux de nos contemporains.

Toutefois, même avant la période coloniale, un dualisme socioculturel, politique et économique était présent dans les sociétés rurales d'Afrique noire: celui de l'inégalité entre les membres de plein droit du lignage ou du clan et «les autres», situation qui a perduré tout au long de l'ère coloniale et qui subsiste encore dans les zones rurales subsahariennes.

CONCLUSIONS

On peut affirmer, en conclusion, que cette double stratégie foncière entérine le dualisme dénoncé ci-dessus et se répercute de différentes manières sur les sociétés rurales où elle serait introduite.

Le fait de trouver des terres situées hors du contrôle des chefs coutumiers et des anciens des grandes familles prélude à une diminution du nombre de jeunes disposés à travailler sur des terres communales en faisant passer le profit des chefs et de leur lignage avant le leur.

Les femmes, elles aussi, pourraient espérer tirer avantage de l'accès à des ressources naturelles à régime domaniale. En effet, les rapports éventuels de sujétion socioculturelle et économique de la femme par rapport à son mari – là, bien sûr, où ils sont dus au fait de terres mises à la disposition de la femme par la famille du mari, dans le contexte coutumier d'origine – ne devraient plus, en principe, prévaloir sur des terres domaniales, celles-ci n'étant ni du ressort du mari, ni de la famille de ce dernier.

Cette modification du lien à la terre permettrait – si elle était systématiquement poussée dans ses conséquences socioculturelles et économiques – une évolution favorable pour la femme, tant du point de vue de son autonomie financière que de sa parité sociale.

La distribution de lots de terre du domaine national, ou de ce qui en tient lieu, selon les Etats, à des cultivateurs directs entamerait un processus politique, économique et social où est promue la famille nucléaire. De plus, l'héritage en ligne directe au conjoint survivant et à ses propres enfants introduit un nouvel élément de société qui ne doit pas être sous-estimé: c'est le point de départ pour la création d'une nouvelle couche de ruraux bâtie sur l'autonomie de la cellule familiale restreinte, de plus en plus détachée des liens habituels existant dans les sociétés rurales traditionnelles.

Il convient de peser le pour et le contre de ce changement fondamental avant de s'engager sur la voie d'un accès garanti à des ressources naturelles provenant du domaine national.

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Considérations relatives à certains aspects de la migration

Plusieurs organisations internationales s'intéressent de plus en plus à la dichotomie urbaine et rurale (la dimension «périurbaine»). Le Comité de rédaction de Réforme agraire, colonisation et coopératives agricoles examine l'analyse effectuée dans cet article, publié il y a 20 ans dans Migration et développement rural – sélection de thèmes aux fins d'enseignement et de recherche, (Etudes FAO: Développement économique et social n° 3, Rome, 1979), particulièrement d'actualité étant donné ce problème «nouveau». L'étude de ce qui fait la différence entre deux points (distance) est présentée avec quelques propositions concrètes qui méritent d'être examinées par les décideurs en matière de développement rural, qui souhaitent véritablement éviter les effets de la migration. L'ouvrage porte sur le Programme de population et de développement rural réalisé par l'auteur pour le compte de la FAO avec l'Association des nations de l'Asie du Sud-Est (ANASE). L'ANASE comprenait alors cinq pays (l'Indonésie, la Malaisie, Les Philippines, Singapour et la Thaïlande), chacun étant chargé d'un domaine particulier. L'un d'eux a analysé les liens qui se nouent entre la migration et le développement rural. L'objectif des présentes considérations est de montrer comment ces liens peuvent être perçus sous des perspectives très différentes et avec autant de justifications, et que même les aspects qui paraissent le plus clairement définis (comme la distance entre deux points) sont complexes et dépendent des attitudes et des objectifs de ceux qui examinent la question.

Algunas consideraciones sobre aspectos específicos de la migración

Diversas organizaciones internacionales manifiestan un interés creciente por la dicotomía existente entre zonas urbanas y rurales (la dimensión «periurbana»). El Comité de Redacción de Reforma agraria, colonización y cooperativas estima que el análisis que se ofrece en este artículo, publicado originalmente 20 años atrás en Las migraciones y el desarrollo rural: temas concretos de enseñanza e investigación (Colección FAO: Desarrollo económico y social, N° 3, Roma, 1979), es muy pertinente para la comprensión de un asunto «emergente» y nuevo. Se presenta un debate acerca de las causas que explican las diferencias entre dos puntos –distancia– y se formulan propuestas específicas que merecen la atención de los responsables de la adopción de decisiones en materia de desarrollo rural interesados en evitar los efectos negativos de la migración. Este trabajo se llevó a cabo en relación con el Programa de población y desarrollo rural, organizado por el autor para la FAO con la Asociación de Naciones del Asia Sudoriental (ASEAN). La ASEAN estaba formada entonces por cinco países (Filipinas, Indonesia, Malasia, Singapur y Tailandia), cada uno de los cuales estaba al frente de un sector. Uno de éstos se concentró en las relaciones entre la migración y el desarrollo rural. El objetivo de estas reflexiones es señalar que las relaciones entre la migración y el desarrollo rural se pueden considerar desde perspectivas muy distintas con igual justificación, y que incluso los aspectos que parecen más definidos (como la distancia entre dos puntos) son complejos y dependen de los puntos de vista y objetivos de quienes examinan la cuestión.

Some considerations on specific aspects of migration¹

J. du Guerny

Chief, Population Programme Service, Women and Population Division, FAO

Several international organizations are increasingly interested in the urban-rural dichotomy (the “peri-urban” dimension). The Editorial Board of Land Reform, Land Settlement and Cooperatives considers the analysis carried out in this article, originally published 20 years ago in Migration and rural development – selected topics for teaching and research (FAO Economic and Social Development Paper No. 3, Rome, 1978) extremely relevant to this “new” emerging issue. The discussion about what makes the difference between two points (distance) is presented with some concrete proposals deserving consideration by those decision-makers in rural development genuinely interested in avoiding negative migration effects. The work was carried out in relation to the Population and Rural Development Programme organized by the author for FAO with the Association of Southeast-Asian Nations (ASEAN). ASEAN then comprised five countries (Indonesia, Malaysia, the Philippines, Singapore and Thailand), and each country took the lead in one area. One of these focused on the interrelations between migration and rural development. The objective of these considerations is to point out that the interrelations between migration and rural development can be seen from very different perspectives with equal justification and that even the aspects that seem the most clear-cut (such as the distance between two points) are complex and depend on the attitudes and objectives of those examining the question.

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The considerations illustrate the fact that in the field of migration interrelations with rural development, there are no simple deterministic mechanisms and therefore caution and flexibility in the use of knowledge are as necessary as an understanding of people’s resistance to new

ideas and of rural agents’ objectives. One should also be wary of generalizations from previous successes or failures.

Facts in isolation have little meaning; they must be given a meaning by observation and analysis and this influences considerably the picture which emerges. Their significance depends both on the interpretation of the observer, as will be seen in the remarks on urban biases, and to some extent on the level at which one wants to examine them, as is illustrated by the role of cash. Finally, the translation of this knowledge into action tends to be influenced by the norms with which the entire question of the mobility of people is judged.

THE URBAN BIAS

This section sets out to show that the question of migration is invariably perceived from an urban viewpoint and that this urban

¹ Originally published in *Migration and rural development – selected topics for teaching and research*, FAO Economic and Social Development Paper No. 3, Rome, 1978.

bias has far-reaching consequences. It can influence the structure of research or other activities and also the interpretation of the findings of studies.² In the latter case, this may not only result in the dissemination of incorrect information to rural development personnel, but can also lead to their making wrong decisions in the field – decisions which would, however, be correct within the framework of an urban-biased view of rural development.

The development of the urban bias

In many ways it is an extremely ancient phenomenon. Throughout history the development of cities and towns has given rise to a sense of superiority on the part of urban inhabitants – an assertion that townspeople are somehow more worldly and sophisticated and that rural people have a lower status. This has become so deeply rooted in people's thinking that it is expressed in everyday language such as, for example, the use of the word "peasant" in a pejorative sense.

In the last 200 years the bias has been reinforced by the advent of industrialization and the fact that, as a result of the experience of the Western countries, industrialization has been regarded as the key to development whether this is taken to mean economic growth or development in the widest sense. In any event it meant the growing importance of urban areas with their industries and a strong orientation towards the Western type of urban world with all the implications of this.

Thus, with development being generally industrial and urban-based, the rural areas are perceived by planners and scholars in a supportive role and in many cases receive only residual resources for development. Even many measures which appear to be rural-development oriented are implemented because they are also of direct urban concern. For example, the building of dams provides water for irrigation but also provides additional power for city lighting and urban-

based industries. This is also why in many cases rural development, which is concerned with overall living standards of rural populations, is confused with agricultural production, which is oriented primarily to national development (e.g. the growing of cash crops for export), although it is hoped that at the same time increased agricultural production will foster rural development. However, the respective roles and objectives of rural development and agricultural production need to be correctly perceived. Over the last few years the area of population and rural development (i.e. their interrelations) has indeed begun to be perceived and charted.

Thus, the forms of urban bias in national development most directly relevant to migration appear both in the spatial distribution of developmental resources and efforts and in the models of lifestyle and values upheld.

Some manifestations of the urban perspective in migration and rural development

The foregoing remarks may lead us to expect that studies in this area will tend to focus on questions which are directly or indirectly relevant to cities.

The focus of studies. Although in developing countries the rural population generally constitutes more than 50 percent of the population, priority is generally given to rural-urban migration studies. Any rapid look through a bibliography of migration studies confirms this. Such studies examine the flow of migrants, their characteristics and their problems of adaptation in the urban centres, but tend to ignore the repercussions on the areas from which they migrate which are of particular interest to rural development planners. The basic difficulty is that these studies have a fragmented approach to migration and do not see it as a complete system. This means that planners have considerable difficulty in interpreting and drawing conclusions from the findings for rural development purposes. For example, studies show that one reason for migrating to cities is to further one's education. How can

² For a general study of the urban bias (although from a different perspective) see Lipton, 1977.

such a result be utilized for rural development? Does it mean that better schools in rural areas would slow down emigration? This is probably not the answer. To be of use for rural development such studies need to examine the conditions which have led to this result, the conditions under which a person would have opted not to go to the city to further his education or, if he did go, the conditions under which he would return to a rural area once this further education is completed, etc.

This type of partial approach resulting from the urban bias has serious drawbacks when one wants to consider the interrelations between migration and the sending areas. For example, in the case of male migration to cities, the studies do not relate this phenomenon to the change of status of women in rural areas or its effects on the modernization process, questions which are of direct interest to rural development. If the studies carried out up to now had been on a broader basis and had asked this type of question, they would be far more useful.

However, it has been realized that the focus of studies was unbalanced and that there was indeed a form of urban bias. Greater importance has been attached more recently to the study of rural-rural and urban-rural (or "return")³ migration. But these two areas have been studied in the same partial approach and the defects of this have resulted similarly in inadequate information. What is now needed is comprehensive and penetrating research in the original area of rural-urban migration.

The implicit value judgement. Studies of migration often reflect a desire to protect the city from an "invasion". There is often a basic assumption which is a value judgement that rural-urban migration is essentially an evil which should be checked. Such studies are concerned with avoiding the overburdening of urban services, a drop in their quality and the necessity of spreading investment resources which could otherwise be used

exclusively for the existing urban inhabitants. However these studies often show an ambiguity because it is also realized that cities do need some immigration for their development and therefore the findings of the studies tend to encourage measures which favour migrants being selected according to the quantitative and qualitative needs of the towns, regardless of the consequences in the rural areas. It is therefore not easy for rural development planners to benefit from the findings of these studies. Moreover, their application to the urban areas might even lead to a widening of the gap between urban and rural areas and could theoretically aggravate the problems, actually increasing rural-urban migration which they implicitly aim to reduce.

A distorted perception of families and individuals. Because of the previous tendencies, migration studies often highlight the economic and particularly the cash aspects. The concepts elaborated and the tools utilized to observe reality are thus influenced. The primordial importance of the economic sphere in cities tends to be transposed to migration studies. But, in order to achieve a better understanding of the phenomenon a more refined approach is necessary.

For example, it is well established that many migrants come to cities in order to find jobs and this fits in perfectly with the economic approach. However, one has seen that migrants are not homogeneous: those who are educated are mostly familiar with the urban world and are very different from those uneducated ones who come for survival reasons (for instance, if they have become landless) or to earn cash to spend in rural areas. In these two cases the significance of employment and a cash income is not the same. There is more to it than just a difference in level of income between the groups; it also involves the meaning of money, particularly in its cash form. Suppose for example that the wages of these migrants were paid only in kind. How would this affect migration and the selection of migrants? It seems that besides wanting employment or

³ I.e. the return of comparatively recent rural-urban migrants to a rural area.

the “city lights”, migrants appreciate particularly the options opened up by the availability of cash. Cash gives them a choice of uses for food, entertainment, clothes, etc. This type of freedom is generally not available in rural areas and is not shown in the usual economic approaches. The urban bias does not enable us to take directly into account the non-economic aspects of the mode of payment which are connected more with this kind of difference between the rural and urban way of life. The role of cash in migration has not yet been explored in a systematic way although it is important in the understanding of the phenomenon of migration, especially as it is related to the emergence of the notion of a person as an individual economic unit⁴ which is part of the process of change from a rural to an urban way of life.

These remarks may seem somewhat abstract, but they do have a sound basis if they are examined further. For example, although the disappearance of the extended family has often been predicted it still survives in many forms, some of them disguised, and surveys may describe as separate households what is in fact one functional unit. This is a serious difficulty when carrying out economic and social surveys.

In a certain sense rural families function like a multinational firm: although individuals (like subsidiary firms) might appear to be disconnected, they still operate as a family entity. Many situations which appear irrational are thus made comprehensible, such as maintaining a lower standard of living than would otherwise be necessary in order to send home remittances (like operating at a loss) or decisions to send children out to the city (like creating a subsidiary firm). In this situation the uneducated individual migrant to the city only appears to be an individual, whereas the more educated migrant who leaves his rural environment and cuts the links with his rural

origins operates much more as a real individual unit. The usual survey methods are geared to describing separate statistical units and the more educated migrant is therefore relatively well described. However, these methods give a distorted picture of the uneducated migrant by classifying him as an individual unit whereas he is, in fact, a component of the traditional network of relationships (extended or joint family, etc.).

Implications for action. Another example of the difficulty of interpretation and utilization of the findings of studies can be shown in the case of education. Studies always point to the effects of education on rural-urban migration.⁵ This is true, but what is the role of education? It is in fact a training for the urban type of life and therefore migration is a manifestation of its success. It is then said that this could be corrected by a more rural/agricultural oriented type of education. Should rural development encourage such a change? From the production point of view, most probably, but it may not have much effect on migration because it is not so much the topics covered in the education which are important, but the fact that the “education” normally promoted is part of a different world. In such a context a “rural education” would have the same philosophy as an urban one. Development has been criticized for being the imposition of a technical, impersonal, economic world on an older one often called “traditional”, “archaic”, etc. This is perhaps true, but it can also be seen as an attempt to facilitate the integration of urban and rural areas – that is, to close the gap that separates them. Expressions such as “extension” or “rural outreach” can be interpreted in both ways and probably reflect both aspects.

Some remarks on the urban-rural dichotomy

In spite of the foregoing discussion in which the differences between the urban and rural worlds have been stressed, they should not

⁴ As distinguished from the person in the rural world, who is defined more within a system of family, religious, ethnic and other group relations.

⁵ For an approach aimed at eliminating some of these effects, see FAO, 1969.

be perceived as essentially different and separate. Population studies in general and rural-urban migration studies in particular have created (partly for the sake of convenience) the urban-rural dichotomy. This fits in nicely with the “push” and “pull” analysis and has many advantages except perhaps that it might be misleading for rural development because rural and urban areas are interrelated. Besides the normal descriptions of the difference between rural and urban areas, one of the drawbacks is the implication that rural areas are homogeneous. Differences in population density, its spatial distribution and the location of areas (for instance, in relation to their distance from towns) tend to be overlooked. There are differences between rural areas themselves which might be important for their implications for rural development programmes. For migration studies to be really useful for rural development planning, a positive effort to promote in-depth studies of rural areas is necessary.

It is also a fact that the definition of “urban” varies from country to country, but most definitions tend to put any area which is not “urban” into the rural category, i.e. it is a residual category. This kind of definition also influences the usefulness of standards of migration for rural development. However, if one takes into account the variety of definitions and the fact that rural areas are far from homogeneous, one realizes that there are all kinds of intermediate stages between the most “urban” area and the most “rural” one. Added to this is the fact that many urban areas can have what amounts to rural pockets of population. Finally, the situation is far from stable; in most countries both cities and rural areas are changing rapidly.

The conclusion is that to be really useful for rural development policy, a migration study should:

- take all these considerations into account and should not ignore, even for rural-rural migration (since this kind of migrant may, in fact, have resisted the urban pull), the interrelations between the urban and rural worlds;

- consider urban and rural areas as complementary and that this complementarity can be modified by rural development and migration.

Therefore one of the key variables as far as migration is concerned in the rural development context is the accessibility of goods and services. For example, since it seems that in certain kinds of rural areas (probably those not too far away from urban areas), providing amenities such as rural hospitals might accelerate out-migration, one must ask oneself why this happens. It is possible that the rural person, once he is aware of this amenity of the urban world, is no longer satisfied with what he might consider to be the second-rate quality of the rural hospital compared to the urban one. The rural development problem should then be reformulated from “Can we build (and should we build) small hospitals in rural areas?” to “Should one ensure that rural people have easy access to urban hospitals?” This question is based on the premise that one cannot distribute all the equipment and specialists evenly over a whole country. Should one have health and educational screening systems – for instance, via rural medical centres – which are a function of the degree of accessibility of the hospitals and schools? This kind of approach and reformulation of problems might have implications for migration. These implications need to be identified and quantified.

The urban-rural continuum

By creating the urban-rural dichotomy which, as has been seen, is a useful statistical convenience (up to a certain point), social scientists tend to fit reality into this qualitative classification. Persons or objects belong or do not belong to the urban (or the rural) category; there is no intermediate state and as a result the notion of the distance between the categories tends to be ignored. Therefore a person belonging to a rural area contiguous to an urban district receives the same treatment in studies as one far from any urban centre. Studies might look into the different characteristics of rural people but not into how far away, or how isolated they

may be. The next section looks into this question in some detail and points out some of the implications.

Social studies might be more relevant to rural development problems if they discarded when possible the urban-rural dichotomy and used the notion of an urban-rural continuum which might be closer to reality and therefore more significant. Such a continuum has to be defined in each country because it changes over time and is influenced by cultural and developmental aspects. Furthermore, the concentrations of inhabitants in space also change both as regards their density and their location. In a three-dimensional representation they would look like a countryside with scattered hills (see Figure 1). In developing countries with primate cities, the configuration would resemble a mountain with some foothills and plateaux.

However, in the present case it is more

useful to represent the various types of urban-rural continuum in a simpler, two-dimensional manner (Figure 2). In this representation a country with most of its population in rural areas would have a distribution as in A. In a country with a primate city and no other important urban areas the distribution would be as in B and in a more balanced case it would be as in C. Therefore change over time tends to make the curves shift from A to C.

The final shape and the shapes the curves go through depend to a certain extent on both the type of development approaches the country opts for and the impact of these on the related patterns of population growth and migration. It can be seen from these curves not only that general migration rates change over time but that the differentials in the selection of the migrants also change. Certain types of curve favour the differentials working

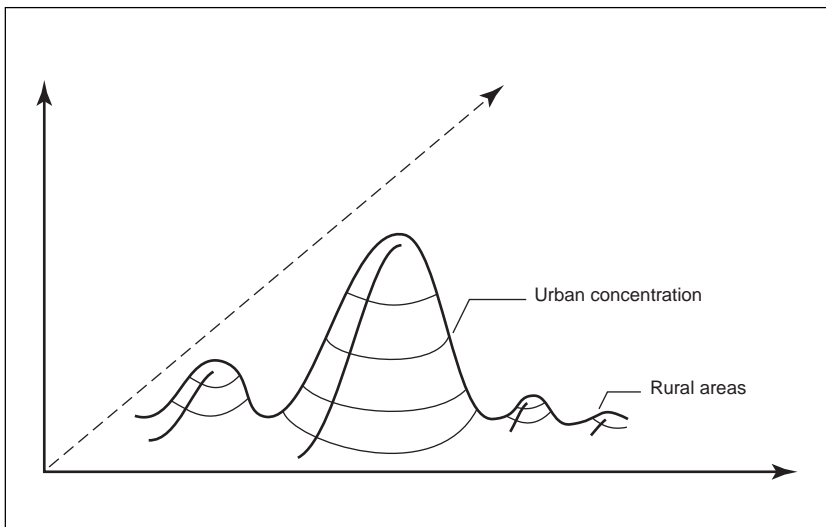


Figure 1
A three-dimensional representation of the urban-rural continuum

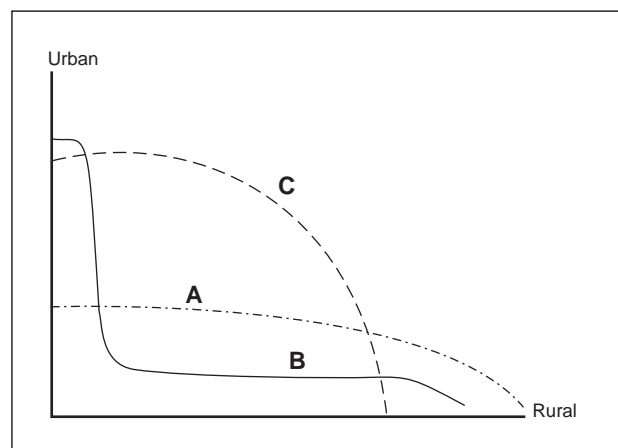


Figure 2
A two-dimensional representation of the urban-rural continuum

more for skilled labour or unskilled labour, etc. The next section examines some of these aspects through the particular concept of distance.

THE SIGNIFICANCE OF “DISTANCE”⁶

The usual approach to the study of migration

The “traditional” approach is extremely simple since it involves three factors only: place of origin, place of destination and the distance between the two (Figure 3). The distinction between these three factors appears to be clear but, as this section shows, the distinction may be somewhat deceptive once one begins to discuss what is meant by duration of stay, change of residence, exact location of residence, and how these can be measured, if indeed they are quantifiable. This discussion focuses on what appears to be the simplest factor of all: distance.

The relevance of distance and migration to rural development agents

Let us take two rural areas, one close to a city and one far away and isolated. The agricultural production of the area close to the city is influenced by the proximity of the city (e.g. production of fruit and vegetables for city consumption, cash crops, etc.) and a rural agent has to take this proximity into account in suggesting changes in agriculture.

Most probably one of the tasks of the agent might be to encourage agricultural change in order to better meet the needs of the city. In a similar way the proximity of the city influences the rural population: some people might commute, others will opt for a try at city life. The mobility (i.e. the propensity to migrate) of people living near cities might be quite high, although it most certainly will be directed towards the city rather than to a remote rural area. The rural agent has to take such factors into account: it means, for

⁶ The aim of this section is also to encourage research. As the discussion on distance points out, there can probably be no universal model and many of the components of distance cannot be quantified directly. However research carried out in the countries can perhaps find ways of arriving at estimates of the components relevant in the local context which would be sufficient to satisfy local planning and implementation needs.

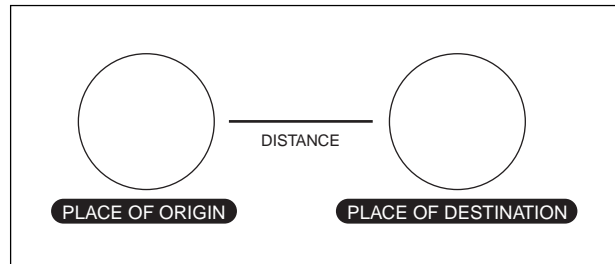


Figure 3
The three traditional factors of migration

instance, that in the case of families with older children, these will be working or studying in town and unavailable for work on the farm, etc.

In an isolated rural area, on the other hand, the agricultural patterns might be quite different, with little capital available for modernization and a concentration on subsistence farming. As regards the migration aspect, the situation might be the reverse of that of an area near a city: there will be little movement between the rural area and the town, i.e. there is a low propensity to migrate.

It is obvious from these two cases that measures taken to overcome the barriers created by distance (such as building a road to the isolated area in the second case) will influence both agriculture and migration, and that rural agents must take these into account. But is distance such an obvious obstacle which can simply be measured in kilometres, even automobile kilometres, as in developed countries?

Some approaches to “distance”

Almost all authors agree that distance is a factor in migration.⁷ It is also agreed that it functions as an obstacle to migration, but, this said, the real problems start: What is really meant by distance? How does one measure it or what are the aspects of it which can be measured and how should we deal with those that cannot?

The approaches that are described may appear at first glance to be either overlapping

⁷ However, manuals on demography such as the United Nations' (1971) *Methods of measuring internal migration* and Shryock and Siegel's (1971) *Methods and materials of demography* hardly pay any attention to distance.

or mutually exclusive. This is due to the fact that distance, which appears to be a simple “pure” concept, is in fact a complex one because it is always related to other factors. The confusion derives from the fact that researchers focus on different facets of the same reality. In the four approaches discussed, two cases attempt to partly synthesize the reality of distance, one by highlighting the physical aspect, the other by singling out the social aspect (the physical aspect is absorbed in the treatment of the social factors). In the third approach distance and other factors are broken down into a multitude of items and in the fourth approach a general synthesis is attempted by some authors. Our purpose is not to criticize the approaches in a general manner or to point out the strengths and weaknesses of the models; it is limited to analysing the way in which each one deals with distance.

Whether these approaches can be reconciled or not is discussed in a later section. For the purpose of this discussion we shall borrow heavily from several authors: Lee (1969), Courgeau (1970), Klaassen and Drewe (1973) and Amselle (1976). We shall distinguish the four approaches: physical, sociological, itemized and global-comprehensive.

The physical approach to distance. This is the most obvious one and is based on E.G. Ravenstein’s benchmark work in 1885 on *The laws of migration* (quoted in Lee, 1969). He first pointed out the fundamental role of distance:

“The great body of our migrants only proceed a short distance ... [and] ... migrants enumerated in a certain centre of absorption will ... grow less as distance from the centre increases ... The inhabitants of the country immediately surrounding a town of rapid growth flock into it; the gaps thus left in the rural population are filled up by migrants from more remote districts, until the attractive force of one of our rapidly growing cities makes its influence felt, step by step, to the most remote corner of the kingdom.”

As can be seen by the third part of the quotation, there is a strong analogy – an

adaptation even, of Newton’s law of gravity.⁸ This is confirmed (see Courgeau, 1970) by the formulation of the first models for migration where the exchange of people between two communities i and j is proportional to $P_i P_j / r$, where r is the distance between them. This basic formula has been perfected by modifying r with various coefficients and raising it to various powers.

The discussions around Pareto’s model have generally focused on the significance of P_i and P_j and not on r_{ij}^n .⁹ The distance and n have been determined empirically. For example, Hägerstrand finds that the value of n varies between 0.4 and 3.3. in Sweden. What is of interest here is that the lower values of n correspond to the migration of urban people and the higher values to those of the rural population. What is the significance of this?

- Is there not a different significance attached to an identical number of kilometres in each case? The measures must cover different realities.
- Would it not be expected that n would be higher for the rural population than for the urban one? The higher power can mean that the same number of kilometres has a greater weight for them and also perhaps that this expresses the idea that factors other than purely physical distance have a relatively greater importance for rural migrations than for urban ones.
- Why does n vary over time? The physical distance is not changing; therefore it must be influenced by another factor – the migrant’s subjective perception of distance. The existence of other factors such as the psychological, sociological and economic ones which have a bearing on the migrant’s perception of the distance to be covered means that n must be modified by a power which, as seen above in the case of Sweden, may vary considerably.

Hägerstrand further observed that over a

⁸ Any two bodies in the universe attract each other with a force that is directly proportional to their masses and inversely proportional to the square of their distance (d) apart:
 $F = Gm_1 m_2 / d^2$.

⁹ r_{ij} is the distance between P_i and P_j in each case.

long period (one century) there was a general decrease in the values of n . This implies that the gap between rural and urban migration is closing and that the role of distance is diminishing.

Sociological approaches to distance. In such approaches physical distances are not formulated directly and other forms of “distance” appear. The emphasis is placed on “determining which variable, linked with distance would explain the distribution law of migrations” (Courgeau, 1970).

Let us see how “distance” might be represented in Hägerstrand’s model:

$$Y_{ij} = kIDx/P_j$$

in which:

- Y_{ij} is the number of migrants from zone i entering zone j during a relatively short period t , $t + Dt$;
- I is the number of contacts between the populations i and j at time t ;
- Dx is the number of opportunities in j during the same period;
- P_j is the population of zone j .

In fact I measures this by the previous migrations from i to j because it is measured as “a proportion of the total number of migrants from zone i having entered during a period of 15 years prior to t and Dx is estimated by the total number of migrants having entered j during the period”.

From the rural development angle several remarks can be made:

- The opportunities, which are treated homogeneously in this model, without any weights,¹⁰ have to be related to occupations which can be filled by rural people, otherwise they are false opportunities. In a city the chance of such opportunities corresponding to the qualifications of educated rural youth would generally be much greater than to the qualifications of illiterate rural people. Since the number of educated rural youth is small in comparison to those with little or no education, the variations in city opportunities would have much more

effect on their migration. Furthermore, the concept of opportunity as defined in such a model would be difficult to use in developing countries in the case of reverse migrations (i.e. from a city to a rural area) because most “opportunities” would very likely not be evident at all in a social structure which is not job oriented: there is a continuing adaptation without defined vacancies appearing.

- As was noted by Hägerstrand, the role of previous migrations from a zone is important because they are a source of information to the potential migrants. This shows that I is partly, at least, a function of the accessibility of the place of destination from i . Such accessibility includes both physical and sociological distance. It can therefore be understood that in many cases there is a certain force of inertia on the part of potential migrants and that changes in accessibility do not necessarily have immediate effects. This should not be overlooked in the interpretation of the results of studies or in evaluating the effect of measures taken. It should also be noted that this opens up opportunities for the intervention of rural agents and that distance is a factor which can be manipulated by them to a certain extent; but this, to be more effective, has to be done preferably at both i and j . This leads to the next remark which is closely related.
- It has been noted that the model is not applicable on a long-term basis because the implicit assumption of the constancy of the proportion between migrants of different origins would not be valid. This implies that both the physical and social distances change over a longer period, e.g. by the building of a road, or by migrants’ perception of the way of life in a city. Such changes should be taken into account in rural development planning in order to attempt to foresee their possible influence in migration so that, if necessary, a rural agent could take action. For example, if a post service is set up in an area, this can considerably increase the frequency of contacts and increase out-migration,

¹⁰ The weights would also need to be adjusted to the different types of migrant.

which might be contrary to the national policy.

These remarks show that both physical distance and sociological distance are important, that there are complex relations and trade-offs between them and that as a continuum, these factors can be manipulated so as to combine them in ways which could help the rural agent in implementing rural development policy.

An itemized approach to migration: distance as one item. Lee (1969) observed that “in the three-quarters of a century which have passed, Ravenstein has been much quoted and occasionally challenged. But while there have been literally thousands of migration studies during this period, few additional generalizations have been advanced”.

In Lee’s work, migration is defined broadly as a “permanent or semi-permanent change of residence”. This leads logically to slight modification of Figure 2; the emphasis is placed on four sets of factors, i.e. those associated with the area of origin, the area of destination, the intervening obstacles and the personal factors (Figure 4). The factors associated with origin and destination are figured as “+” and “-” signs (these are not weighted), and the factors to which people are indifferent figured as 0.

Lee also points out that this approach is an approximate one as the number of factors and the role of the personal ones, etc. make it impossible to be deterministic or hope for an exact representation. Because the pluses at the area of origin not only have to be more than the minuses at the area of destination, but also have to overcome both the intervening obstacles and the force of inertia

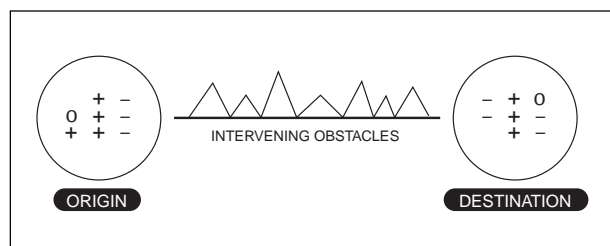


Figure 4
Origin and destination factors and intervening obstacles in migration

which inhibits moving, this approach cannot be based on balancing out exactly the various pluses and minuses since a greater push factor is needed to overcome the force of inertia. However, it has the advantage of simplicity and flexibility. For example, in rural development the cost of agricultural machinery might be an intervening obstacle (-) which discourages migration at the place of origin if there is no hope of accumulating the necessary capital; at the place of destination the difficulty of obtaining a work permit can be a minus factor, and so on. One can break down the field of study into as many items as one feels necessary.

What happens to the notion of distance in such an approach? It should first be observed that distance is implicitly defined in a purely physical manner in Lee’s model; for example, the psychological aspects of distance would be part of the personal factor, and the cost of transport would be another intervening obstacle, etc. This is already an important difference from the two previous models given as examples in which distance is not such a separate and isolated item, either from other intervening obstacles or from factors in the places of origin or destination. The major difference, however, is the fact that in view of the number of items, distance, although always present as an intervening factor, is by no means the most important one; for instance, laws restricting migration might be much more important.

Through his model, Lee establishes a set of hypotheses of which three are selected because of their particular relevance to rural development and its migration aspects:

- The volume of migration is related to the difficulty of surmounting the intervening obstacles. Therefore distance does play a role and rural areas far away from urban centres would be expected to have a lower level of migration, all the other intervening obstacles (i.e. items) being equal.
- Unless severe checks are imposed, both the volume and rate of migration tend to increase with time. This is due to the increased diversity in a society, whereas in a “primitive” agricultural society which is homogeneous there would be little

migration. Advances in technology also reduce the impact of intervening obstacles.

- A similar result to Ravenstein: both volume and rate of migration vary with the level of development in a country or area.

It should be noted that these hypotheses lead to the same conclusion as the previous models, that is increased mobility of population. This is due to the fact that on the one hand development reduces the intervening obstacles – for instance, due to improved transport and communications; but on the other hand the differences between areas increase – for example, as regards the level of amenities and services available. The first part of this statement indicates that migration in developing countries can be expected to increase and that the role of distance should become less important so that it becomes a factor which rural agents could then ignore in most cases. To be effective in dealing with migration, they will have to identify in each case the other plus and minus factors and study the impact of their activities on them.

As can be seen, if one adopts the concepts in the first two models, distance is a factor which development agents should seriously consider, whereas in Lee's model it becomes so integrated in other factors (reality is so atomized) that its role tends to be insignificant. This is coherent given that the more factors there are, the less weight each will generally tend to have.

Now we shall look at a last approach which, instead of being an itemized one like Lee's, is a comprehensive one, and see how the concept of distance is dealt with here.

A global – comprehensive approach. This approach tries to place migration in a global and unifying perspective, both taken in the literal sense (Amselle, 1976). The level at which migration is analysed is therefore entirely different from the examples given up to now. In such an approach distance appears to a great extent to lose its meaning.

In order to understand this approach and its implications, it is useful to first summarize some of the criticisms of the classic analysis of migration made by the proponents of the

global-comprehensive approach. This will then be briefly described and, in particular, its meaning in relation to the concept of distance will be explained.

Critique of classic migration studies. The criticism is twofold. First, it adopts a simple binary typology which concentrates on internal and external determinations in a narrow framework (see previous figures), whereas it is necessary to take into account the broad content which gives the coherence and unity to the multitudes of forms of migration. For example, how can one explain in certain studies the lack of a relationship between migration, density of population and size of farms? In the studies given as examples the authors explain this by the fact that those migrations were determined by the need to secure a cash income – a need which is related to the new forms of market economy which prevail in certain societies and which are independent of the local determinisms of factors of attraction or repulsion (i.e. Lee's pluses and minuses).

Second, studies explaining migration as a consequence of the greater mobility of certain societies due to internal factors linked to cultural patterns overlook the history of these societies and the change in their mobility.

Therefore, the critics of the classic analysis maintain, the narrow approach leads to an infinite fragmentation of the types of migration and this masks the real unity of the migration process which is comprehensible only in a global framework.

Although they do not refer directly to the problem of distance in their criticism, one can conclude that this is because it is irrelevant to some extent since it will either appear or not appear as a factor according to the type of binary typology adopted.

The concept of distance in a global-unifying approach. This approach considers for example that the world economy is moving towards a greater capitalist integration which favours the mobility of the work force.¹¹ An example of such an approach can be seen in S. Amin's typology of rural zones in West Africa¹² (see Amselle, 1976):

- zones organized for the production of agricultural exports on a large scale;
- zones constituting reservoirs of potential wage labour for those production zones;
- zones not yet integrated into the world market system and which are secondary reservoirs of labour.

In this approach migration is not what it is usually taken to be, i.e. a movement over space, but is a change in social condition or status. Migration is, then, a form of socio-economic change accompanied by a movement in space. It serves to perpetuate and transform a society in the process of integration into the world economy and is thus a phenomenon which cannot be controlled at a regional or district level through rural development actions. Moreover, to some extent, it also defies control at country level.

It can be seen that in such a system, distance does not have much significance. It can even disappear as a concept in cases where the migrants maintain sufficiently good communications (remittances, flow of information, etc.) with their place of origin to attenuate somewhat their physical displacement. In rural development this would for example mean that the decision as to whether a road is built has an impact on migration only if the zone which the road would open up needs to be integrated, but not otherwise. If one wants to encourage migration, assistance to cover the cost of transport, etc. would have no significant effect under the assumptions of this approach.

From the concept of distance through the notion of accessibility to the dimension of change

It can be seen from the foregoing that the concept of distance, which appeared initially as a straightforward concept, is in fact rather more complex because of its relationship to other factors. Therefore, according to the aspects one highlights, the logical implications

¹¹ Note that the practical conclusion, in a different formulation, i.e. an increase in migration, is similar to the previous models. Klaassen and Drewe (1973) also consider the relation between the integration of economies and the impact on mobility as a fact.

¹² Here also note that this to some extent recalls Ravenstein's laws.

for decision-making in rural development in order to achieve or avoid migration effects will be different. The whole area of migration and rural development is problematic and therefore merits much greater attention and research precisely because of the complexity of the relationships involved.

Therefore two simple approaches to distance are suggested here which will facilitate understanding. These are related but not entirely compatible and they are based on the fact that the findings of other research work are fairly similar, so that many of the apparent contradictions between them can be resolved when seen in another perspective. The approaches presented here have obvious limitations, insofar as only certain aspects can be quantified. However, they should be considered as only a preliminary attempt to cover new ground; there are still many difficulties to be overcome.

Is distance a continuum? Seen from the point of view of a continuum, distance is somewhat like a chemical mixture. It is not an element, as in each case the ingredients vary in their respective quantities but do not exist in isolation. The continuum goes from the most physical aspect of distance (e.g. walking hours) to the most abstract¹³ components of distance (e.g. differences in life styles or values) (see Figure 5).

Let us now imagine the case of a city and two rural villages at different distances from the city. What are the respective distances of these villages from the city (see Figure 6)?

It can be seen that many combinations within a certain zone are possible. Because of this, measurement can only be approximate and rural agents will more or less know intuitively what that distance is. Figure 3 can also be used to represent the distances between rural areas themselves as well as differences in, for example, education between individuals which differentiate the psychological distance between each of them and the city.

¹³ Abstract distance is defined as a combination of social, psychological, economic and other factors which influence the migrant's perception of distance.

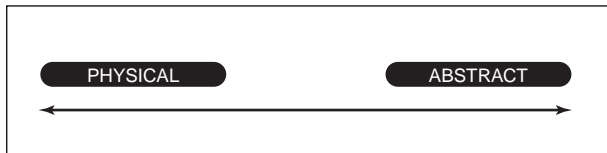
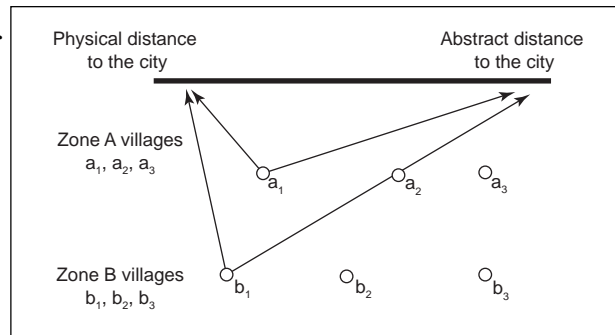


Figure 5
Representation of distance as a continuum

Figure 6
Variations in the components of distance within zones and between zones



Two kinds of rural development projects (electrification and road building) are used to illustrate the different elements of physical or abstract distance. Rural development projects such as these change certain elements in the concept of distance, either primarily from the physical or primarily from the abstract point of view. A road reduces the physical distance whereas electricity, by facilitating the advent of television, for example, can reduce the abstract distance. One thus moves from the concept of distance to that of accessibility. Consequently, these projects change the composition of the elements making up the total distance and they therefore have differential effects on the decision to migrate according to the characteristics and predisposition of the population in question.

It can also be seen that the perception of the distance between his place of origin and the city changes when a migrant goes to a city. He may well visualize a new abstract distance to his place of origin, as he gets adjusted to the city. This might have repercussions on his decision to remain in a city or on his difficulty in adjusting to his place of origin on return. By extending this idea, it is apparent that the introduction of an urban-type education in a rural area has the effect on youth of reducing the abstract distance to the city but of creating a psychological gap, or distance, between them and their place of origin or area and which affects their integration into this area and their propensity to migrate. This leads us on to a different approach to distance.

Is distance composed of divergent factors at several levels? If one reconsiders

together the various approaches to distance reviewed, one can make several observations:

- All these approaches shed some light on the concepts of distance even when they do not assign a substantive role to it.
- They all present distance as a mixture even when it is isolated, but define it as made up of different elements, or compounds, and place the stress on the ingredients considered the most easily quantifiable (kilometres, social distance, psychological, etc.).
- Distance is seen in different roles ranging from the low profile assigned to it by Lee (1969) to a comprehensive idea of it (e.g. Amselle, 1976).

The continuum approach is therefore insufficient. For example, one can immediately raise the objection that if, for example, one wants to attach more importance to the abstract distance, one must at the same time move further away from the physical distance pole. At least a two-dimensional approach to distance is therefore necessary and the possibility of a divergence between the social and physical distance must be taken into account (Figure 7).

If one uses the notion of abstract distance one can represent distance as in Figure 7 in which 1 represents the presence of many obstacles, both physical and abstract – a total barrier; and 0 the absence of any barrier factor. As a result there would be three types of combinations of factors for each group or individual: combination C for which the values of distance are too high for migration,

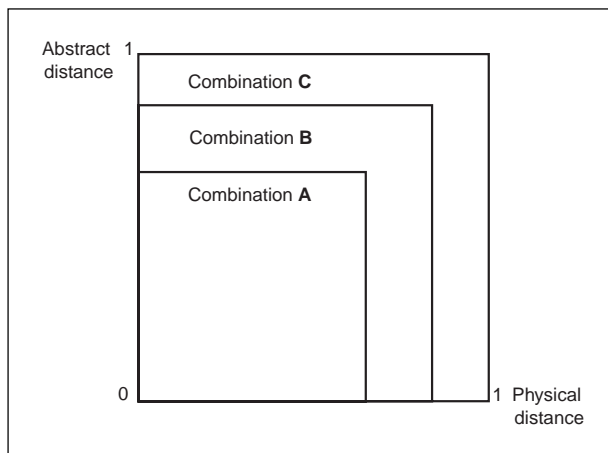


Figure 7
A two-dimensional representation of distance

i.e. there is a combination of many obstacles affecting the potential migrant's perception of the abstract distance, plus many physical obstacles; combination B in which there is a choice; and combination A in which migration would be probable, as both the physical and abstract distance are minimal.

In such an approach rural development measures can be decided upon. Those which would encourage migration would mean a move from combination C to B – for example, taking measures to overcome the physical distance: building a bridge, reducing the hazards of the journey; and likewise, to reduce the abstract distance, information and motivational activities to make those in combination B decide to opt for migration (and vice versa if the objective is to reduce migration).

This representation leads to a more differentiated and subtle approach to development measures in each case. Not only does this minimize the danger of imposing a blanket solution but also it becomes possible to combine various approaches and to study their compatibility or to programme them – for example Phase 1: reduce the physical distance; Phase 2: motivate those in combination B, and so on.

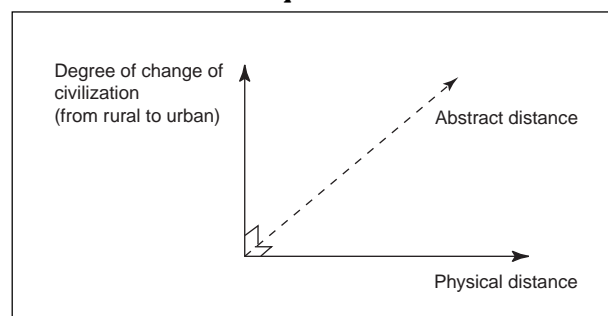
Perhaps a word is necessary to justify the combination B zone of choice on whether a move is made or not. This is based on the assumption that migration “laws” are never fully deterministic. They only increase the

probability of deciding to move and this probability is represented as an area of choice which is, on a general level, undetermined; whereas in zones A and C it would require a strong decision in view of the situation to either move (combination C) or not move (combination A) when the factors determining distance would point logically to the reverse decision. For example, there are always the people who would move, or refuse to move, whatever the circumstances.

If the representation in Figure 7 seems satisfactory for the first two points set out above, it does not answer the third, i.e. the problem of level. In order to do this a third dimension has to be introduced (Figure 8). For lack of a better expression we use here “change of civilization” to express the degrees in this third dimension.

In order to explain this simply, one can consider a few examples: a move from one rural area to another rural area generally does not imply a basic change in a migrant's mode of living. The farmer probably remains in the agricultural sector, although the crops or tools might change. The difficulty of learning how to grow a new crop is part of the abstract distance and the number of days' travelling is part of the physical one. This implies that often there is no movement to a rural area if the advantages in moving are considered too small in comparison to the distances. In most cases, however, the agricultural population knows the type of problem involved in overcoming such distances and their interpretation of rural development measures and their implications for such a move can be discussed and more

Figure 8
A three-dimensional representation of distance



easily understood by rural people. These matters relate, for example, to yields, amount of work, forms of ownership, problems of irrigation, etc. But a move from a rural area to a city generally involves more than a change of lifestyle – it is a change of civilization, of world even. It means moving from an agricultural world to an urban one with different norms and values. How does this new dimension operate in practice?

It has been observed that rural to rural migration tends to be undertaken by groups rather than by individuals, whereas in the case of rural-urban migration the reverse is true. This can perhaps be attributed to the fact that the individual who migrates to the city is very likely to be educated and it is the very nature of his education that has set him apart from his group and made him into an individual unit prepared to go the rest of the way to complete adaptation to the Western, urban lifestyle by migrating to the city. In contrast, people who have not received this reorientation through education stay within the group, which therefore remains traditional and migrates to the areas which are the least strange to it.

By migrating, the individual is in effect integrating himself into the world he really belongs to and leaving the one from which he has been alienated. Development in rural areas often constitutes an attempt to change the environment or at least to introduce into rural areas elements of the urban world; as a result, the people who accept these changes most easily may tend to go straight to the city rather than wait for further change to come about in the village. Conversely, there are practically no elements of the rural world in city life and this might explain why it is so difficult to encourage city dwellers to move to rural areas. This is all the more true since in developing countries the urban world is generally taken to be superior to the rural one.

However, it has also been observed that uneducated rural people move to cities and, even after a few years' stay, return to their place of origin little affected. In such cases, these migrants have probably lived in the cities with people of their area of origin and in fact have not really come out of their rural

world at all. The third dimension and some of the abstract dimensions are thus reduced to a minimum. This is one of the reasons why many towns in developing countries do not have all the accepted urban characteristics, but are analysed as an agglomerate of villages.

It has also been observed that there is a stepwise migration: from rural areas to small towns, then to larger ones, then to primate cities. This stepwise migration is generally undertaken by uneducated people, whereas educated rural youth cover greater distances and tend to skip some of the steps. This could be explained by the fact that the uneducated rural migrant, by going to a small town tends to reduce the element of change of civilization incorporated in the distance. He settles down after each change before moving on to the next step.

The third dimension applied to the previous examples can also help us to understand why, when the physical distance is the obstacle, migration tends to be more permanent, whereas when it is the abstract distance, and especially the change of civilization, which is the obstacle, migration tends to be temporary. It will be remembered from the first model presented that Hågerstrand observed that the value of the power modifying the distance diminished over time and was smaller for the urban migrants than for the rural ones. One can thus interpret these values as representing the third dimension just introduced. For example, over a long period in Europe, the countryside has been conquered by the urban civilization model: this is translated by a reduction in the value of the power n already discussed. In a similar way this also explains why mobility increases with development.

Finally it is perhaps this third dimension which explains why rural-urban migration, even if urban populations seem to have swollen to enormous numbers, actually affects only a small proportion of the rural population: the distance to be covered in changing from a rural to an urban world is considerable and discourages most people. By the same token it shows that, if not properly

managed, migration can get out of control if the distance is reduced, and this consequence is generally overlooked when rural development activities are being planned.

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In search of a better concordance between the State and the rural world in Benin

Two types of private property are common in Benin, one based on statutory law and one based on customary law. Although customary systems exhibit a defined direction of evolution and some defined procedures for regulation of land transfers, they are seen to be disintegrating. Agents of change include intense land pressure exerted by uncontrolled population growth which has not been accompanied by an intensification of agricultural production. This pressure creates conflict between local communities and the State, as the latter attempts to maintain forest reserves and other areas where use rights of natural resources are State restricted. An additional concern is the injustice of customary systems which deny, for example, equitable land inheritance rights to women. It is suggested that the State initiate a dialogue with representatives of rural producers with the goal of defining guidelines for an appropriate legislative framework that will address current shortcomings in tenure and land management systems.

En busca de una mayor concertación entre el Estado y el mundo rural en Benin

En Benin son habituales dos tipos de propiedad privada, una basada en el derecho escrito y la otra en el derecho consuetudinario. A pesar de mostrar una orientación de la evolución clara y algunos procedimientos definidos para reglamentar las transferencias de tierras, se considera que los sistemas consuetudinarios son desintegradores. Entre los agentes del cambio figuran la intensa presión ejercida sobre la tierra por un crecimiento demográfico incontrolado, no acompañado de una intensificación de la producción agrícola. Esta misma presión crea conflictos entre las comunidades locales y el Estado, que intenta mantener las reservas forestales y otras zonas con derechos de uso restringido de los recursos naturales. Otro motivo de preocupación es la injusticia de los sistemas consuetudinarios que, por ejemplo, niegan un derecho equitativo de herencia de las tierras a las mujeres. Se propone que el Estado comience un diálogo con representantes de los productores rurales con el objetivo de definir directrices para un marco legislativo apropiado en el que se aborden los problemas actuales de los sistemas de tenencia y ordenación de la tierra.

A la recherche d'une meilleure concertation entre l'Etat et le monde rural au Bénin

Machioudi Dissou

Professeur d'économie rurale, Doyen de la Faculté des sciences agronomiques, Université nationale du Bénin

Il existe deux types de propriété privée au Bénin, l'une fondée sur le droit écrit et l'autre sur le droit coutumier. Bien que leur évolution manifeste une tendance bien précise et que des procédures claires règlent les transferts de terre, les systèmes coutumiers paraissent se désintégrer. Les facteurs du changement comprennent la forte pression exercée sur la terre par une croissance démographique incontrôlée, non accompagnée d'une intensification de la production agricole. Cette même pression crée un conflit entre les communautés locales et les pouvoirs publics, ces derniers cherchant à conserver les réserves forestières et d'autres zones sujettes à des droits d'usage des ressources naturelles limités par l'Etat. Un autre aspect est celui de l'injustice des systèmes coutumiers qui nient par exemple aux femmes des droits équitables à l'héritage de la terre. Il est proposé que l'Etat amorce un dialogue avec les représentants des producteurs ruraux dans le but de définir des directives pour la mise en place d'un cadre juridique approprié qui remédie aux faiblesses actuelles des systèmes de tenure et de gestion des terres.

RÉGIMES FONCIERS COMMUNAUTAIRES ET RÉGIMES DE PROPRIÉTÉ PRIVÉE

Régimes fonciers communautaires au Bénin

A l'époque précoloniale, au temps de l'Afrique des royaumes et des empires, les hommes exerçaient sur la terre des droits fonciers communs par l'intermédiaire d'une communauté que représentaient le clan, le lignage, la famille élargie et même, tout simplement, le ménage africain. De nos jours, mieux que le clan, le lignage représente pour l'individu une réalité plus vivante, une structure au sein de laquelle s'exercent bon nombre d'activités qui le mettent périodiquement en liaison avec les autres membres du lignage.

Cependant, le rôle contemporain dévolu au chef du lignage est strictement religieux; ce dernier n'exerce pas nécessairement la fonction de chef de terre. Parfois lorsque la situation le permet, c'est-à-dire dans le cas où la taille du lignage n'est pas trop grande, le chef peut être appelé à arbitrer les conflits

sociaux les plus importants entre les membres du lignage. Mais, le plus souvent, de tels problèmes sont résolus avec plus d'efficacité à un échelon inférieur au lignage, surtout au niveau de la famille élargie ou *houéta*. Le *houéta* est un ensemble de ménages polygamiques et monogamiques (dont les chefs prennent le titre de *houéto*) regroupés dans un espace matérialisé par un enclos sous la direction du chef de famille ou *houétagan*. Ainsi l'exercice des droits fonciers communs appartient à un groupe de personnes unies par le sang, c'est-à-dire une *communauté parentale* dirigée par un chef à tous les niveaux hiérarchiques, et dont la désintégration progressive à travers le temps a conduit à un relâchement des liens entre ses membres et à l'émergence de l'individualisme.

Il convient d'examiner brièvement l'évolution du système foncier communautaire du Bénin. Pour diverses causes (telles qu'épidémies, maladies

incurables, invasions guerrières ou recherche d'une meilleure sécurité), le chef d'une communauté parentale peut quitter son ancien lieu d'établissement pour s'installer avec son groupe dans un autre endroit plus sécurisant. Le nouveau site peut, par exemple, être estimé plus sécurisant parce qu'il s'y trouve des terres généralement non occupées par d'autres personnes dont la présence constituerait plus tard une cause d'insécurité – voire d'hostilité – ou une entrave à l'épanouissement de sa communauté. Immédiatement après l'installation, les terres occupées sont délimitées selon des procédés traditionnels, puis affectées aux membres du groupe selon leurs besoins. En aucun cas, les terres – en tant que propriétés – ne sont affectées à des individus. Par exemple, lorsque la première occupation est le fait d'un lignage, les terres sont allouées aux communautés parentales des échelons inférieurs (familles élargies et ménages) par l'intermédiaire de leurs chefs respectifs.

La communauté lignagère, en sa qualité de première occupante des terres, prend possession d'un territoire vide. Désormais les terres délimitées et affectées aux membres de son groupe appartiennent à ce groupe fondateur et ladite communauté s'opposera farouchement aux groupes ou aux individus qui chercheraient à s'y installer. Ainsi, on peut affirmer que le domaine dont la communauté lignagère est le premier occupant, et qui est effectivement mis en valeur par ses membres, peut être considéré comme une *propriété communautaire*. Les familles élargies et les ménages ne possèdent pas de droit de propriété sur le domaine occupé et mis en valeur par les membres de la communauté lignagère, mais ils exercent un droit d'usage et de jouissance (un droit d'usufruit) sur les terres qui leur sont affectées.

Il était interdit à tout membre du groupe familial de faire sortir une parcelle de la terre du patrimoine foncier parental (Mensah, 1971). En effet, il ne s'agissait pas d'interdire un quelconque transfert d'une portion du patrimoine foncier communautaire – on verra plus loin que les transferts étaient, et sont, habituels – mais surtout d'empêcher tout transfert dont la finalité consiste à faire sortir

même un lopin de terre du domaine de la communauté parentale au profit d'un tiers appartenant à une autre communauté. L'application stricte de ce principe a entraîné l'incapacité de tout membre de la communauté parentale, y compris son chef, d'aliéner tout ou partie des terres communautaires. L'incapacité des membres de sexe féminin d'hériter des biens fonciers communautaires au niveau d'un ménage en a été un des résultats. Cela permet à la communauté d'éviter tout risque de perte d'une parcelle au moment d'un mariage entre une femme indigène et un homme allochtone.

N'oublions pas que l'Etat colonial, et plus tard l'Etat indépendant, ont institué, tant sur le plan législatif qu'administratif les régimes fonciers que l'on pourrait, dans un certain sens, qualifier de «communautaires». Il s'agit: des domaines forestiers de l'Etat, des réserves cynégétiques, des terres des communautés villageoises, des coopératives et des fermes d'Etat. Cependant, ces initiatives sont de nature plutôt *étatique* que *communautaire* et, à l'exception des réserves forestières et cynégétiques – qui sont des espaces assez vastes de restrictions imposées par l'Etat – n'ont pas laissé de traces majeures et durables dans le contexte des régimes fonciers actuels. Par exemple, l'opération des champs collectifs (dans le cadre des terres des communautés villageoises) n'a pas duré plus de deux campagnes agricoles puisqu'elle a été abandonnée en 1963 après la chute du gouvernement qui l'avait instituée; le nombre de coopératives d'aménagement rural (conformément aux lois 61-26 et 61-27 votées à l'Assemblée nationale en août 1961, et dans le cadre de palmiers à huile et cocotiers sélectionnés) n'a pas dépassé 30 et la superficie totale n'a atteint que 31 800 ha; on peut y ajouter les coopératives et périmètres d'aménagement rizicole qui couvrent une superficie de 5 000 ha environ¹; et les fermes d'Etat n'ont jamais été clairement définies et, en général, ne

¹ Malgré la superficie limitée des sites sur lesquels les tentatives de création de coopératives se sont déroulées, cette initiative est instructive et sera discutée plus loin.

réclamaient que de petites superficies. Par contre, l'instauration de l'économie de marché, les structures coutumières communautaires n'ont pu résister à l'assaut du modernisme et ont subi une désintégration qui s'est traduite par l'émergence de l'esprit individualiste. Cette situation a été à l'origine de l'avènement de la propriété foncière individuelle.

Régimes fonciers de propriété privée

La puissance coloniale française n'a jamais reconnu un véritable droit de propriété aux différentes structures communautaires. Pour le colonisateur, les Africains ne détenaient que le *domaine utile* des terres, le *domaine éminent* appartenant à l'Etat colonial. L'Etat a introduit le régime d'immatriculation comme unique voie de reconnaissance du droit de propriété. Au Bénin, le décret du 5 août 1900 fut le premier instrument juridique à servir de support à la mise en œuvre de la technique de l'immatriculation des terres.

L'administration coloniale française mettait ainsi en place une politique foncière qui consistait à faire admettre aux Africains que les terres de leurs ancêtres ne leur appartenaient pas et qu'elles ne deviendraient leur *propriété* que lorsqu'elles auraient été immatriculées conformément à la procédure administrative.

Après l'indépendance du Bénin en 1960, le système du droit moderne, mis en place sous la colonisation et fondé sur le droit romain, a coexisté avec celui du droit coutumier. Le dispositif législatif organisant le régime de la propriété foncière dans l'ex-Dahomey, puis en République du Bénin, est basé sur la loi du 14 août 1965 qui abroge le décret colonial du 26 juillet 1932, mais reprend d'une façon générale les dispositions contenues dans ce dernier, à savoir la transformation progressive de la situation juridique des terres par la mise en œuvre de la technique d'immatriculation.

Cependant, malgré l'intervention de la technique de la loi du 14 août 1965, «le législateur dahoméen reconnaît toute l'importance du droit foncier de l'immense majorité des propriétaires terriens, car il n'a pas osé bousculer ces derniers, ni faire table

rase des règles dites coutumières qui régissent leurs terres (Mensah, 1971). Ainsi coexistent deux types différents de régimes fonciers de propriété privée: les régimes de *propriété privée traditionnelle*, et celui régissant la *propriété privée de droit moderne*.

Du côté de la propriété privée traditionnelle, on note l'existence des transferts à titre temporaire ou définitif du patrimoine foncier d'un individu à un autre pouvant revêtir plusieurs formes: l'héritage, la vente ou la cession à titre définitif, la donation, le prêt, le gage et la location. La sophistication et la fréquence de ces transferts signalent le degré avancé de l'évolution des systèmes coutumiers vers un système de propriété privée. La désintégration de plus en plus prononcée des structures sociales de la paysannerie ne permet plus de soustraire les biens fonciers des opérations de vente, et même l'interdiction relative à l'héritage par la descendance utérine tend à disparaître.

Mais de toutes les formes de transfert d'accès à la propriété foncière dans le système coutumier, celle dont les plantations de palmiers à huile sont le plus souvent l'objet est, bien sûr, le gage. C'est une pratique très ancienne et très développée dans la société paysanne de la palmeraie béninoise, en particulier dans la province de l'Ouémé, au sud-est du pays.

Le gage est une opération par laquelle un propriétaire (gageur) cède temporairement l'exploitation de son champ à une personne (gagiste) de laquelle il reçoit un crédit pour satisfaire à un besoin matériel urgent. La durée de mise en gage est indéterminée. Cependant, elle ne peut être inférieure à deux ans, même lorsque la créance est recouvrée avant cette échéance. Au-delà de celle-ci, le gage prend fin dès que le créancier entre entièrement en possession de sa créance.

Dans la province de l'Ouémé, bon nombre de cas de mise en gage remontent à plus d'une vingtaine d'années. C'est la raison pour laquelle certaines restrictions sont imposées en matière de mise en valeur des terres faisant l'objet de gage. Ainsi, il est interdit au gagiste d'effectuer dans le domaine agricole gagé des aménagements fonciers coûteux ou

des cultures arbustives tels que le teck ou les arbres fruitiers.

A noter que ces restrictions sont fondées sur l'existence de conflits qui surgissent parfois entre les parties contractantes. En effet, en cas de conflit sur l'origine de la propriété au cours de l'exécution d'un gage, la jurisprudence dans le droit coutumier se réfère à la nature des espèces végétales existant sur le domaine agricole en litige et à l'auteur de leur création. En cas d'absence de preuve écrite ou de décès des témoins ayant éventuellement assisté à la transaction, les autorités judiciaires chargées du règlement du conflit donnent généralement gain de cause à celui qui a planté les arbres sur le domaine contesté.

Très souvent des mises en gage de trop longue durée aboutissent finalement soit à une cession définitive, en principe après un accord intervenu entre les deux parties, soit à une simple confiscation du bien gagé au profit du gagiste ou de ses ayants droit. Tels sont généralement l'origine et le processus de l'accumulation de biens fonciers par une infime minorité d'usuriers dans la palmeraie porto-novienne.

Dans un contexte plus large que celui du gage, on souligne que lorsque des conflits découlant de problèmes fonciers surgissent entre paysans, ils sont portés devant diverses instances en vue de leur règlement. Les instances judiciaires à caractère coutumier sont les premières à être saisies dans ce domaine. Par exemple, après les partages successoraux, des désaccords surviennent parfois entre les héritiers membres d'un même *houéta*. Ces conflits sont normalement arbitrés par un conseil de famille sous la direction du *houétagan* assisté de quelques personnes influentes du *houéta*. Lorsque les antagonistes n'appartiennent pas à un même *houéta*, des tentatives de réconciliation peuvent être initiées par les chefs de lignage des *houéta* intéressés. Si ces démarches n'aboutissent pas à un succès, on engage la procédure dans la voie administrative qui comprend plusieurs niveaux opérant suivant deux systèmes différents de juridiction: le droit dit coutumier et le droit moderne.

Mais dans le cadre du droit moderne, on a déjà constaté que la seule voie à la reconnaissance d'une propriété privée est représentée par l'immatriculation. L'immatriculation conduit à une sécurisation du propriétaire ou de l'exploitant sur son exploitation. On peut même affirmer qu'elle confère au capital foncier une valeur foncière accrue pouvant servir de garantie auprès des organismes de crédit agricole. Mais la réalisation d'une immatriculation exige du paysan un ensemble d'efforts et de sacrifices qui ne sont pas à sa portée.

ÉVALUATION DES MODES DE GESTION DES TERRES SOUS DIFFÉRENTS RÉGIMES

Régimes fonciers communautaires traditionnels

Quelle que fût la nature de la communauté parentale (lignage, famille élargie ou ménage), la terre en tant que propriété collective communautaire était soumise aux règles de l'indivision. Par exemple, au niveau de la famille élargie (*houéta*), les terres étaient réparties entre les chefs de ménage (*houé*) qui, à leur tour, les mettaient à la disposition de leurs membres. Les bénéficiaires n'étaient pas autorisés à cultiver des plantes pérennes sur les parcelles reçues car ils avaient seulement le droit d'usage, de jouissance, et d'occupation. Les terres qu'ils occupaient dans ces conditions pouvaient leur être retirées en cas de besoin jugé plus urgent, ou lorsqu'ils enfreignaient les règles édictées en matière d'exploitation du patrimoine foncier commun.

Toutefois, la participation de l'individu à l'utilisation d'un moyen collectif de production telle que la terre n'aboutissait nullement à son intégration dans un système de production collective. En effet, la production demeurait individuelle d'une manière générale, même si on pouvait observer une certaine intégration des moyens de production au sein de la communauté parentale. Dans la mesure où le travail était autrefois collectif, la production collective, considérée comme une activité organisée par un centre de décision commun (chef de lignage ou de famille élargie), n'était pas généralisée et a disparu après l'éclatement des structures sociales communautaires.

Aujourd'hui l'exploitation de certaines propriétés collectives, conservées sous forme de plantations (palmeraies, rônaraies, etc.) ou d'étangs à poissons, se réalise essentiellement au profit des chefs et des membres influents des communautés parentales. Cette forme d'exploitation de certaines propriétés collectives communautaires, surtout rencontrée dans le sud du Bénin, a été considérée, sous le régime révolutionnaire, comme un instrument de pression et d'asservissement des paysans. Aussi, à cette époque, des «bois-fétiche» ou forêts sacrées, des étangs à poissons, des marécages et autres biens fonciers dédiés aux *voudouns* classiques ou lignagers, et dont la jouissance revenait à quelques individus, ont-ils été pris en charge, c'est-à-dire confisqués, par les «Instances révolutionnaires». Dès la levée des interdictions coutumières qui les frappaient, les populations avaient eu à nouveau accès à ces ressources naturelles.

Au nord du Bénin, les terres des communautés parentales ont été mises à l'abri de ces formes d'agression. Les chefs lignagers en assurent le contrôle. Elles sont mises à la disposition des postulants par la voie du prêt ou de la donation selon la qualité (membre de la communauté parentale, autochtone ou allochtone) des requérants.

Le mode de gestion des terres des régimes communautaires traditionnels permet de préserver la conservation de la propriété foncière contre le morcellement et la désintégration des terroirs agricoles dont les conséquences néfastes sont la disparition ou le raccourcissement des jachères, l'appauvrissement du sol, les difficultés de la mise en œuvre de techniques culturales modernes et la baisse de la fertilité des sols et des rendements agricoles. Sur le plan de l'environnement, ce mode de gestion permet une bonne conservation des ressources naturelles.

Il existe cependant des aspects négatifs. Par rapport au droit moderne, ce mode de gestion ne garantit pas toujours une bonne circulation et un contrôle correct des terres. En plus, il s'oppose à l'appropriation

individuelle, condition exigée par les institutions financières pour l'accès au crédit agricole. Il peut constituer un facteur de blocage à l'exploitation de certaines ressources naturelles (marécages, cours d'eau, etc.) qui peuvent être frappées par des interdictions coutumières parfois rétrogrades. Par ailleurs les structures communautaires, qui constituent l'infrastructure sur laquelle reposent les propriétés lignagères, sont constamment sous la menace d'un éclatement en raison de l'accroissement de l'effectif démographique, de la dispersion géographique des membres de la communauté parentale et de l'expansion de l'individualisme.

Gestion des domaines forestiers de l'Etat et des réserves cynégétiques

Créée sous la colonisation, la Direction des eaux et forêts et de la chasse a été chargée, en vertu du décret du 4 juillet 1935, de la délimitation et de l'aménagement des forêts classées et réserves de faunes. Dans le domaine de l'exploitation, elle était appelée à assurer l'application de la législation forestière, à délivrer les permis d'abattage et les autorisations de coupe de bois de feu. Elle était également chargée de l'exploitation des zones cynégétiques. L'exercice de la police forestière et de l'exploitation des zones cynégétiques est demeuré la principale activité de la Direction des eaux et forêts et de la chasse.

La gestion des ressources naturelles en général, et celle des domaines forestiers de l'Etat en particulier, est une entreprise délicate qui ne peut être soustraite au contrôle des pouvoirs publics, et ne doit être soumise à aucune forme d'exploitation capitaliste. En effet, l'état de l'environnement en dépend fortement.

La Direction des eaux et forêts et de la chasse, rebaptisée Direction des forêts et des ressources naturelles, ne saurait se cantonner essentiellement dans l'exercice de la police forestière et dans l'exécution de certaines tâches administratives visant à assurer l'exploitation des ressources naturelles. Encore qu'elle ne dispose pas toujours de moyens nécessaires à l'exécution

correcte de ces missions. Aussi, l'expérience de la Société nationale de développement des forêts (SNAFOR) a-t-elle montré qu'une société d'Etat n'est pas l'instrument adéquat de la gestion de telles ressources. Quant à l'Office national du bois (ONAB), rien ne permet encore d'assurer qu'il constitue la bonne formule.

En effet, quand on exploite un domaine forestier, il faut songer à sa reconstitution par la réalisation de nouvelles plantations. Les exploitants forestiers privés, qui exploitent aujourd'hui les essences des forêts-galeries, n'ont pas été les auteurs de la création de ces formations forestières. Nonobstant les dispositions législatives en la matière, on n'est pas assuré que ces exploitants réalisent des plantations dont la superficie serait égale à celle des forêts détruites.

Malgré sa simplicité, l'explication ci-dessus met en évidence le rôle de chacun des acteurs qui interviennent dans le domaine de l'exploitation de ces ressources naturelles considérées comme des biens communautaires dont la gestion génère des impacts importants sur l'environnement. Cette gestion se révèle comme une entreprise pérenne fondée sur des activités que seuls les pouvoirs publics, dont la pérennité est garantie par l'existence permanente de l'Etat, sont en mesure de conduire en s'appuyant constamment sur les populations largement sensibilisées par leurs intérêts. Ainsi, une structure placée sous le contrôle de l'Etat, solidement rattachée aux communautés à la base, peut constituer un instrument privilégié pour une gestion harmonieuse des ressources naturelles.

Gestion des coopératives d'aménagement rural

Les coopératives d'aménagement rural étaient organisées en deux volets: la production végétale pour la palmeraie et les cultures annuelles. Au sein des coopératives d'aménagement rural, les diverses activités étaient supervisées par un conseil d'administration de la coopérative. Au niveau régional les coopératives étaient regroupées au sein d'un organe dénommé Centre d'appui technique et social (CATES) à la tête duquel était nommé un chef appelé à

coordonner les activités de production végétale pour la palmeraie (ZOPA, premier volet) et les cultures annuelles (ZOCA, second volet) comprenant le coton et les cultures vivrières. Il existait une liaison entre l'administration de l'ensemble des coopératives et celle de l'huilerie, autrement dit entre le CATES et la Direction technique de l'huilerie de palme. Cette structure de liaison était celle du Complexe agro-industriel (CAI).

Dans le cas de la production des palmeraies, les travaux agricoles étaient exécutés collectivement (en principe) par les coopérateurs sous la supervision du personnel d'encadrement. Tandis que pour les cultures annuelles, le travail était individuel. Le paysan-coopérateur devait venir travailler sur sa propre parcelle de cultures vivrières après avoir terminé sa tâche journalière dans la plantation.

Dans la réalité, un nombre très infime de coopérateurs parvenait à satisfaire à cette exigence. Aussi, la mise en valeur de la zone de cultures annuelles revenait-elle plutôt à des paysans non coopérateurs ou à d'anciens propriétaires de terres qui ne participaient pas aux travaux d'aménagement de la palmeraie. Il arrivait donc souvent que la totalité des terres défrichées par l'ex-SONADER ou l'ex-SOBEPALH (organismes de tutelle des coopératives d'aménagement rural de palmeraies sélectionnées) pour la réalisation des cultures annuelles n'était pas emblavée.

Les causes d'abandon des parcelles étaient multiples, mais deux d'entre elles surtout ont été évoquées par les coopérateurs: l'incapacité de supporter le rythme de travail qu'imposaient les agents d'encadrement (notamment la difficulté d'appliquer rigoureusement les techniques culturales exigées), et l'état d'appauvrissement de certaines parcelles dont le niveau de fertilité n'a pas été relevé au départ par l'apport d'une fumure de fond.

Outre les huileries d'extraction d'huile de palme implantées à Houin-Agamè dans le Mono, à Ikpinlé dans l'Ouémé et à Hinvi-Dôvo dans l'Atlantique, diverses infrastructures administratives sociales ont

été réalisées. Il s'agit des bureaux des coopératives, des logements pour les cadres, des infrastructures sanitaires et scolaires, des puits, etc.

Les résultats obtenus dans tous les domaines reflètent les conditions particulièrement difficiles de l'exécution des diverses activités au sein des coopératives d'aménagement rural. La production et les rendements des plantations variaient entre 22 pour cent et 58 pour cent des prévisions d'une année à l'autre et d'une coopérative à l'autre. Cette faiblesse est à attribuer à la longue sécheresse des années 1971 et 1972, aux vols et au mauvais entretien des plantations. Les résultats du second volet (les cultures annuelles) étaient aussi modestes. La culture attelée, qui a connu un certain succès (notamment sur les périmètres du Grand Hinvi), n'a pas été soutenue faute de moyens. On note aussi que les coopératives d'aménagement rural étaient appelées à absorber une main-d'œuvre importante. En réalité, la faible rémunération du travail constituait un véritable frein à l'adhésion des paysans.

Privées d'entretien, la plupart des plantations se présentent aujourd'hui dans un état de forêt secondaire. Cependant, dans l'ensemble, les effets de ces coopératives sur l'environnement naturel étaient négatifs. Les défrichements, par leur ampleur, ont conduit à l'élimination de certaines espèces végétales dans les régions où étaient réalisés de nombreux périmètres. L'accroissement du déboisement et la réduction des jachères arbustives, qui ont favorisé l'essor du commerce du bois de chauffage, ont pu entraîner certaines perturbations sur la pluviosité dans les secteurs où se sont implantés progressivement les périmètres d'aménagement rural. Néanmoins l'entretien culturel a été amélioré en 1973, suite au relèvement du prix des produits du palmier à huile, ce qui a incité le cultivateur à effectuer correctement le nettoyage des palmeraies naturelles et l'élagage des palmiers.

D'importantes transformations dans le domaine socioculturel, dont la totalité semble être positive, ont été enregistrées. L'un des nombreux aspects positifs a été le

développement de l'épargne monétaire. Des associations de tontine ont été créées dans tous les périmètres. Elles regroupaient les personnes des deux sexes et de divers âges, toutes salariées ou membres des coopératives. Il existait également de nombreuses associations d'épargne traditionnelle constituées uniquement de femmes et dont les membres se réunissaient hebdomadairement ou tous les quatre jours.

Le dynamisme des femmes dans le domaine de la mobilisation de l'épargne en milieu rural n'était pas le seul aspect de leur présence active dans les coopératives. En participant aux travaux de mise en valeur des périmètres et coopératives d'aménagement rural, les femmes avaient acquis des avantages matériels importants qui leur avaient permis d'améliorer leur condition sociale et économique. Les paysannes travaillant sur les périmètres et coopératives, de même que tous les habitants des localités situées dans la zone d'influence des projets, ont bénéficié, sur le plan social, du programme d'éducation sanitaire et nutritionnelle ainsi que des infrastructures qui avaient été réalisées.

La plupart des paysannes qui offraient des prestations de service dans les plantations participaient, grâce aux ressources financières acquises, à l'amélioration des recettes de leur ménage. Elles aidaient financièrement leur mari en supportant partiellement la pension alimentaire. De même, les salaires qu'elles percevaient leur donnaient la possibilité de se constituer un petit fonds de commerce.

Au total, il apparaît difficile de cerner tous les aspects des incidences des projets de création de coopératives sur leur environnement. La comparaison des résultats obtenus par rapport aux objectifs de production et de rendement des plantations et des cultures annuelles révèle une évaluation facile, qui toutefois ne permet pas d'avoir une appréciation globale des conséquences de l'ensemble du programme. Les résultats des différentes analyses exposées ci-dessus indiquent que, malgré le faible taux de réalisation des objectifs enregistrés dans la production végétale

(palmeraies et cultures annuelles), les incidences des projets de coopératives (au Grand Agony, par exemple) (Dissou, 1972) sont relativement positives dans certains domaines. On doit cette situation aux effets engendrés par la mise en œuvre du programme social et des infrastructures d'accompagnement.

Gestion des terres de régime traditionnel de propriété privée

Utilisation des diverses catégories de main-d'œuvre et leurs incidences sur la mise en valeur des terres. Les conditions d'utilisation de la main-d'œuvre agricole, notamment les formes de sa rémunération, et les modes de transfert du patrimoine foncier (ce dernier sera discuté plus loin) sont parmi les facteurs exerçant d'importantes influences sur la mise en valeur des terres du régime traditionnel de propriété privée. Pour la mise en valeur des terres soumises à ce régime, les paysans ont surtout recours à deux catégories de main-d'œuvre: la main-d'œuvre familiale et l'entraide. Quant à la main-d'œuvre salariée, elle est très peu sollicitée dans le cadre des exploitations agricoles familiales traditionnelles.

La main-d'œuvre familiale tire son origine de l'organisation de la vie communautaire sous la direction du chef de lignage. La structure lignagère a fait place successivement à celle de la famille élargie et à celle du ménage: famille nucléaire qui s'organise autour du chef de ménage dans l'espace que constitue le *houé*. Ainsi, de nos jours, la main-d'œuvre familiale résulte essentiellement des prestations de service du chef de ménage, de ses femmes, de ses enfants non mariés vivant sous son toit et encore soumis à son autorité et d'autres personnes à divers degrés de parenté qui sont à sa charge.

Pour l'exécution des travaux agricoles, le chef de ménage répartit le travail suivant les capacités de chacun. L'exécution des tâches les plus dures (défrichage et autres travaux culturels d'entretien ou de préparation du sol) est réservée aux hommes. Quant aux enfants, dont la capacité de travail est très limitée, ils rendent de petits

services aux adultes sur les champs et sont généralement spécialisés dans les luttes contre les animaux qui dévastent les récoltes. Aux femmes incombent naturellement la préparation des mets consommés sur les lieux de travail et l'exécution de certains travaux agricoles relativement faciles tels que la récolte des céréales, le transport des produits des champs à la maison. C'est surtout dans l'exercice des activités commerciales que le rôle des femmes est le plus important.

La principale caractéristique de la main-d'œuvre familiale est sa gratuité. La rémunération ni directe ni immédiate intervient sous des formes diverses à travers les charges compensatrices: les responsabilités matérielles qu'assume le chef de ménage dans l'intérêt des membres du ménage. En outre, le chef de ménage fournit les repas, qui ne diffèrent pas de ceux fournis à la maison, ainsi que l'alcool local (*sodabi*) ou le vin de palme servi au cours des travaux champêtres afin de stimuler les travailleurs. Le chef de ménage peut aussi, après la récolte, distribuer aux femmes une partie des récoltes que celles-ci vont vendre au marché. Les bénéfices qui permettent de réaliser les transactions commerciales restent acquis aux femmes, ce qui atténue déjà quelque peu leur dépendance vis-à-vis des hommes.

Les performances de la main d'œuvre familiale sont généralement faibles et varient en fonction de l'effectif des membres actifs du ménage, de leur santé et de leur capacité réelle de travail. Cette dernière reste très limitée à cause des instruments de travail rudimentaires utilisés. Dans l'ensemble, les progrès sont très lents en raison du caractère diffus de l'action des services de vulgarisation agricole. Aussi constate-t-on une prédominance des exploitations de petite superficie ou de taille modeste parmi les exploitations agricoles familiales en raison de la faible productivité des ressources (humaines ou matérielles) engagées.

Selon un rapport d'évaluation de la Banque mondiale (Banque mondiale, 1991), la taille moyenne d'une exploitation est d'environ 1,7 ha pour une famille moyenne de sept personnes, les superficies variant, à quelques

exceptions près, entre 0,4 et 12,7 ha. Seuls 5 pour cent des exploitations dans le sud et 20 pour cent dans le nord disposent de plus de 5 ha. Dans l'ensemble du pays 34 pour cent des exploitations couvrent moins de 1 ha en moyenne.

La *coopération agricole* est représentée dans nos campagnes par une forme d'organisation traditionnelle d'entraide appelée *adjôlou* ou *adjôro*. Le seul facteur mis en commun est le travail de la terre. Cette donnée implique que tous les membres de cette société coopérative soient des agriculteurs. Le fonctionnement du système repose sur une rotation établie au début de chaque saison agricole conformément à un calendrier suivant lequel chaque sociétaire reçoit, à tour de rôle sur son domaine agricole, la prestation de services des autres membres. L'ordre de la rotation est souvent déterminé à partir d'un tirage au sort. Généralement, la prestation, qui ne dure qu'une journée, n'est réservée qu'à l'accomplissement de travaux champêtres les plus durs tels que le défrichement, la coupe de sous-bois ou le sarclage d'un champ en culture. Le bénéficiaire fournit à ses invités nourriture et boissons. Le volume du travail livré et la rémunération en nature sont laissés à l'initiative de l'intéressé.

Le plus souvent, la tâche qu'accomplissent ces coopérateurs est supérieure quantitativement et qualitativement aux prestations de la main-d'œuvre salariée agricole. Ainsi apparaissent les aspects positifs de cette forme de coopération agricole où l'émulation et l'amour du travail bien fait qui animent les sociétaires conduisent à de bons résultats. Cependant, cette structure présente des lacunes dont les causes dérivent des conditions qui ont déterminé l'apparition de ce cadre d'organisation du travail qui est la réponse à un besoin ressenti après l'éclatement des structures lignagères qui fonctionnaient sous le contrôle d'une autorité patriarcale centralisée.

En effet, avec l'avènement de l'appropriation individuelle des moyens de production tels que la terre, le travail collectif a été perçu comme un remède pour affronter les difficultés liées à une agriculture de

subsistance. L'entraide est donc une structure de remplacement qui prend en compte de manière imparfaite les besoins ressentis par les populations rurales dans le cadre de l'organisation d'une vie communautaire. Faute de moyens financiers qui lui auraient permis d'envisager l'utilisation de la main-d'œuvre salariée, ou celle des associations de manœuvres agricoles, le recours à la main-d'œuvre fournie par l'entraide permet aux chefs d'exploitations agricoles familiales de réaliser certains travaux urgents en période de pointe.

Incidences des modes de transfert des biens fonciers sur la mise en valeur des terres. Parmi les modes de transfert des biens fonciers, ceux ayant un impact important sur la mise en valeur des terres du régime traditionnel de propriété privée sont l'héritage, l'achat et le gage traditionnel.

- *L'héritage.* Les partages successoraux liés à l'application de l'héritage conduisent aux morcellements successifs des terres de cultures qui, à terme, se présentent sous forme de minuscules parcelles, notamment dans les régions à forte densité démographique. Il en résulte un terroir agricole émietté dont la mise en valeur par des techniques culturelles modernes se révèle difficile en l'absence d'un regroupement ou d'un remembrement des terres. Le recours à ces dernières solutions se heurte généralement à l'opposition des paysans. Toute tentative pour imposer ces voies a toujours conduit à l'échec².

- *L'achat.* Il représente le mode de transfert le plus sécurisant. Toutefois, les cas litigieux d'acquisition de terrain, une des conséquences de l'inexistence d'un code rural clairement défini, et la surenchère des prix de cession constituent des écueils sérieux auxquels il convient de

² L'exception au Bénin est le cas des coopératives d'aménagement rural, qui est un exemple vivant dans ce domaine: l'application de la loi n° 61-27 a permis d'exécuter par la voie obligatoire le regroupement et le remembrement des terres dans les régions fortement peuplées du Sud-Bénin.

prêter une attention particulière lorsque l'on a recours à ce mode d'accès à la terre.

- *Le gage traditionnel.* Etant le moyen qui permet à un paysan sans terre d'en acquérir temporairement, et à celui qui possède éventuellement plus d'une parcelle de se servir de cette terre comme une garantie pour acquérir des fonds en cas d'urgence nécessitant, le gage traditionnel apparaît comme un mode de transfert qui doit contribuer à une utilisation correcte du patrimoine foncier. Le créancier gagiste, nouveau propriétaire, est non seulement tenu, mais a également intérêt à bien gérer la propriété reçue en gage³. Le principal inconvénient de l'opération consiste en la durée illimitée du gage traditionnel, situation qui peut conduire à la perte de droit de propriété du gageur.

L'accès de la femme à la terre et la gestion des biens fonciers

Dans les chapitres précédents, nous avons examiné la position de la femme eu égard à l'accès à la terre, et avons noté son incapacité juridique à hériter des terres de culture selon la coutume et son rôle dans la gestion des biens fonciers dans le régime traditionnel de propriété privée. La restriction qui frappe la femme dans le domaine de l'accès à la terre semble liée au degré et à la nature de sa participation aux activités agricoles, en particulier au sein du ménage. En effet, comme nous l'avons souligné plus haut, le rôle de la femme dans les activités champêtres consistait en des prestations de services par l'accomplissement de travaux légers (semis, sarclages, récoltes, transport), de travaux de transformation primaire des produits agricoles et par la commercialisation.

Mais, depuis quelque temps, on observe des changements relativement significatifs. En effet, un nombre de plus en plus croissant de femmes cultivent elles-mêmes leur propre champ, prennent la direction des exploitations agricoles et règlent toutes les questions

³ Tandis que le gagiste s'approprie temporairement la parcelle, on a vu plus haut qu'il a de bonnes chances d'en devenir le propriétaire définitif.

relatives à la gestion de leur exploitation.

Ces changements apparaissent comme les conséquences de l'accroissement des responsabilités des femmes au sein de leur foyer. Ces responsabilités exigent une augmentation de la participation des femmes à la vie quotidienne des ménages, notamment par la prise en charge de certaines dépenses nécessitant des sorties de fonds en raison de la monétarisation de plus en plus marquée de l'économie rurale. En effet, certaines prestations de services (achats d'eau de puits privés, mouture du maïs, réalisation des travaux agricoles) sont rémunérées en espèces de nos jours. Dans ces conditions, le problème de l'accès de la femme à la terre et celui de la gestion des biens fonciers sous son contrôle revêtent de nouveaux aspects que nous avons examinés à travers les données de quelques études de cas réalisées dans le sud et le centre du Bénin.

Cas du plateau Adja dans le

département du Mono. Dans une étude de cas, Bert (1987) a révélé que sur le plateau Adja, l'emprunt (68 pour cent), l'achat (17 pour cent), l'héritage (12 pour cent), et le métayage et la location (représentant ensemble 3 pour cent) constituent à l'heure actuelle les modes d'accès à la terre les plus fréquents pour la femme. Il convient de souligner que l'emprunt représente 68 pour cent des superficies des terres de culture des femmes et que 73 pour cent des femmes y ont recours. Il est surprenant que les maris, contrairement aux us et coutumes, ne prêtent en moyenne que 24 pour cent des terres de culture exploitées par leurs épouses. Hormis le cas des veuves, 25 femmes (soit 44 pour cent de l'échantillon) n'ont pas emprunté de terres à leurs maris. Quant aux femmes obligées de s'adresser à des personnes en dehors du ménage, on note que 27 pour cent (principalement les veuves) s'adressent à des parents (frères, pères et fils) pour obtenir 23 pour cent de la superficie totale des terres cultivées par les femmes. Enfin, 33 pour cent de l'effectif des femmes ont bénéficié d'emprunts effectués tant en dehors de leur famille qu'en dehors de leur ménage, terres qui représentent 21 pour cent des terres

totales mises en culture par les femmes.

Il ressort de cette brève analyse que les femmes restent, dans la majorité des cas, très dépendantes d'autrui dans le domaine de l'accès aux terres de culture. Leur position reste donc très vulnérable à la tête des exploitations agricoles. En effet, les terres empruntées ne présentent aucune sécurité pour la stabilité de la gestion; elles peuvent être retirées à tout moment par leur propriétaire, et elles sont généralement de mauvaise qualité. Aussi, la mise en valeur de ces terres exige-t-elle des dépenses élevées et ne génère que de faibles revenus. Cette situation est la conséquence de la pénurie de terres de culture sur le plateau Adja, mais elle défavorise beaucoup les femmes par rapport aux hommes.

Cas de la sous-préfecture de Dassa-Zoumè dans le département du Zou.

Comme sur le plateau Adja, l'emprunt demeure le principal mode d'accès à la terre pour les femmes (Agossou, 1992). Sur les 43 femmes interviewées, 40 d'entre elles ont eu recours à l'emprunt de terres. Comme partout ailleurs, les parcelles qui font l'objet de prêt ont généralement été cultivées pendant une longue période et leur sol ne permet pas d'obtenir de bons rendements.

Les deux cas s'accordent avec les observations faites tout au long du territoire national: 76 pour cent des femmes signalent des problèmes concernant la qualité et la disponibilité des terres dans le Zou Nord et 72 pour cent des femmes estiment que les terres de bonne qualité existent, mais qu'elles ne sont pas disponibles. Les meilleures terres sont réservées aux cultures de rente et les exploitations dirigées par les femmes n'ont pas, en quantité, la force de travail dont disposent les hommes pour cultiver plus, ni les moyens de transport pour des terres éloignées. Il reste à prouver qu'il ne s'agit pas d'une marginalisation⁴. Malgré une légère évolution dans le domaine, l'accès des femmes à la terre demeure bloqué par les pratiques traditionnelles en milieu rural bien

qu'elles détiennent désormais un rôle et une place de plus en plus importants au sein du ménage, position qui les conduit à devenir des chefs d'exploitation agricole.

CONCLUSIONS

La présente étude met en évidence la diversité de la situation juridique des terres et les particularités des formes de gestion des biens fonciers au Bénin. Bien que la technique de l'immatriculation des terres ait été imposée sous la colonisation (décrets du 5 août 1900, du 8 octobre 1925, du 26 juillet 1932, du 20 mai 1955 et du 10 juillet 1956), et que la loi n° 65-25 du 14 août 1965 ait été promulguée après l'indépendance, le régime juridique des terres reste soumis à un dualisme évoluant sous le contrôle des règles des droits coutumiers et modernes.

A la suite de la désintégration des structures sociales traditionnelles, et avec l'expansion de l'individualisme, la question de l'appropriation foncière (par l'Etat ou par les systèmes coutumiers) apparaît comme l'élément central autour duquel gravitent la plupart des problèmes fonciers dans les domaines juridiques et de la mise en valeur. L'évolution démographique galopante se traduit partout par un besoin accru de terres de culture qui exerce une pression de plus en plus intenable sur les domaines forestiers de l'Etat, même dans la partie septentrionale du pays caractérisée par une faible densité de population. Il en résulte une situation conflictuelle difficile à gérer qui concerne l'appropriation collective coutumière et la contestation des populations locales du droit éminent de l'Etat sur les terres des domaines classés. L'absence de solutions claires acceptables par les deux parties (l'Etat et les populations) constitue une source permanente d'insécurité dans la gestion des ressources naturelles des domaines forestiers de l'Etat et des réserves cynégétiques.

De même, le cas d'expropriation dans le cadre de l'aménagement des périmètres irrigués et des plantations de palmiers à huile sélectionnés, suivi de la redistribution des parcelles conformément à des normes foncières contraires à la logique paysanne, a

⁴ Enquête de référence effectuée par la Direction du suivi et de l'évaluation interne (DSEI) du CARDER du Zou (1988).

été à l'origine d'une véritable confrontation entre les organismes étatiques de développement et la paysannerie. Cette situation a généré dans la gestion de périmètres d'aménagement rural de palmeraies et de riziculture une impasse qui perdure.

Quant à l'application de techniques d'immatriculation relatives à l'appropriation foncière individuelle instituée conformément à des dispositions du droit moderne, elle reste limitée à la zone urbaine et rencontre, en milieu rural, d'énormes contraintes difficiles à surmonter. Pourtant, de nos jours, cette dernière forme d'appropriation peut permettre de sécuriser la situation foncière au niveau individuel au sein des communautés rurales, afin de créer un cadre favorable à la réalisation des investissements qu'appelle tout effort réel d'intensification agricole.

Le rôle prépondérant que jouent les femmes en milieu rural et qui leur confère une position privilégiée au sein des exploitations agricoles appelle nécessairement une révision des conditions de leur accès à la terre. Il faut, notamment, éliminer les entraves qu'engendrent des pratiques traditionnelles rétrogrades en matière d'héritage de biens fonciers et mettre en œuvre des mesures spécifiques permettant de leur venir en aide dans l'exercice de leurs fonctions d'agricultrices.

Les diverses analyses qui précèdent indiquent clairement que la question foncière est désormais un élément préoccupant dans l'ensemble des problèmes auxquels le monde rural béninois se trouve confronté. C'est de l'échec des solutions proposées pour résoudre le problème foncier que résultent en partie les insuccès et autres difficultés de tout genre enregistrés dans la promotion de l'agriculture, notamment au sud du Bénin. On cite surtout l'insuccès des coopératives d'aménagement rural mobilisant une trentaine de milliers d'hectares de terres et qui ont consommé près d'une quinzaine de milliards de FCFA d'aide extérieure. Ces faibles performances ont été réalisées au niveau des projets agricoles placés sous l'administration des organismes de développement rural.

En milieu rural africain, les problèmes fonciers évoluent sous le contrôle de deux facteurs importants que, malheureusement, la paysannerie ne parvient pas à maîtriser: l'évolution démographique galopante et l'utilisation de techniques agricoles rudimentaires exigeant la pratique de jachères dont il est difficile, voire impossible de respecter la durée. Ainsi, il devient nécessaire, même urgent, de définir un cadre légal dans lequel devront être examinés les problèmes relatifs au domaine foncier. L'élaboration d'un tel instrument juridique et technique exige la mise en œuvre d'un processus de concertation entre les pouvoirs publics et les représentants authentiques du paysannat.

Cette concertation, qui devra être réalisée sous forme de dialogue, devra aussi être appuyée par diverses compétences sous forme d'apports et d'efforts multiples et multiformes, tels que les travaux de réflexion, les confrontations entre les expériences de terrain, les efforts financiers, etc. La présente étude analytique veut être l'expression d'un souhait, celui d'apporter une modeste contribution à l'effort de réflexion tant indispensable, et de poser un des jalons du long processus de concertation que les autorités compétentes seront appelées à déclencher.

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Comparaison entre les modes de faire-valoir coutumiers et les systèmes de fermage: agriculture et développement en Zambie

Le système foncier en Zambie reste toujours dominé par une classification héritée de l'époque coloniale: le domaine national, les réserves, et le fidéicomis. A la suite de nombreux abus, le gouvernement a introduit, en 1975, une réforme foncière radicale qui élimine la propriété privée, ferme les agences immobilières, et met toutes les terres sous le contrôle du Président. Cette réforme était populaire à l'époque, mais le gouvernement considère maintenant un autre type de réforme fondé sur la propriété privée. La tenure coutumière continue de dominer l'accès aux réserves et aux domaines sous fidéicomis. Tandis que les réformes pour favoriser la propriété privée sur les réserves et les terres sous fidéicomis sont débattues, il faut veiller à empêcher les abus commis par des spéculateurs urbains, mieux éduqués et disposant de meilleures relations, au détriment de la population paysanne.

Comparación de la tenencia consuetudinaria y de arrendamiento: agricultura y desarrollo en Zambia

El sistema de tenencia en Zambia sigue estando caracterizado por una clasificación heredada de la época colonial: propiedad pública, reservas y fideicomiso. Como consecuencia de diversos abusos, el Gobierno introdujo en 1975 una reforma radical de la tenencia, por la que se eliminó la propiedad privada, se cerraron las agencias inmobiliarias y todas las tierras se pusieron bajo el control del Presidente. Esta reforma fue popular en su momento, pero el Gobierno está estudiando ahora otro tipo de reforma, basada en la propiedad privada. La tenencia consuetudinaria sigue predominando sobre las reservas y los terrenos en fideicomiso. Mientras se debaten las reformas para favorecer la propiedad privada sobre las reservas y los terrenos en fideicomiso, hay que vigilar para impedir los abusos de los especuladores urbanos, más instruidos y que disponen de mejores relaciones, en detrimento de los campesinos.

A comparison of customary and leasehold tenure: agriculture and development in Zambia

Vernon R.N. Chinene, Fabian Maimbo, Diana J. Banda

University of Zambia, Lusaka, Zambia

Stemon C. Msune

Ministry of Lands, Ndola, Zambia

Land tenure in Zambia continues to be classified as in colonial times, with three categories: State land, reserves and trust land. Because of the high level of abuse, the government introduced radical land reform in 1975, eliminating private property, closing down the estate agents and placing all land under the control of the President. This reform was well received at the time, but the government is now considering a different type of reform based on private ownership. Customary tenure continues to govern access to reserves and trust land. While the debate on reform to facilitate the private ownership of reserves and trust land continues, care needs to be taken to prevent better-educated and better-connected urban speculators from abusing the situation at the expense of the rural population.

Zambia has complex land tenure systems characterized by three categories of land: State land (formerly Crown land during the colonial era), reserves (formerly “native reserves”) and trust land (formerly “native trust land”). The land tenure system in State land is based on the principles of English land law, whereas in the reserves and trust land, customary land tenure applies. In 29 years of independence, the land tenure system on State land has undergone reforms, but it still retains the basic characteristics of English land law. The two land tenure systems obtaining in Zambia today are different both in principle and in practice.

The administration of land issues is critical in determining the pace of advancement towards Zambia’s long-term goal, which is to make agriculture the mainstay of the national economy. There is general agreement that the present land tenure rules are not providing the necessary enabling environment for agricultural development, particularly in rural areas. There is also great concern about

conservation and environmental issues.

Following the change of government and the liberalization of economic policy in 1991, land policy has come under review, and major land reforms are being advocated for several reasons. First, land rights in reserves and trust land are not registered and are therefore not sufficiently secure for long-term investment. Second, preconditions are imposed before provision of leasehold tenure in reserves and trust land, titling procedures are cumbersome and surveying services are limited. Third, the State imposes compulsory conditions on land transactions and retains the right to repossess land. Fourth, the current system discriminates against women. Finally, amounts of unused land are increasing because of land degradation and abuse of land resources.

This article reviews the evolution of the land tenure systems in Zambia and presents a conceptual and empirical comparison of customary and leasehold tenure, with a view towards addressing land policy and

institutional constraints to agricultural development.

LAND TENURE SYSTEMS AND THEIR EVOLUTION

Pre-colonial era

In the period before colonialism, land was governed by customary law – a host of tribal laws existing in different tribal customs. Land was the most treasured possession for it was the basis of life itself. The amount of land under cultivation was small. Land was never viewed as a saleable commodity. Although landownership was communal, systems of regulation of communal rights existed. The general character of customary tenure was maintained during colonialism but evolved under the influence of population pressure, intensification and commercialization of agriculture, improvement of farming methods and sensitivity of the authorities to land degradation.

Colonial era

From the outset, colonialists and their institutions took the view that customary law was an inferior and undeveloped legal system. Custom was recognized as law only when it was found not to conflict with written law.

In 1928, two categories of land were created: Crown land and native reserves. Crown land consisted of land reserved for European settlements and mining. In these areas, freehold tenure was applied as prescribed in English law. The reserves were vested in the Secretary of State for Colonies for the sole and exclusive occupation by the natives in perpetuity. The concept of reserves was subsequently found unsuitable for both the Africans and the Europeans, but for different reasons. The Africans resisted the concept because the reserves were overcrowded and impoverished. The Europeans wanted access to larger areas of land, which resulted in resentment of colonial rule by the Africans.

The colonial administration responded to the demands of the European settlers by introducing the concept of native trust land. Under this arrangement, all unalienated land (i.e. land not categorized as either Crown land

or native reserve) that was suitable for non-native settlement or that contained mineral deposits was brought into the category of Crown land; the remainder was categorized as native trust land. On both native reserves and trust land, land administration was governed by customary law. The difference was that on trust land, the Secretary of State for Colonies could grant rights of occupancy to non-natives, whereas reserve land was for the exclusive settlement of native Africans. The reservation of the good fertile land for the exclusive settlement of whites provided the impetus for the independence struggle, especially in predominantly agricultural areas such as Southern Province.

Independence

At independence in 1964, Crown land was renamed State land and the reserves and trust land were retained. All land in Zambia (except the Barotse reserve) was vested in the President for and on behalf of the people of Zambia. English law continued to apply to State land while customary law continued to apply to reserves and trust land. The policy of land reservation through the concept of native reserves and trust land did not apply in Barotseland. The Barotseland Agreement of 1964 recognized and guaranteed the powers of the Litunga, the traditional Barotse leader, over land in Barotseland as governed by customary law of the Lozi people. This arrangement prevailed until 1970 when the special status of the Barotse reserve was withdrawn.

In 1975, President Kaunda announced far-reaching changes in landownership and land tenure in Zambia. These changes were largely brought about against a background of land speculation and manipulation of property rights. All freehold titles to land were abolished and existing interests were abridged to statutory leaseholds of 100 years' duration, unutilized tracts of farm land were taken over by the State, Presidential consent was subsequently required for dealing in land, and real estate agencies were ordered to close down.

The President's pronouncements were welcomed by the people of Zambia by virtue

of their appeal to the nationalist sentiments of the time. However, the land reforms brought about unforeseen constraints: significant restriction of the public's access to land and property resulted in an artificial land shortage; the introduction of the requirement for State consent brought complications in the procedures of land acquisition, causing administrative delays; and less land was brought to productive use as those who have no capacity to develop it are legally inhibited from selling off undeveloped land.

Effects of government policy on land tenure

The cornerstone of customary tenure is the principle of usufruct, under which anyone can have access to and use a piece of land but cannot claim any form of ownership of it. This principle became the basis of land policy for reserve and trust land after independence. When the Movement for Multi-Party Democracy government came into power in 1991 it noted that the land policies inherited from the previous government were a result of an unsatisfactory colonial heritage but that previous reforms had not improved the situation. The new government pledged a different package of reforms based on private property rights. The government embraces the notion of statutory leasehold tenure on State land, but for an automatically renewable period of 99 years, if the lessee is not in breach of any conditions and caveats contained in the lease agreement.

Despite the vesting of all land in Zambia in the President, land administration on reserves and trust land is by customary law. However, the President retains the right to make land dispositions in these areas. Individuals wanting to convert their customary land into leaseholds are given 14-year leases. Where survey requirements have been wholly fulfilled, the State grants 99-year leases to Zambians on reserve land.

The government intends to introduce a uniform system of interests in land tenure on State land, reserves and trust land, but the 99-year lease will be maintained. However, the reforms must ensure a way of recognizing indigenous peoples' rights in already settled

areas currently designated as customary land. That is, in the granting of an individual title deed, no forced resettlement or removal of people on that land should be permissible. After legislation making State grants of land uniform has been introduced, the government intends to take measures to make land transactions in reserves and trust land easier than they are now. This will initially require an educational and research campaign all over the country.

CONCEPTS OF CUSTOMARY AND PRIVATE LAND TENURE IN ZAMBIA

Customary law

Most Zambians conduct their activities in accordance with and subject to customary law (Hansungule and Mwansa, 1993), but the term is used to cover a host of tribal laws existing in different ethnic groups. Since the colonial era, customary law has been recognized only after it has been found not to conflict with written law. Two contending views are held on customary land tenure in customary law. One view suggests that land and land rights are not individual but commonly shared. The other, increasingly held view recognizes individualism in land relations and tenure (Mvunga, 1977). Both views are valid because they arise from the dynamism of customary tenure, which has evolved from commonly shared land rights to individualization of croplands with continued commonly shared rights to grazing land, forests and fisheries. Individualization of croplands is a result of agricultural intensification, increase in population pressure and commercialization of agriculture. At present, cultivation rights of individual families are recognized on land where other families are excluded, but communal use rights may also be recognized (Hansungule and Mwansa, 1993).

Two points define the tenure of trees in customary law: the possibility of individual ownership is recognized, and trees can be owned separately from land. Trees, like land under customary tenure, are subject to group rights of the indigenous people. Generally, landowners have rights to the trees and crops they may grow on their land. Similarly, the

owner of a fruit-tree can exclude third persons from its fruits. The owner can even put a value on the fruits and sell them. This idea is consistent with common law in which labour invested in growing trees entitles the labourer to possession of the trees and their fruits.

The cornerstones of the customary land tenure system are reflected in the modes of acquiring land: original acquisition, through clearing of virgin bush, outright grants or purchases of improvements on the land; derivative acquisition, particularly through marriage; or inheritance.

Statutory law and private property

The Conversion of Titles Act of 1975 stresses two features: first, the distinction of improvements on the land versus the land itself; and second, the right of inheritance of land. The act does not distinguish trees from land, so trees are included in the concept of land. The introduction of a 100-year lease as the only form of ownership of State land marked the cornerstone of the reform process. Freeholds and other types of estates were abolished. The statute appropriated all economic value of land except for improvements.

An important impediment to rights in leaseholds is the restriction on tenants' dealings in their land: all dealings in land must follow Presidential consent. Another impediment is the requirement for planning permission before any development is attempted. The Town and Country Planning Act is the framework for the control and regulation of all development on statutory leaseholds. Finally, the rights and interests of the tenant in a statutory leasehold are subject to compulsory acquisition of land and other property whenever the President deems it in the interest of the people of Zambia.

Comparison of the two systems

Zambia has had the experience of both freehold and leasehold tenure. Supporters of leasehold tenure argue that it allows State intervention if the tenant fails to utilize the land or damages it by mismanagement. They

find the unrestricted ownership of land offered by freehold tenure undesirable because it may also result in speculation, fragmentation, underutilization or damage to the land by irresponsible farming practices.

On the other hand, opponents of leasehold tenure argue that it does not convey absolute ownership which the occupier needs for assurance of the security of long-term investments. A leasehold is essentially a qualified right to occupy land for a fixed term which may or may not be renewed. The leaseholder is essentially a tenant of the State, to which rent is paid. The argument in support of freehold tenure is that it conveys absolute ownership to the occupier. The owner is free to develop the land as desired or to sell part or all of it at any time. No rent is payable. Ownership and security are virtually unrestricted. Occupants can invest without fear of dispossession. They can pass on the property to their designated heirs without any restriction.

Customary tenure has by and large been more successful than leasehold tenure in meeting the needs of the people. The administrative procedures are simple and easily implemented. Land issues are dealt with efficiently and decisively. The problem, however, is that the land rights are never registered, although their recognition is guaranteed. No attempt has been made to reform customary tenure. However, the obtainment of title deeds to customary land must be facilitated by a simplified government machinery for land delivery.

In contrast, four different government bodies administer State land or policies governing leasehold tenure. A major component of reform in the land law would be to reduce administrative overlap and simplify the registration procedures.

COMPARATIVE EVALUATION OF CUSTOMARY AND LEASEHOLD TENURE

This section presents an evaluation of the strengths and weaknesses of the land tenure systems with respect to a number of variables including employment creation, income generation, agricultural productivity, social justice, social cohesion and group solidarity,

environmental considerations and general welfare. The evaluation is supported by a case study of 52 farmers in Mazabuka district carried out by the authors in 1993. Half of the farmers (26) were from communal areas and the other 26 were from a government settlement scheme on State land. Most of the farmers in the latter group came from communal areas where there was a land shortage. The settlement scheme started in 1975, but to date none of the 26 farmers interviewed have title deeds to their land.

Employment creation

During colonialism, reserves and trust land became the major source of labour for the industries on Crown land. The resulting exodus of young people left behind mainly old people, women and school-leavers. To ensure continued labour availability, the colonial administration did not develop any rural industries or capacity for entrepreneurship. These trends have continued in post-independence Zambia. Opportunities for wage employment continue to be limited on reserves and trust land because of small farm size, low capital investment, limited incentives, limited entrepreneurship, poor infrastructure and limited availability of services. However, customary tenure makes it possible for all rural people to have work – in the sense of labour – through access to land.

The scale of operation is limited on reserves and trust land. The farm sizes are related to the amount of family labour available and the availability of inputs. Semi-commercial farmers use hired labour on a casual basis to supplement the power of oxen for specific operations. Off-farm employment is very limited, and many factors hinder creation of wage employment outside the tenure system in rural areas. However, the availability of land is virtually guaranteed.

The history of employment creation on State land is different. During the colonial period, Crown land was apportioned for exclusive use of the white settlers. The farms established were large since the intention was commercial crop and animal production. The scale of operations was so large that

employment opportunities for wage labour were created for the Africans.

After independence, settlers who chose to leave the country sold their farms to the Africans. Some of the settlers chose to stay and are still farming today. Some of the farms left by the settlers were demarcated into smallholdings and given to Zambians for small-scale intensive farming. Because of this history, State land is characterized by large farms of 200 to 5 000 ha and smallholdings of 2 to 25 ha. Almost all commercial farms employ workers. In short, employment opportunities for wage labour are much greater on State land than on reserves and trust land, largely because of the differences in the scale of operations and level of investment.

Although opportunities for wage employment are much greater on State land than on traditional land, unemployment is also much higher on State land, because the extensive migration of the rural population has outpaced the capacity for creation of employment. It is not clear that private tenure arrangements alone can create employment. The higher demand for wage labour on State land cannot be attributed to the tenure system *per se*, but more to the comparatively high scale of investment which cannot be managed by family labour alone. In customary tenure, farming is not a business but a way of life for the people. Therefore, customary tenure only ensures a greater utilization of available labour. The strength of privatized tenure is greater employment creation for wage labour. Its weakness is that the employment opportunities created are not enough to meet the high demand for jobs caused by the excessive labour migration from communal areas.

Income generation

Low incomes are generally associated with customary tenure, but they cannot be attributed entirely to the tenure system. They are rather the result of a host of socio-economic, political and historical factors, including the colonial bias against rural areas in the development of infrastructure, industries and essential services, and much slower economic growth on reserves and trust

land than on Crown land. Because of the long tradition of rural-urban labour migration, the majority of rural households have historically suffered from labour shortages which constrained their production. Limited access to markets and technology, and controlled prices, especially for maize, further restricted income growth. At present, money transactions account for about 25 percent of all economic activity in reserve and trust land areas, the remainder consisting of subsistence production.

Leasehold tenure by its nature facilitates adoption of business approaches to farming. Because of the length of the lease, long-term investments are encouraged. The income-generating potential is therefore higher than under customary tenure. Greater access to markets facilitates income generation on State land.

A major advantage of leasehold tenure over customary tenure is that titles facilitate land sales which both generate income and move land resources to efficient producers. However, in the settlement area of Mazabuka district, 62 percent of the farmers indicated that they have no right to sell their land because they do not yet have title deeds. As a result, land accumulation by entrepreneurial farmers is hindered. A functioning legal system and an effective enforcement mechanism are required to reduce uncertainty related to land transactions. Without such arrangements to reduce the risk of challenges to land rights, the incentives to invest and to work hard are weakened.

Income generation through increased productivity is constrained under customary tenure because of limited investment. However, while private tenure may result in increased income, it does not guarantee careful use of the land. Both systems of land tenure, if accompanied by appropriate incentives, can improve rather than hinder income generation through increased productivity.

Agricultural productivity

Customary tenure has historically been associated with subsistence farming. The colonial regime did little to change this

because it saw the urban and mining economies as the basis of the territory's economic development, with agriculture fulfilling a supporting role by providing a cheap supply of food and labour.

Commercialization was not sought for African farmers for fear of reducing the volume of labour migration, but this view was modified in the 1940s when the territory lost its self-sufficiency in maize for more than a decade and was dependent on imports. Colonial policy favoured the establishment of large-scale commercial farms on Crown land. Only such units were seen as capable of producing regular surpluses for sale and providing the level of efficiency and responsiveness to market needs that the country's administrators regarded as necessary. The bulk of the resources spent on agriculture went to European producers on Crown land (Wood and Vokes, 1990). The land reserved for them had the best soils, had access to the road and railway networks and was close to the areas with high food demand. At independence in 1964, the government moved in quickly to redress the imbalance caused by this dualistic approach to agricultural development by reforming services for the communal areas. The measures included the creation of lending institutions, expansion of extension services, development of cooperatives and provision of subsidies on inputs.

An increasing proportion of the population is now found in the small- and medium-scale farmer categories, while the subsistence and large-scale commercial farmers have declined in importance. Management practices have been improved. The increased market orientation of formerly subsistence farmers has not been even, but has occurred primarily in the already more agriculturally advanced Central, Eastern and Southern Provinces.

The production of livestock has not increased as much as crop production, largely because of management constraints, some of which are induced by the customary land tenure system. The grazing lands are communally owned and as a result are poorly managed. Since stocking rates are never

monitored or controlled, some areas are overgrazed, and excessive erosion and general land degradation are the inevitable consequences.

Customary land tenure is not conducive to large capital investment because it is not sufficiently secure to protect this level of investment (Dorner, 1972). Evidence indicates that those eager to be commercial farmers have opted to leave their villages to acquire land where leasehold titles can be obtained (Chinene *et al.*, 1993).

In post-independence Zambia, the differences in productivity between producers on State land and those on reserves and trust land have persisted, but these differences cannot be attributed to tenure systems alone. The advantages attributable to the land tenure system derive from the fact that leasehold tenure facilitates adoption of good farm management practices. However, leasehold land has been found to be considerably underutilized. Leaseholds are granted free of charge at a minimal ground rent, which is inadequate incentive to encourage optimal use of land; since land was allocated indiscriminately in the past, it often ended up in the possession of people without the means or intent of putting it to productive purposes; and cumbersome procedures for acquisition of land constrain expansion and limit land sales.

The association of customary tenure with subsistence agriculture has persisted. Proponents of private property rights (Chinene *et al.*, 1993) argue that increased individualization of rights empowers farmers' ability to capture returns on investment in land. However, Migot-Adholla *et al.* (1991), in a study on indigenous land rights, observed no relationship between land rights and yields in Kenya and Ghana. Customary tenure, however, is considered to offer little incentive for investments to increase productivity. From the foregoing, it is apparent that there is no conclusive evidence to indicate that indigenous land tenure systems by themselves are a constraint on agricultural productivity. More research is required to reconcile the opposing views on the impact of the two tenure systems on productivity.

Social justice

The cornerstone of customary land tenure is communal ownership of land resources. Individuals have no right to sell land assigned to them. People have equal access to the resources that nature has provided. Cropland is equitably distributed. Farmers therefore feel secure in the customary tenure system because they enjoy long-term rights to land without fear of dispossession of these rights.

There is a well-founded fear that proposed land reforms will make it easier for outsiders to get title deeds to land on reserves and trust land at the expense of the local people. When titling is introduced, wealthier and better-informed individuals may use their information advantages to claim land over which other, less informed individuals have customary rights. Binswanger, Deininger and Feder (1995) observed that even when there are no information advantages, titling based on the on-demand principle involves high costs that put the rural poor at a disadvantage. Thus titling has equity-reducing impacts. Bruce (1988) noted that during titling programmes, land grabbing by influential individuals who are able to use the rules in their favour does more to facilitate land concentration than transactions in the land market following the issuance of title.

The case for communal titles concerns common property resources such as communal pastures, forests and other marginal lands. The preservation of common property resources is desirable from an equity perspective, since these areas constitute an important social safety net for the rural poor. Privatization of these lands takes away this safety net. Providing a community title for these lands can protect communal rights from outside encroachment and prevent the exclusion of the rural poor from community property.

From the survey undertaken by the authors in Mazabuka district of Southern Province, it was clearly evident that the people living on reserves and trust land are not particularly enthusiastic about the calls for land reform or the offer to register their land rights, largely because they do not feel insecure with the

existing system of landownership. Calls for land reform come largely from government officials, individuals on State land who still do not own land and others seeking to acquire more land to benefit from the lucrative land market that is evolving (Chinene *et al.*, 1993). Although the plan to reform the land laws is well intentioned, there is a risk that if it is not adequately explained to the people on reserves and trust land, it will be misunderstood and lead to their displacement. Although the idea of privatization is now widely accepted in Zambia, appropriate safeguards are needed to protect vulnerable groups.

A significant feature of both customary and leasehold tenure is discrimination against women. Most of the ethnic groups in Zambia are matrilineal societies in which women have enjoyed a relatively high status, socially and economically. There is a disproportionate number of women in the adult population in Zambia's rural areas, with an average of 85 men to every 100 women. The two constraints that have limited women farmers are access to land and availability of labour. In most parts of Zambia, a married woman normally receives a field separate from that of her husband for her own cultivation activities. Women's first priority is to grow food for home consumption, after which they may also produce for the local or national market.

Since 1985, a procedure for obtaining title to land in areas under customary tenure has been in place (Government of Zambia, 1985). However, most rural women are unlikely to take advantage of this opportunity since they are much less familiar with bureaucratic procedures than men.

Married women not only contribute the bulk of the labour for household food production, but often contribute substantially to cash crop production as well. Nevertheless, wives typically do not control the product of their labour, since the husbands market any surplus and make the decisions about disposal of income.

Social cohesion and group solidarity

Customary land tenure is consistent with the African traditional way of life which hinges on

strong family ties and lineage control over land. The primary landholding unit under customary law is the family, whose members hold land collectively. On communally owned land, all members of the community are entitled to use a fair share of available resources. Any attempt to replace customary tenure with individualized tenure could disrupt some of the basis of social cohesion.

Customary land tenure has a number of disadvantages, however, which limit the benefits derived from communal ownership of land discussed above. At independence, the tenure institutions left by colonialism continued, except that Zambians were allowed to settle on State land. Communities are less cohesive and social interactions are less strong on State land than on reserves and trust land. Landowners confine their activities within the boundaries of their own holdings.

Environmental considerations

From the onset of colonialism, the British South Africa Company expressed concern over the dangers of shifting cultivation, especially the *chitemene* system of northern Zambia practised for centuries. The *chitemene* system involves the lopping and sometimes felling of indigenous trees and the burning of the cut wood to generate mineral ash for incorporation into the soil. The resulting gardens are cultivated for about six years, during which the soil is leached of its nutrients by the relatively high rainfall of northern Zambia. The gardens are then abandoned for another area of new woodland. Woodland can then regenerate in the vacated areas.

In 1909, the colonial administration restricted *chitemene* practices to areas close to villages. The concentration of gardens close to villages led to a rapid depletion of soil fertility because of continuous cultivation without allowance of sufficient time for fallowing. Throughout the colonial period, African farmers were restricted to the reserves and trust land where soils were marginal. The combination of restricted land access and agricultural practices resulted in excessive erosion. In a bid to curb the erosion hazard, the colonial administration developed compulsory conservation measures. While temporarily

successful, these measures provoked hostility and resistance on the part of farmers. After independence, the compulsory conservation regulations were abandoned.

Currently, the major causes of land degradation on reserves and trust land are deforestation, poor cattle management and uncontrolled fires. Land degradation and deforestation in the communal areas leads to a whole cycle of environmental problems, particularly erosion. Deliberate dry-season burning of vegetation for hunting purposes is common on reserves and trust land. In northern Zambia the *chitemene* shifting cultivation system is another major cause of deforestation. On the communal grazing lands, poor cattle management is the root cause of degradation of natural resources. The numbers of cattle on the grazing lands are not controlled, and this omission results in overstocking in some areas, which in turn causes accelerated erosion and a reduction in palatable grazing.

After independence most of the settler farms, which had been in production for more than 40 years, fell into the hands of Zambians. Some of these farms relied heavily for many years on chemical fertilization, a practice that has continued to this day. Very few farmers invest in liming of the soils to counteract the acidity buildup, which causes an eventual decline in yields.

Serious environmental problems are evident under both privatized and customary tenure. Most of the land degradation problems are prevalent in both systems of tenure. However, the level of severity may differ for some problems. For example, acidification resulting from fertilizer use is a problem in both systems of tenure, but chemical land degradation is more severe on State land where commercial farmers invest more heavily in fertilizers. Overgrazing is a problem associated with communal land and is a direct consequence of the tenure system. Under privatized tenure the problem is less serious because control of the stocking rates is facilitated by the enclosure of grazing areas.

Most of the other land degradation problems result more from management practices than from tenure systems, as

evidenced by the fact that the problems occur nationwide, irrespective of the tenure system. Sustainable rural development involves managing resources successfully to satisfy changing human needs, while maintaining or enhancing the quality of the environment and conserving natural resources. The increase in population and commercialization of agriculture suggest that for rural development to be sustained, customary land tenure must adapt to these challenges.

The cultivation practices that existed before colonialism were sustainable. Shifting cultivation was not as damaging to the environment as it is today because the population was low and thus long fallow periods were used, which allowed the vegetation to regenerate. The increase in the population and commercialization of agriculture demand adaptation of customary tenure to facilitate adoption of good management practices that sustain the productivity of the land. The future of shifting cultivation practices will be unsustainable unless innovations such as agroforestry technologies are introduced.

General welfare at country level

The reserves and trust land comprised areas that were undesirable to the white settler community during the colonial era. They have therefore less potential than State land. Development of infrastructure was much slower than on State land. The majority of the people in trust and reserve areas are still as poor as they were at independence. Whether customary tenure is to blame for this condition is debatable. Customary land tenure is not compatible with business approaches to farming. Farming is taken as an ordinary way of life and not as a business. Little is done to conserve the soils because when their productivity declines, the farmer simply moves to another village and starts again. Despite the constraints, customary land tenure has continued to survive because it is a product of the peoples' culture and values and is consistent with the African way of life.

From the onset of colonialism to the present day, State land has had the advantages of better soil resources, better infrastructure

and high investments by both government and individuals and consequently has offered a much better quality of life for the people. This explains the high population drift from agricultural to mining and industrial areas.

CONCLUSIONS AND RECOMMENDATIONS

The land tenure systems in Zambia are founded on social, cultural and economic concepts influenced by the persistent dualism imposed by colonialism. Customary tenure is the dominant system governing land administration on 94 percent of the land mass of Zambia. To eradicate rural poverty rural farmers must be transformed into business-oriented farmers. This shift will inevitably result in demands for changes in tenure systems. The land laws must be able to respond positively to these demands.

The failure to make agriculture the mainstay of the Zambian economy may be attributed in part to the weakness of the tenure systems in facilitating agricultural development. For efforts to eradicate rural poverty to succeed, the economic value of land should be recognized. Nonetheless, customary tenure is dynamic. Its character has changed over the years because of increases in population and intensification of agriculture. This process of adaptation could be facilitated by non-tenure measures, including the development of markets and other infrastructure and the promotion of sustainable agricultural practices.

Despite the strengths and weaknesses of the tenure systems in place, both are so entrenched that substitution of one for the other is not feasible or practical. The two systems are expected to coexist in the foreseeable future. A new land law should serve different interests in different parts of Zambia. It must recognize customary tenure, but the demarcation of the country into State land and traditional land is no longer justified and should therefore be eliminated.

The excess involvement of the State in land transactions is not compatible with the spirit of economic liberalization. There is therefore a need to make leasehold tenure more secure than it is now. To ensure food security, it is important to involve the rural people in the

land delivery process to enable them to obtain title to the land. With title, the farmers would have opportunities for better land resource management and access to agricultural credit. Consequently, production per unit area could be expected to improve.

To avoid undesirable effects, titling programmes should be accompanied by publicity campaigns to ensure widespread knowledge of the rules and procedures.

The discrimination against women in both customary and privatized tenure is real. In customary tenure, women do not inherit land. In both patrilineal and matrilineal systems, the rights of women to land are not recognized. In privatized tenure, women are required to meet some conditions not demanded from men before they are allocated land. The new land code must eliminate any form of discrimination so the full potential of women farmers can be realized.

The tenure systems must facilitate private initiatives by Zambians. Zambians employed in urban areas must be attracted to invest in their villages of origin. At present such people are investing in State land where leaseholds are obtainable, thus depriving the rural areas of both investment and expertise.

Recommendations

The sustainable development of the rural areas is critical to alleviation of rural poverty. Specific recommendations are the following.

- Land should continue to be vested in the President to protect against wanton abuse. However, presidential intervention should be regulated by law to avoid the excesses of the past and to ensure judicial fairness.
- The power of the President in compulsory land acquisition should be modified, with specification of the conditions under which it will occur and the rights of the individual landholder.
- The offices of the Commissioner of Lands, Registrar of Lands and Surveyor General should be decentralized. Land allocation boards should be established at the provincial and district levels.
- Land application procedures should be simplified to increase accessibility to land.
- An education campaign should be

mounted to inform the people about the reforms and how they may benefit and lose.

- A permanent research unit should be established in the Ministry of Lands to study the intricacies of land problems in Zambia on a routine basis, and research studies should be mounted to study land tenure as the basis for policy-making.
- Appropriate research and extension programmes should be developed to control land degradation and promote good land husbandry practices.

Recommendations for reforms on reserves and trust land

- The concepts of reserves and trust land should be abolished and replaced by the concept of customary or traditional land.
- Selective issuance of leasehold titles should be established on land under customary tenure, but with much simpler procedures.
- The provision of leaseholds in areas governed by customary law should initially be restricted to local Zambians. However, permanent legislation to that effect should not be made, as it would be discriminatory.
- A simplified land registry system should be established, to be managed locally. This will make it possible to compile a comprehensive land register, which would greatly enhance the national resource planning process.
- A land development fund should be established to improve infrastructure development in the rural areas.

Recommendations for reforms on State land

- All statutes relating to land which require immediate revision should be identified and necessary amendments should be implemented.
- The “land without value” concept should be abolished and replaced by a free land market, without the requirement for State consent before transactions in such land can be concluded.
- An economic differential tax on leaseholds should be developed to encourage more efficient land use.

- Real estate agents should be allowed to operate again.

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Modes de faire-valoir et moyens d'existence: comparaison entre les modes de faire-valoir communautaires et privés au Swaziland

Le foncier au Swaziland se divise en deux catégories majeures de tenure: le domaine national (Swazi Nation Land [SNL]) et le foncier bénéficiant d'un titre de propriété (Title Deed Land [TDL]), ou propriétés foncières libres qui, pour la plupart, furent acquises par des Sud-Africains au début du siècle. Les zones SNL soutiennent une population bien plus dense et, dans la perspective d'une économie de subsistance, génèrent plus d'emplois, bien que les possibilités d'emploi formel soient plus nombreuses en zone TDL. La terre SNL est une partie inhérente de l'identité culturelle du Swaziland. Elle exerce une fonction d'équité sociale dans la mesure où elle donne aux chefs de famille le droit d'accéder à la terre. Cependant, les femmes sont généralement privées de ce droit malgré leur rôle de premier plan dans la production agricole. Des objectifs politiques multiples suggèrent de continuer la dualité de la tenure foncière au Swaziland, bien qu'il soit nécessaire de résoudre le problème de la fragmentation et de la surpopulation pour les terres du régime SNL.

Sistemas dobles de tenencia y medios de subsistencia múltiples: comparación de la tenencia comunal y privada de la tierra en Swazilandia

La tenencia en Swazilandia se divide en dos tipos principales: las tierras públicas y la propiedad de tenencia libre, en la que el titular se beneficia de un título de propiedad, en su mayor parte adquirida por los sudafricanos al comienzo del siglo. Las zonas de tierras públicas mantienen a una población mucho más densa y, en la perspectiva de una economía de subsistencia, generan más empleo, aun cuando las posibilidades de empleo oficial sean más numerosas en las zonas de tenencia libre. La tierra pública forma parte integrante de la identidad cultural de Swazilandia, y ejerce una función de equidad social en la medida en que confiere a los cabezas de familia el derecho de acceso a la tierra. Sin embargo, las mujeres carecen en general de este derecho, a pesar de su función de primer plano en la producción agrícola. De acuerdo con los objetivos políticos múltiples, parece conveniente mantener la dualidad de la tenencia de la tierra en Swazilandia, aunque sea necesario solucionar los problemas de la fragmentación y la superpoblación en las tierras del régimen público.

Dual tenure systems and multiple livelihoods: a comparison of communal and private land tenure in Swaziland

Hezekiel M. Mushala, Ackson M. Kanduza, Nomcebo O. Simelane, Juliana K. Rwelamira and Nonhlanhla F. Dlamini
University of Swaziland, Kwaluseni, Swaziland

There are two major categories of land tenure in Swaziland: Swazi Nation land (SNL) and title deed land (TDL) or freehold tenure of land, which was mostly acquired by South Africans at the beginning of the century. The SNL areas have much greater population density and, in the context of a subsistence economy, generate more employment, although there are more formal employment opportunities in the TDL areas. SNL land is an inherent part of Swaziland's cultural identity. It fulfils a function of social equity to the extent that it gives heads of families the right of access to land. However, women are generally denied this right, despite their pre-eminent role in agricultural production. Multiple policy objectives suggest that this duality of land tenure should be continued in Swaziland, although the problems of fragmentation and overpopulation of SNL lands need to be resolved.

This article analyses the different types of land tenure in Swaziland as a basis for demonstrating the viability and efficiency of promoting given developmental objectives. An examination of land tenure conditions in the country needs to take into account the general physical, socio-economic, political and cultural background of society as a whole.

The country is divided into four physiographic regions whose ecological characteristics have a profound influence on land use. The regions run almost parallel in a north-south direction.

- The Highveld, covering the western part of the country, is an upland area. Only about 3 percent of the region is good arable land, while a further 10 percent is classified as having fair potential for crop production.
- The Middleveld, to the east of the Highveld, covers almost 28 percent of the total area. The region is warmer and drier

than the Highveld. Almost 20 percent of the upper Middleveld has good to fair arable soils, while in the lower Middleveld the proportion is about 10 percent. The Middleveld is the most densely populated part of the country in terms of both humans and livestock.

- The Lowveld is relatively flat and low-lying, with a marked drought hazard but with good soils. Most of the irrigated sugar and citrus estates are located here.
- The Lubombo plateau rises abruptly from the Lowveld. About 12 percent of the region has good or fair arable soils. The vegetation is mainly wooded bushland.

LAND TENURE IN SWAZILAND: ITS EVOLUTION

Swaziland is characterized by two types of land tenure: land held in customary tenure, or Swazi Nation land (SNL); and land held by freehold tenure, or title deed land (TDL). The latter is sometimes referred to as individual tenure farms (ITF). The evolution of the dual

system is traced back to the early 1900s. The characteristic land use patterns in the two different tenure categories in the country are shown in Table 1.

There is some ambiguity in approaches to land tenure in Swaziland. Some analyses distinguish, in addition to the two basic categories of land tenure, a third category, Crown land (Armstrong, 1988; Mushala, 1992). TDL tenure, currently accounting for 37 percent of the country, recognizes exclusive rights of access to a defined piece of land with titles held by individuals or corporate bodies. Owners of land titles can sell or use the land as collateral. The State can withdraw title in land required for national development only after making appropriate compensation. Crown land is distinguished as land owned by the government or a section of government (Mushala, 1992; Levin, 1987). Most of the urban areas of Swaziland are on Crown land for two reasons. First, urban property is predominantly government estate. Second, after the suspension of the independence constitution in 1973, all land rights were vested in the King. The Swaziland Government leases urban areas to individuals or institutions in the name of the King.

Swazi Nation land has a more complex structure which has never been defined by legislation (Rose, 1992). At present 63 percent of Swaziland is SNL (Low, 1986). This land is held by the King in trust for the nation and is allocated by chiefs to homestead heads, who under Swazi law and custom are men. Although many women are *de facto* heads of homestead, land is allocated to them through male proxies. Membership in a local community is the condition for the right to receive or to be allocated land. Land can also be acquired through inheritance. SNL includes land bought from TDL landowners by a reigning monarchy in trust for the Swazi Nation. Such land has been leased to private companies to attract private capital and expertise to SNL. The use of this land does not reflect the traditional and political relations between chiefs and people as provided for under Swazi law and custom.

TABLE 1
Land use in Swaziland, 1989/90

Land use category	Swazi Nation land	Title deed land	Total
Arable land	131 713	72 415	204 128
Crops	122 454	66 956	189 050
Fallow	9 259	5 819	15 078
Grazing land	816 555	243 721	1 060 276
Natural veld	816 555	206 354	1 022 909
Improved	-	37 367	37 367
Commercial forests	-	103 566	103 566
Other land	16 812	340 278	357 090
Total^a	965 080	759 980	1 725 060

^aExcludes 11 360 ha of urban land.
Source: Government of Swaziland, 1989.

TABLE 2
Land area by district and tenure category
(thousand ha)

Tenure category	Hhohho	Manzini	Shiselweni	Lubombo	Total
Swazi Nation land	227	231	217	295	970
Title deed land	126	180	150	299	755
Urban (Crown land) ^a	4	4	2	1	11
Total	357	415	369	595	1 736

^aEight urban or village areas under the control of town councils or central government.
Source: Government of Swaziland, 1989.

The amount of land under each of the tenure categories is shown in Table 2.

The present land tenure of Swaziland is a product of historical forces and has been shaped especially by those of the last 100 years. Until the last quarter of the nineteenth century, the Swazi monarchy controlled all the land through chiefs. Temporary land grants, mistakenly interpreted as permanent concessions, were first granted by Swazi rulers to South Africans during the colonial era. According to Swazi customary law, however, land could not be bought or sold by Swazi rulers (Rose, 1992). A dual land tenure structure which permeated the entire economic, political and social system arose out of this misunderstanding. In 1907, land was designated as native reserves for the exclusive use of the indigenous population. The reserves, formally known as "Swazi Areas", constituted about one-third of the country. The remaining two-thirds of the land was distributed as Crown land and concession land. The loss of land through colonial legislation not only undermined the base of the Swazi rulers, but imposed a

capitalistic system of production which was supported by cheap, plentiful local labour (Rose, 1992).

Labotsibeni, the Queen Regent from 1899 to 1921, levied funds from the people for the purpose of buying land back from white settlers. King Sobhuza II revived the programme in the 1940s. It was complemented by land made available by the British administration for rural settlement and the efforts of the Swazi Government after independence. In essence, postcolonial land policy has been aimed at reconciling modern land developments with existing customary land tenure procedures.

For analytical purposes three tenure systems are recognized, but an inherent overlap exists between SNL and Crown land. SNL is held by the King in trust for the Swazi people, and rights in Crown land are also owned by the King, in whose name land is leased. Some SNL has been acquired since the 1940s from individual title deed land and allocated to corporate owners such as agricultural cooperatives. The following analysis of government policy related to the existing tenure systems highlights some of the intricacies that have sustained these systems.

Government policies and their impact on land tenure

During the period of British rule in Swaziland the sanctity of private property in land was considered the basis for improved land utilization and improved productivity. The Independent State of Swaziland embraced this policy and avoided wholesale land dispossession. It was also recognized that ITF farms were a source of local employment, having provided about 50 percent of wage labour since 1980. About 75 percent of the farmland on title deed land is under freehold title and the remainder under concessionary title. Government policies towards this sector are based on *laissez-faire* principles.

Policies towards Swazi Nation land are notable for their continuity. In the late 1940s the colonial government introduced settlement schemes and rural development programmes. From 1970 to the present, development planning has emphasized provision and improvement of rural

infrastructure through the Rural Development Areas Programme (RDAP), rather than tenure reform. These programmes have been successful in providing and expanding infrastructure but not in increasing productivity or preventing environmental degradation. RDAP was implemented entirely on SNL.

A CONCEPTUAL COMPARISON OF COMMUNAL AND PRIVATE TENURE

Communal tenure

The rural Swazi homestead (*umuti*) is the basic social unit. Swazis are patrilineal. A child belongs first and foremost to its father's lineage and clan. A wife and children are treated as constituting a "house" within the homestead, a division especially relevant to the allocation and inheritance of land and livestock as well as other property. A Swazi man remains the head of the group even in his prolonged absence. A woman by consequence of marriage is guaranteed rights to the means of livelihood through the *umuti* of her husband, which in turn belongs to a particular chiefdom subordinate to the King.

Ostensibly, land is owned by the man, and portions of it are allocated to his sons, but since such allocations are made only on marriage, fields are tilled by wives who control the disposal of their produce. The effect in practice is that the land is owned by women, whether married to the homestead head or to his sons or brothers (Ngubane, 1983). The right to receive family land is not determined by gender *per se*. If the head of the family (the father) dies, his property passes on either to his sons or to his wife (or wives). Theoretically, daughters have no claim to inheritance (Dlamini, 1989). It was always assumed that women would marry and therefore obtain access to land through their husbands. In contemporary Swazi society, the issue of women's right to inheritance has become controversial, but no reforms have addressed this issue. The division of landholdings through inheritance results in fragmentation of holdings, which is an increasingly serious problem.

All SNL land belongs to the community and the chiefs have the right to allocate land in

their respective areas to all members. Every chief has a responsibility to the King to ensure availability of land for cultivation to heads of all homesteads. The rights to land in the community are defined principally with respect to arable land. On the other hand, the rights to graze stock, gather fruits and hunt have traditionally been unrestricted. As a member of the community, a Swazi is entitled to the nation's resources and particularly its productive land. Thus a Swazi man technically always has a place where he can stay and he is entitled also to derive a living from the land on which he resides, both arable and pastoral. Theoretically, a chief can banish a family from his chieftom, but such banishment is rare.

While there are some constraints with regard to the individual's right to "total" ownership of Swazi Nation land, the system does provide security for people. Every Swazi may (and some do) acquire TDL and still maintain rights to SNL, such that these two forms of tenure are not mutually exclusive. There are also transfers of income between rural and urban members of the same family.

A high proportion of rural household income does not come from the agricultural sector; de Vletter (1983) found that wage earnings and remittances accounted for 46.1 percent of income in SNL homesteads, crop sales for 12 percent and livestock sales for 26.1 percent (Table 3). These data indicate that rural Swazis straddle two systems. It is misleading to regard everyone in the countryside as a farmer. Hence, in attempts to intervene in agriculture on SNL land, it should not be taken for granted that rural

homesteads are all using the land in the same way. The whole range of strategies available to villagers in pursuing a living must be considered in analysis of rural communities (Lawry, 1989).

In Swaziland, reliance on communal resources is declining. Under SNL tenure, rangelands, forests and grazing lands have been subjected to high levels of overgrazing and extensive soil erosion in many areas in recent years. The apparent breakdown of local common property management arrangements on SNL, as elsewhere in Africa, has been attributed to a variety of factors, including the following (Lawry, 1989):

- fundamental changes in rural economies;
- the increasing marginality of communal resources to the economic well-being of many individual rural households;
- the considerable variation in the relative importance of communal resources to household income;
- the reduced ability of democratically constituted user groups to assert control over all users;
- the political decline of traditional authorities, in part because of their reduced economic roles;
- the erosion of social and economic bases for collective control of individual use.

The legal basis for Swazi Nation land can also be traced to the provisions of the Concession Partition Act of 1907. About one-third of Swaziland was set aside for exclusive occupation by the Swazis, under the control of the "Paramount Chief". The Swazis felt that this partition was imposed on them; it resulted in the loss of vast amounts of land, and they lodged a series of protests aimed at regaining the land. Strong opposition was directed against foreign ownership of most of the land in Swaziland and against the concept of private property, which many Swazis believed would leave a large proportion of the population landless.

When the protests over the land occupation by whites failed, Swazis directed their efforts at land recovery towards buy-back programmes. The land bought under the land transfer programme is registered in the name of the King-in-trust and is said to fall

TABLE 3
Rural homestead income sources

Source	Percentage of total income
Wage earnings of homestead-based labourers	28.4
Cash and in-kind remittances from migrants	17.7
Livestock sales and consumption	26.1
Crop sales and consumption	12.0
Homestead-based non-agricultural activities	6.9
Miscellaneous sources	8.9
Total	100.0

Source: de Vletter, 1983.

tentatively under SNL. Armstrong (1988) observed that there is a second type of SNL land, which is TDL registered in the name of the King but held in trust for the Swazi Nation. This land is administered by either Tibiyo or Tisuka, royal parastatal companies.

Individual tenure

In 1902, the British Administration began to formalize concessions which Swazi rulers had granted. The Concession Partition Act of 1907 granted freehold title to concessionaires holding title to ownership of land or leases up to 99 years. The government has the authority to sell, lease or otherwise alienate the land that it owns, commonly referred to as Crown land. Most Crown grants have involved urban land and have occurred when the government has extended the boundaries of a township (Armstrong, 1988). Ultimately, Crown land is said to be “owned” by the King by virtue of “Vesting of land in Kings” (Order 45/1973). The Deeds Registry Act of 1968 regulates the process of registration of rights of ownership and other rights in title deed land. The Deeds Registry Office also keeps a registry of land and mineral concessions and the transfers of concessions.

It has been argued that individual tenure is not consistent with some of the elements that provide cohesion in the Swazi culture – that it does not contribute to economic security for the family, that the operation of the land market generates landlessness and that Swazi culture is opposed to the concept of privatization and foreign ownership of land.

The problem of “farm dwellers”, commonly known as squatters, has also been cited as an impediment to production on land under individualized tenure. A great deal of controversy has centred around the relationship of farm owners and farm squatters. Farm owners have argued that the presence of squatters has hampered development and production on their farms. On the other hand, the farm squatters feel that they have a moral right to inhabit land that belonged to their ancestors. Under common law, farm dwellers have no legal right to live on these farms; thus the farm owners could evict them whenever they deem

fit. The Farm Dwellers Control Act of 1982 tried to spell out the rights of farm dwellers, including an agreement with the farm owner which outlines the conditions of the farm dweller’s tenancy, limitations on eviction of farm dwellers and provision for a district tribunal to resolve disputes between farm dwellers and farm owners. There are still numerous reports of conflict between the two parties. It has been suggested that the problem is likely to worsen as a result of the government’s “back to the land” policy, when there is not enough rural land for those who wish to settle there (Armstrong, 1988). The scarcity of rural land is a growing problem.

A MULTIDISCIPLINARY EVALUATION OF FREEHOLD AND COMMUNAL TENURE SYSTEMS

This section evaluates the performance of both ITF and SNL land with regard to various factors in the development of Swaziland. The objective is to compare the two major tenure categories and note which promotes the achievement of given developmental objectives.

Individual tenure farms have been commended for being generally highly productive. Arguments have been advanced for land reform, encouraging conversion from customary land tenure to individual land tenure in order to promote development. Individual tenure land in Swaziland currently consists of commercial large-scale estates, medium-sized farms and urban areas. Individual tenure is said to generate quite a substantial percentage of the country’s export earnings. Roman-Dutch and statutory law regulates most of the activity under individualized tenure land. The fact that property is privately owned means that it can be developed without any external interference. In addition, loans can be obtained on the security of lands or buildings; the security of tenure is guaranteed; good farming and conservation practices and the cultivation of long-term crops are possible; and land can be fenced to obtain security from neighbours (Hughes, 1972).

Developers have criticized Swazi Nation land on the basis of production factors. They argue that only 10 percent of households

produce for the market and that agricultural production on SNL, which accounts for only 12 percent of gross national product, cannot keep up with the growing population. It is argued that SNL holdings are too small and fragmented, tenure is too insecure, too much land is left fallow by migrant workers, serious erosion results from overgrazing and modern innovations such as fencing and credit are discouraged (Funnell, 1991). Most important, it is argued that Swazi attitudes against individual experimentation on land and against profiting from land inhibit efforts to effect reforms in customary tenure (Rose, 1992).

Swazi conservatives would not readily accept changes in traditional SNL tenure systems. They feel that widespread conversion to individual land tenure would result in the emergence of a landless group and a loss of power by the King and local chiefs. Evidence indicates that communal land tenure practices are changing more rapidly in Lesotho and Botswana than in Swaziland, where customary norms and practices remain relatively intact (Rose, 1992).

Agricultural productivity

Although variations over years may occur, it is estimated that individual tenure farms generate about 31 percent of gross domestic product (GDP), contribute over 70 percent of the country's export earnings and provide up to 75 percent of the employment of Swazis (Funnell, 1991). In general they are characterized by better technology utilization, larger land areas and greater output and income generation. Given the well established infrastructure, ITFs generally have fewer marketing problems.

On the other hand, SNL farmers are faced with a variety of problems resulting in poor performance. These include poor infrastructure (inferior communication networks, undeveloped feeder roads, inadequate marketing facilities) and poor production methods resulting in low-quality products and limited quantities. The picture is made more complicated in Swaziland by the existence of a parallel, small but

prosperous off-farm employment sector which acts as a disincentive to agricultural production.

SNL homesteads devoted over two-thirds of their cultivated land to maize production in 1989. SNL farmers prefer to grow maize rather than other crops regardless of climate, soil type and topographical variations (Dlamini, 1989). In some areas the production of maize amounts to underutilization of SNL holdings, since other crops would have higher yields per unit area and hence be more profitable. Cotton is another major crop on Swazi Nation land. Maize and cotton are also important crops on individual tenure farms, as are sugar cane, pineapple and citrus. Average production and yield data are presented in Table 4.

Table 4 clearly shows the relative importance of the agricultural crops in national development. Sugar cane and citrus are the main high-value crops on ITF land. By comparison, SNL produces mainly for subsistence. Cotton is the main source of income. The value and yield of the two major crops produced on both SNL and ITF, i.e. cotton and maize, are higher on ITF than on SNL.

Farm size varies considerably between the two tenure systems. The average size of farm holdings is 2.75 ha on SNL, while on TDL the average farm size is 800 ha for the agro-industrial estates and about 25 ha for the family farm. TDL has a far better performance index than SNL for the value of

TABLE 4
Major crop production on title deed land and Swazi Nation land, 1990/91

Crop	Area (ha)	Production (tonnes)	Yield (tonnes/ha)
Title deed land			
Sugar cane	36.0	3 841.8	106.7
Pineapple	1.5	32.9	21.9
Cotton	9.7	13.5	1.4
Citrus	2.7	56.6	21.0
Maize	13.1	21.1	2.4
Swazi Nation land			
Cotton	17.3	13.5	0.8
Maize	98.9	153.0	1.5

Source: Government of Swaziland, 1993.

production, total yields and contribution to GDP and external trade.

Income and employment

Some 73 percent of SNL farmers earn less than US\$200 per caput per year, while higher incomes are earned on large estates and other privately owned farms. Most homesteads derive income from three different enterprises: off-farm employment, crop production and livestock production. These enterprises are supplemented by a variety of small-scale income-generating activities such as handcraft production, beer brewing, food preparation and sales.

About 70 percent of the rural homesteads have absentee workers. Off-farm wages constitute the staple source of income for the majority of the homesteads, but the modern sector is absorbing only a small portion of this labour. From 1985 to 1991 paid employment in the formal sector increased at relatively high rates, on average 4.3 percent per annum. The informal sector absorbs much of the remainder of the labour, but the amount is very difficult to quantify.

Flory (1987) subdivided the constraints to commercialized agriculture and agricultural income on SNL into tenure and non-tenure related categories. Non-tenure-related problems include transport and marketing, problems in the acquisition of inputs and access to extension services. Tenure-related constraints include the following.

Fragmentation. The small average size of the farm plot (less than 2 ha) constrains commercial production and is often the result of fragmentation of holdings through inheritance. The fragmentation of the plots limits viable investments on the farm such as mechanization or irrigation, resulting in low productivity. This problem is compounded by the fact that family land consists of small fields scattered throughout the cultivation area of the community, according to how chiefs and families allocate fields. Moreover, land borrowing, even though not on a large scale, is practised throughout Swaziland. Under such circumstances the dispersal of the fields

reduces the efficiency of cultivation. Over time the holdings become highly fragmented because of the subdivisions among sons of a family. The daughters do not have claims to property under normal circumstances.

Security of tenure. SNL is generally regarded as lacking secure tenure. The chief has the power to allocate land, but he also has the power to take it away. The homestead members can only use the land but do not own it – they only have usufruct rights. Farmers are also occasionally resettled by the chief for various reasons. Although the chief rarely exercises the power of banishment, both banishment and the threat of resettlement can instil a sense of insecurity among community members and may act as a constraint on investments that might increase productivity.

Credit constraints. One of the most common criticisms of communal tenure is the lack of immovable assets to pledge as collateral for loans. Farmers are unable to mortgage their land by using it as collateral. This limitation may constrain access to commercial credit, and hence to investment and productivity increases, but there is no conclusive evidence that it is a binding constraint on productivity or income.

Lack of control. The literature on land use repeatedly raises the issue of constraints of farmers' ability to make fundamental decisions regarding farming practices and the use of their land, especially concerning fencing and the timing for allowing cattle in the fields. Under SNL tenure, farmers temporarily lose their right to exclude others from their fields after harvest, when livestock are allowed to roam freely through the fields to graze on the crop residues. Fencing, which would allow farmers to control cattle movement over their fields, is strongly opposed on SNL; it is viewed as a potential interference with communal use rights after harvest and is thought to make the rights of an individual over land too exclusive, thus reducing the chief's authority over land allocation.

Social justice

The aim of land legislation during the colonial era was clearly to exclude certain sections of the population of Swaziland from private ownership of land and to define clearly and limit the land to which the Swazi population was entitled. Unfortunately, this limitation on land resources was extended to the post-independence era. The Land Speculation Control Act of 1972 seeks to prevent speculation by non-Swazis but provides no regulation mechanism to prevent speculative transactions by Swazi citizens. Armstrong (1988) rightly points out that as a result of such discrimination, the long-term goal of a fair distribution of land among the population as a whole may be prevented by widespread speculation by citizens. Land prices have become so exorbitant that landownership is kept in the hands of a few persons.

On the other hand, the communal tenure system on SNL seems sufficiently observant of the ideals of social justice, insofar as access to land is concerned. As noted, the activity on Swazi Nation Land is supposed to be legally regulated by Swazi law and custom. The Swazis are a relatively homogenous group culturally, socially and linguistically. The centre of Swazi culture has been and remains the monarchy, which has provided relative political stability from colonial times until relatively recently. Swazi conservatives continue to stress that SNL land, and the power of chiefs over its allocation, serves as one pillar of Swazi social cohesion.

The underlying requirement of Swazi communal tenure is that each person is eligible to be allocated land as long as he or she is a legitimate member of the community, but two problems limit access to SNL land. One is land shortage; the other is a gender issue. Shortage of land under SNL tenure is an ongoing problem and contributes to the problem of farm squatters on ITF land.

The problem of women's access to land is equally critical. Women control much of the process of production, consumption and disposal of surplus. However, women have an inferior role in the control of land. Under Swazi customary tenure, the power of land

allocation is almost always vested in males. The extent to which women have access to the land is questionable. Rose (1992) found that women have little control over the land distribution process and that the customary land tenure system has very little place for women. Where women have to make requests from the chief, they are never permitted to represent themselves before the authorities. Women have access in that they work on the land, but it is men who have the control of the land (Amoah, 1978). Under customary tenure on SNL land, men assume primary roles as members of chiefs' councils entrusted with important decision-making responsibilities regarding land, or as active participants in public debate. The only mention of women is that they can expect to receive land from their husbands and can be represented by their husbands in dispute situations.

Environmental considerations

SNL has been characterized by small fragmented farm holdings, overgrazing and low productivity. Overgrazing and poor livestock management techniques on SNL have resulted in very severe gully erosion and general deterioration of rangelands (Mushala, 1992).

SNL farmers are allocated land for cultivation and building of homesteads. Grazing land remains under communal tenure and is an open-access resource. Cattle have an important role in the Swazi society; thus there is a traditional tendency to accumulate as many cattle as possible, regardless of the environmental consequences. The situation is aggravated by the inability of residents of SNL to fence their areas to keep off some of the livestock. The fragmented nature of farm holdings on SNL limits the level of individuals' investments on them, including investments in conservation practices.

The individual tenure system is recognized for its use of good farming practices, which include the adoption of soil conservation measures. However, the system relies on the use of farm inputs, including chemical fertilizers. Recent studies have indicated a

general increase in soil toxicity which is mainly a result of increased use of chemical fertilizers.

Implications

The analysis of the two tenure systems suggests that the individualized tenure system is more favourable in terms of productivity, income generation, employment and contribution to GDP and external trade. The communal tenure system, although not scoring as high in terms of economic indicators, has very positive attributes regarding community welfare, social cohesion and group solidarity. It may be difficult to draw a clear boundary between the two in terms of development.

A BETTER FRAMEWORK FOR ANALYSIS

Over time, changes in land use have to be induced so as to increase productivity and enhance equitable social development. For this to happen, it is necessary to effect changes in the rules and institutional arrangements that govern existing land tenure systems.

Swazi society is very much tied to the communal tenure system. Induced changes should be gradual so that the fundamental social framework is not dismantled. Most of the problems with SNL land or communal tenure are focused on land fragmentation. To address the problem it is necessary to find means of increasing the size of the holdings and to redistribute them under a local authority (e.g. local council). Chiefs are automatically members of the council, but other members are elected. Landholdings could thus be redistributed in such a way that no areas or individuals would be favoured at the expense of others. It is assumed that such an arrangement would minimize social dislocation.

On the other hand, the adoption of an individualized tenure system would be based on the assumptions that ITFs maximize efficiency in land use and that the national economy is developing towards private enterprises. In this scenario, the terms and conditions on which land is held would have to be changed drastically so that community

controls over land would be reduced or eliminated. Such a system would create private individual ownership of land whereby rights are adjudicated, fragmented holdings are consolidated, land areas are surveyed and owners are determined and registered. It would probably allow for pledging of land as collateral on loans, and it might assist land consolidation. However, such a system would eliminate use rights of other individuals, would require an economic system biased towards private enterprises and would require a dramatic change in both government policy and cultural values. It would be likely to increase landlessness and insecurity and might not create economic opportunities for the majority of the people.

A statutory alternative to ITF land may be leasehold tenure in SNL areas. In countries that have a State leasehold system, land is owned by the State and leased from the State by individual farmers. Such a system may encourage industriousness among individuals, thus increasing productivity. However, it is likely to be bogged down by bureaucracy and creates room for corruption. Another statutory alternative might be cooperative production, i.e. cooperation and mutual assistance in production under corporate or communal ownership of land or State leasehold. However, cooperative production requires a high level of organization in division of labour and ample group discipline for conformity to established regulations in production, marketing and sharing of proceeds. Cooperative production is likely to fall victim to land tenure arrangements if land rights are not clearly defined at the initial stages.

The purpose of meaningful land reform is to enhance social development through more efficient use of land, to influence anticipated patterns of land distribution and to enhance future societal ideals. There is a need for a clearer land policy in Swaziland that will ensure more equitable ownership and use of land and possibly guarantee increased productivity and production not only on ITF land, but on SNL land as well. With a forecast decline in growth rate of paid employment in the formal sector (employment is expected to

grow by 5.2 percent in 1993, by 4.5 percent in 1994 and by only 1.8 percent in 1995), the need to stimulate labour-intensive investment, especially on SNL, is becoming increasingly urgent. It is therefore important to examine each of the scenarios with respect to the identified parameters.

CONCLUSIONS

Social development is a complex process which is determined by both economic and social indicators. The above analysis has shown the merits and demerits of the two systems of tenure in Swaziland. The current situation was born of historical developments that have tended to harmonize the two systems. A bold decision to discard one tenure system as opposed to the other is not likely to enhance social development in its true sense. There is a need to assess development objectives in their proper perspectives, and this is likely to result in a compromise between the existing tenure systems, or the continuation of a dual system.

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The INRA law: a second agrarian reform?

This article looks at the law on the National Agrarian Reform Service of Bolivia. On the positive side, the law restricts the concentration of land, partially improves the administration of land resources and improves the exercise of justice. More controversially, the author claims that the law will prevent the formation of land and capital markets, curb the development of traditional agriculture and lower land prices and will thereby generate excessive demand, encourage inefficiency in traditional areas, trigger the destruction of forest land, discourage foreign investment and produce a cumbersome bureaucratic apparatus.

La loi INRA: une deuxième réforme agraire?

Dans cet article, l'auteur étudie la loi du Service national de la réforme agraire de la Bolivie. Parmi ses aspects positifs, il souligne qu'il s'agit d'une loi qui établit une limite à la concentration de la propriété foncière et améliore partiellement la gestion des ressources en terres ainsi que l'application de la justice. Parmi ses aspects plus discutables, l'auteur soutient que la loi interdira la constitution de marchés fonciers et financiers, freinera le développement de l'agriculture traditionnelle, abaissera le prix de la terre en suscitant une demande exagérée, découragera les activités productives dans les zones traditionnelles, favorisera la destruction des forêts, limitera les investissements extérieurs et créera une bureaucratie complexe et inefficace.

La ley INRA de Bolivia: ¿una segunda reforma agraria?

Gonzalo Flores¹

Oficial Nacional de Programas de la FAO; Gerente de Raíces, Bolivia; ex coordinador del Programa Regional de Bosques Nativos Andinos (PROBONA)

El presente artículo examina la ley del Servicio Nacional de Reforma Agraria de Bolivia. Entre los aspectos positivos de esta ley está la limitación de la concentración de la tierra, una relativa mejora de la administración del recurso tierra y una mejor aplicación de la justicia. Entre los aspectos discutibles, se menciona que la ley impedirá la constitución de mercados de tierras y de capitales, frenará el desarrollo de la agricultura tradicional, rebajará el precio de la tierra produciendo una demanda excesiva, incentivará la ineficiencia en las zonas tradicionales, fomentará la destrucción de los bosques, limitará las inversiones extranjeras y generará un aparato burocrático complicado e ineficiente.

EL DECRETO DE REFORMA AGRARIA DE 1953

Mucho tiempo ha pasado desde que se firmó en 1953 en Ucareña el decreto-ley 3464, más conocido como decreto de reforma agraria. Desde entonces, en Bolivia han aparecido los minifundios, se ha abierto la frontera agrícola en las zonas de colonización, se ha desarrollado la agricultura comercial en el oriente y se han puesto en marcha diversas iniciativas agroindustriales; ha habido nuevas formas de concentración de la tierra, la producción se ha especializado y la agricultura ha establecido importantes conexiones con el mercado exterior. Pero también se han registrado crisis económicas rurales, migraciones a las ciudades y proletarianización; imposición y resistencia cultural, emergencias étnicas; pauperización y terciarización de la economía, protestas, movilizaciones sociales y presiones políticas. La tierra ha representado el bien de interés común en todos estos procesos.

Casi medio siglo después de implantarse la

reforma agraria es necesario realizar un balance y proponer medidas destinadas a ordenar la propiedad de la tierra y dar renovado vigor a las actividades del sector agropecuario. La ley del Servicio Nacional de Reforma Agraria –o ley INRA²–, en torno a cuya promulgación se han producido las más grandes movilizaciones sociales de los últimos años, ha sido llamada una segunda reforma agraria. Un examen del proceso de su promulgación permite descubrir unos mecanismos sociales con sus presiones, negociaciones y representatividad, y la relación entre ética y política. Estos asuntos no son, sin embargo, el tema central del presente artículo.

Como todas las leyes, la ley INRA refleja las influencias y presiones de los sectores sociales interesados, sobre todo las de los «ganadores». Es indudable que, a corto plazo, los más beneficiados han sido los pequeños propietarios y las comunidades campesinas e indígenas, debido a unas ventajosas medidas legales que les brindan protección y les dan

¹ Las opiniones personales que el autor expresa en este artículo no comprometen a ninguna de las organizaciones a las que se encuentra vinculado.

² La ley lleva el número 1715, y el nombre de ley INRA que se le da popularmente se refiere al Instituto Nacional de Reforma Agraria que fue creado por dicho texto.

acceso a nuevos recursos. Los «perdedores» han sido, principalmente, los grandes propietarios, que deberán pagar impuestos y correr el riesgo de perder sus tierras. Pero, sin descartar la importancia de un análisis centrado en los ganadores y en los perdedores, es preciso estudiar esta ley según un enfoque de tipo neoclásico, señalar su eficiencia e indicar en qué medida contribuirá al desarrollo y al manejo sostenible de los recursos.

LOS ASPECTOS POSITIVOS DE LA LEY

La ley pone fin a un proceso de concentración de la tierra en manos de pocas personas. De 1953 a 1994, el Estado ha llevado a cabo con regularidad una política de dotación de tierras sin costo. La entrega de tierras se ha hecho por afectación de ex haciendas o por dotación de colonización. A fines de los años ochenta, las propiedades pequeñas (el 80 por ciento), poseían sólo el 2,5 por ciento de la tierra; las medianas (el 18,1 por ciento), el 12,1 por ciento, y las grandes (el 1,8 por ciento), el 85,3 por ciento. Después de que las tierras de las haciendas fueran afectadas y entregadas a los campesinos, ha habido un proceso de dotación por medio del cual la mayor parte de la tierra ha ido a parar a manos de medianos y especialmente de grandes propietarios³.

Sólo una pequeña fracción de la tierra que es propiedad de medianos y grandes propietarios es utilizada por éstos para el fin oficialmente asignado (agricultura o ganadería). Generalmente, estos propietarios mantienen la tierra sin explotarla, dejando simplemente que se valore con el transcurso del tiempo. Por consiguiente, la especulación es su uso económico principal.

Frente a esta actitud, la ley INRA detiene el proceso indiscriminado de entrega de tierras, establece un sistema de adjudicación mediante pago por concurso público y fija causas y procedimientos para la reversión de

tierras. En un país donde era posible adquirir gratuitamente grandes extensiones de tierras, estas medidas revisten mucha importancia. Se puede demostrar que, comparadas con otras unidades de menor tamaño⁴, las unidades agrícolas y ganaderas de gran superficie son ineficientes desde diversos puntos de vista.

La ley crea un único órgano encargado de la administración de la tierra. Antes de la promulgación de la ley, dos instituciones estaban habilitadas para distribuir tierras: el Servicio Nacional de Reforma Agraria (SNRA) y el Instituto Nacional de Colonización (INC). Aunque en principio el SNRA se concentraba en la titulación de las tierras afectadas a las ex haciendas y el INC en la dotación de tierras para colonización en zonas tropicales, en la práctica existía una dualidad de funciones de ambas entidades, poca coordinación entre ellas y a menudo objetivos de política distintos. La ley creó el Instituto Nacional de Reforma Agraria (INRA), órgano especializado en la administración de tierras, superando de esta manera la duplicidad antes existente. Entre las atribuciones del INRA figura una preocupación cierta por la equidad en la distribución de la tierra.

La ley introduce nuevos procedimientos en el juicio agrario que mejorarán la administración de la justicia. La ley introduce tres aspectos judiciales importantes: la oralidad (la audiencia tendrá una importancia central en un juicio agrario); la inmediatez (el juez deberá conocer el asunto directamente), y la concentración (se reducirá el número de actos jurídico-administrativos). En un sistema judicial en el que el papeleo, el detalle técnico y el desconocimiento de la materia han favorecido a los más pudientes, los nuevos procedimientos actuarán claramente en favor de los más pobres, que son generalmente

³ Comisión Nacional de la Reforma Agraria/Instituto Nacional de Colonización: datos de 1984. En la fecha en que se escribió este artículo, el INRA estaba consolidando la información estadística correspondiente a 1995.

⁴ Uno de los mejores análisis sobre este tema es el de F. Ellis. 1994. *Peasant economics. Farm households and agrarian development*. Cambridge, Reino Unido, Cambridge University Press.

también los menos familiarizados con el castellano hablado y escrito.

LOS ASPECTOS NEGATIVOS O AMBIGUOS DE LA LEY

La ley impedirá la plena constitución de un mercado de tierras en todo el país.

El derecho de propiedad sobre un bien hace de su dueño la única persona que puede atribuirse la propiedad sobre dicho bien; tal derecho excluye a otros de su disfrute, y da al propietario la prerrogativa de venderlo, según los procedimientos de transferencia legalmente establecidos y en vigencia, y de hacer valer su derecho indefinidamente, de forma que ninguna otra persona pueda apropiarse del bien sin su consentimiento. Los derechos plenos de propiedad son una condición esencial para el desarrollo de la actividad económica.

La ley INRA perfecciona los derechos de propiedad del mediano y gran propietario. Estos últimos podrán vender y comprar tierras, excluir a otros del disfrute de su propiedad, usar la tierra como garantía hipotecaria en cualquier operación comercial, y en fin hacer valer su derecho propietario. En cambio, el pequeño productor deberá hacer frente a una serie de limitaciones. Los derechos de propiedad del campesino y del indígena no están bien establecidos. Los pequeños propietarios, indígenas y comunarios no podrán comprar, vender, alquilar, hipotecar y disponer libremente de su tierra, lo que ocasionará un grave perjuicio para ellos y para el país en su conjunto.

La Constitución Política del Estado (CPE) establece que el solar y la pequeña propiedad campesina constituyen un «mínimo vital» y que tienen el carácter de un patrimonio familiar inembargable (CPE, Art. 169). Este enfoque es recogido y complementado por la ley INRA, que dispone que ambos se rigen por el Código de Familia. La ley no prohíbe la venta de la pequeña propiedad campesina o de las tierras comunales o indígenas, pero establece que estas tierras se distribuirán de acuerdo con las normas y costumbres de las comunidades (Art. 3, inc. III). Hay, de este modo, una limitación indirecta al desarrollo de la compra y venta de tierras.

Se conformarán, por consiguiente, dos segmentos de mercado diferentes; en uno (principalmente en el oriente del país) las transacciones relativas a la tierra podrán realizarse más o menos libremente; en el otro (altiplano, Chaco y valles) se realizarán con gran dificultad o no podrán realizarse. Los incentivos que el mercado da a la inversión actuarán solamente en uno de los dos segmentos. Cabe suponer que en el oriente se realizarán más inversiones, se aplicará más tecnología y se generará más ingreso y empleos, mientras que en el altiplano, Chaco y valles esto casi no ocurrirá. La ley impone así un gran costo de oportunidad a todos los pobladores rurales: a saber, la pérdida de ingresos por no poder utilizar la tierra de otro modo. En el altiplano, Chaco y valles el precio de la tierra no reflejará su costo de oportunidad.

La ley limita la formación de un mercado de capitales, especialmente en la zona donde se practica la agricultura tradicional.

La pequeña propiedad campesina no podrá ser utilizada como hipoteca, lo que limita mucho la formación de un mercado de capitales y especialmente la generalización del crédito rural. Actualmente el campesino tiene acceso a poquísimas fuentes de crédito; en estas últimas se arriesgan fondos basándose en garantías prendarias inseguras (como la cosecha) y en ellas la capacidad de operaciones es limitada. El campesino, que sin duda tiene necesidad del crédito, termina recurriendo al prestamista local, que le impone intereses altísimos y condiciones extremas, entre las que puede estar la pérdida de la tierra.

La ley INRA dispone que el Estado otorgará créditos de fomento y desarrollo a pequeños propietarios y comunidades indígenas (Disp. Fin. IX). Es obvio que el Estado podrá canalizar algunos fondos hacia estos productores, pero el principal suministrador de fondos –el capital financiero privado– se mantendrá apartado ya que la ley hace que el mundo campesino sea automáticamente un ambiente de alto riesgo para la colocación de créditos comerciales. Naturalmente, los más

Diferencias en el tratamiento de los tipos de propiedad

Propiedad grande y mediana	Solar campesino, pequeña propiedad, comunidades campesinas e indígenas
Puede ser revertida por abandono. El no-pago de impuestos es presunción de abandono (Art. 51).	Solar y pequeña propiedad campesina son indivisibles e inembargables (Art. 41). Solar, pequeña propiedad y tierras comunitarias de origen no serán revertidas por abandono o falta de trabajo (Art. 53). Las tierras comunitarias de origen y las propiedades comunarias son inalienables, indivisibles, irreversibles, colectivas, inembargables e imprescriptibles (Art. 41).
Pueden ser vendidas o hipotecadas (Art. 41).	Solar, pequeña propiedad y tierras comunitarias de origen no pueden ser hipotecadas por ser inembargables (Art. 41, inc. I).
Pagan impuestos sobre la base del autoavalúo.	No pagan impuestos (incluso los inmuebles de comunidades campesinas, pueblos, comunidades indígenas y comunidades originarias están exentos de impuestos) (Art. 4).
Obtienen tierras del Estado por adjudicación (a precios de mercado).	Obtienen tierras del Estado por dotación (gratuita) o por adjudicación a precios concesionales (Art. 74).
Expropiables por causa de utilidad pública (reagrupamiento de la propiedad, conservación de la biodiversidad u obras de interés público) e incumplimiento de la función económico-social (Art. 59).	Sólo son expropiables para conservar la biodiversidad y para realizar obras de interés público (Art. 59, inc. IV).
La dotación será preferente para quienes residan en el lugar. Será preferente sobre la adjudicación, especialmente en favor de pueblos y comunidades indígenas, campesinas y originarias sin tierras o que la tengan insuficientemente (Art. 42 y 43).	

perjudicados serán los pequeños productores.

La ley protege excesivamente al pequeño propietario, a las comunidades y a los pueblos indígenas y originarios, produciendo efectos contrarios a los deseados. En el cuadro se resumen las diferencias más importantes en el tratamiento de los distintos tipos de propiedad.

El exceso de protección al campesino produce efectos negativos. En la ley se supone que el campesino prefiere seguir siendo campesino, y que no quiere o que no le conviene vender su tierra; muchas de las medidas legales están dirigidas a protegerlo y a conservarlo en su estado. La misma carencia de derechos de propiedad en sentido estricto obliga al campesino a mantener su condición. Sin embargo, la decisión de vender o de conservar su tierra debería poder tomarla él mismo; las trabas que no le permiten hacerlo deberían desaparecer.

A lo largo de la historia republicana de Bolivia, e incluso anteriormente, los campesinos han luchado tenazmente por su derecho a la tierra. Desde las rebeliones de fines del siglo XIX y principios del siglo XX contra la expansión del latifundio, pasando

por las tomas de haciendas previas a la reforma agraria, hasta las movilizaciones contemporáneas, la tierra ha estado en el centro de las luchas campesinas⁵. Si la reforma agraria les dio tierras, y si la colonización les abrió –para bien o para mal– las puertas de la Amazonia, en la actualidad sería totalmente inadecuado impedir a los campesinos ejercer su pleno derecho a la venta de sus tierras.

La ley reconoce los derechos de los pueblos indígenas sobre sus tierras comunitarias de origen (Art. 3, inc. III), y pone –aunque en apariencia erróneamente– a todos los grupos étnicos en las mismas condiciones. Existen hoy ocho territorios indígenas reconocidos como tales y 16 en tramitación. Por un lado, los grupos étnicos, especialmente los selváticos, pueden ser excelentes administradores de los recursos naturales gracias a su familiaridad con el medio, a los conocimientos que han acumulado y a su bajo consumo dendroenergético. Pero, por otro lado, su sociedad está perdiendo cohesión. ¿Vale la pena legislar para grupos que se están desintegrando? ¿Qué debe

⁵ Aunque no muy abundante, existe una literatura que refleja las luchas campesinas en la historia boliviana. Una buena compilación es la de F. Calderón y J. Dandler. 1984. *Bolivia: la fuerza histórica del campesinado*. Cochabamba, CERES.

prevalecer en la legislación: la pertenencia a una identidad parcial o la pertenencia a una identidad nacional? ¿En qué circunstancias debe la pertenencia a una etnia crear derechos especiales? ¿Cuáles son los derechos que se asigna a los grupos étnicos? Por ejemplo, ¿estará la propiedad de la tierra en los territorios indígenas reservada exclusivamente a los propios indígenas? ¿Se extienden los derechos de las etnias a la vegetación forestal y a los recursos genéticos comprendidos en esos territorios? Esos derechos no están claramente delimitados en la ley INRA ni en otros instrumentos legales⁶.

La ley rebaja artificialmente el precio de la tierra. En un mercado sin grandes distorsiones, el precio de los factores de producción refleja más o menos adecuadamente su valor. En una economía de mercado es importante que los factores sean transados a sus precios reales, para que el precio actúe como un impulso para la eficiencia. Mientras más alto sea el precio de un factor, mayor será el esfuerzo necesario para recuperar la inversión realizada para su compra.

En un mercado segmentado y distorsionado como el que consolidará la ley INRA, el precio de la tierra no reflejará su verdadero valor, por las siguientes razones:

- en las zonas tradicionales especialmente, las transacciones estarán limitadas;
- en las zonas no tradicionales donde haya posibilidades de ampliar la frontera agrícola, los precios de la tierra estarán por debajo de su valor, debido a que:
 - la dotación será preferida a la adjudicación (es decir, entre un comprador de tierras que desea pagar por ellas y una comunidad que desea que las tierras le sean dadas sin costo, el Estado deberá optar por entregarlas gratuitamente a esta última);

- la adjudicación simple a colonizadores (los principales responsables de la expansión de la frontera agrícola a costa del bosque) se hará a precios concesionales, es decir por debajo del precio de mercado.

Naturalmente, estos factores causarán una rebaja de los precios, y aumentarán la demanda de tierras.

La exención de impuestos de que goza el pequeño propietario incentivará la ineficiencia. La ley INRA da un tratamiento impositivo desigual a la propiedad mediana y grande respecto de la pequeña propiedad campesina e indígena: esta última no pagará impuestos.

Si bien la exención de impuestos puede ser el reconocimiento de una situación de pobreza, esta franquicia es un error:

- el pago de un impuesto valoriza la tierra;
- las propiedades grandes pueden ser subdivididas (y aparecer como pequeñas) para no pagar impuestos;
- el pago de impuestos consolidaría un sentido de propiedad sobre la tierra;
- muchas pequeñas propiedades campesinas generan un producto con un alto valor (por ejemplo las plantaciones de coca del Chapare y las de hortalizas en los valles bajos de Cochabamba).

Por consiguiente, el pequeño propietario también debería pagar impuestos. Naturalmente, el costo de cobrar el impuesto puede ser alto. Pero si existen 2 500 000 pequeñas propiedades y cada una pagase tan sólo 10 dólares EE.UU. al año, se podrían recaudar por lo menos 25 millones de dólares, una cifra no despreciable. Los municipios podrían encargarse de una recaudación que podría realizarse durante un mes al año, para reducir al mínimo el costo de recolección del impuesto.

Por otra parte, se debería considerar que el pago de impuestos sobre la tierra podría reforzar el sentido de ciudadanía, aspecto extremadamente deseable en un país donde los campesinos e indígenas sufren segregaciones de distinta índole.

⁶ Véanse, por ejemplo, los DS 23582 (territorio mosetén), 23500 (territorio weeynayek), 23109 (territorio chiquitano), 23109 (territorio yuki o biá), 23110 (territorio mosetén chimán o Pilón-Lajas), 23108 (territorio aaraona), 22610 (territorio Isiboro-Sécure), 22609 (territorio Sirionó) y 22611 (territorio indígena multiétnico y territorio indígena chimán).

La ley favorece la depredación de los recursos naturales. La ley establece que las comunidades campesinas e indígenas podrán beneficiarse de dotaciones de tierras, es decir de entregas de tierra en forma gratuita. Los particulares que deseen obtener tierras podrán adjudicárselas mediante un pago al Estado (Art. 42). Este mecanismo es redistributivo: entrega tierras gratuitamente a los pobres y las cobra a los pudientes; pero el aspecto negativo de la dotación es que es un poderoso incentivo para la ineficiencia y para la destrucción de los bosques.

En efecto, una comunidad determinada (de altiplano o valles) tendrá dos opciones: intensificar el uso de la tierra que ya posee (invirtiendo más, introduciendo innovaciones de tecnología, siendo más eficiente⁷ en el uso de su recurso), o bien pedirle al Estado que le entregue nuevas tierras. Se sabe que las tierras agrícolas en el altiplano y en los valles pasan por períodos de barbecho sumamente largos; la capacidad de carga de los pastizales ya ha sido excedida; las prácticas de manejo de ganado son inadecuadas; hay poca inversión en insumos variables, y la adopción de tecnología es mínima: es decir que el productor es muy ineficiente. Al comparar los rendimientos por superficie en contextos agroecológicos similares, se observará que un campesino peruano o ecuatoriano es más eficiente que un campesino boliviano.

Como la dotación de tierras será gratuita, el productor dispondrá de una nueva parcela en la que podrá empezar otra vez, aunque no haya hecho todos los esfuerzos necesarios para incrementar la eficiencia en las labores de la parcela que ya posee. En virtud de la dotación de tierras, el productor tendrá la oportunidad de «repetir» su ineficiencia en un nuevo contexto.

Además de financiar la ineficiencia, la dotación de tierras constituye una gran

⁷ Por «eficiencia» se entiende en este contexto la situación económica óptima en la cual el productor utiliza un insumo hasta lograr su máximo rendimiento marginal; el nivel en que la tasa de sustitución de los insumos es igual a la relación inversa de los precios; y la posición que el productor ocupa en la «frontera de producción», de forma que la tasa de sustitución de sus productos sea también igual a la relación inversa de sus precios.

amenaza para los bosques, especialmente los tropicales. Es preciso reconocer que no hay tierras agrícolas para distribuir, a no ser que el Estado las expropie y que revierta grandes cantidades de tierras a los medianos y grandes propietarios, lo cual no parece posible. Las tierras que han recibido los actuales medianos y grandes propietarios no son de vocación agrícola; las que se distribuirán mediante dotación estarán normalmente situadas en bosques o cerca de ellos. Quienes se beneficien con las dotaciones aplicarán de inmediato el sistema de roza, corta y quema, que acelerará el ritmo de la deforestación.

La ley ha previsto que no se dotará de tierras a individuos sino a comunidades, pero los efectos negativos finales de estas entregas serán los mismos, ya que las comunidades redistribuirán la tierra entre sus miembros. Donde hubiere superposición o conflicto de derechos, prevalecerá el derecho de propiedad agrícola y ganadero (o de la comunidad campesina o pueblo) sobre las concesiones, contratos o autorizaciones de aprovechamiento forestal (Disp. Fin. II). Si se considera que esta superposición de derechos se generalizará en casi todo el país, se advertirá que la ley INRA pone los bosques bolivianos a merced de las motosierras de los campesinos e indígenas, anulando los esfuerzos de conservación que se han hecho gracias a otras leyes.

Cuando se pretende financiar la ineficiencia y la destrucción del bosque, es preciso decir que no debe haber más dotaciones de tierras, ni en beneficio de comunidades ni de particulares. Quien quiera tener tierras debe pagar por ellas. La tierra es un factor escaso, no un bien infinito, y su precio debe reflejar todos sus costos de oportunidad. Los precios reales del factor obligarán a los compradores a invertir e introducir innovaciones tecnológicas para obtener un beneficio; en cambio, la aplicación de bajos precios a la tierra equivaldrá al uso de subsidios.

La ley limita las inversiones extranjeras en la agricultura. La ley establece severas limitaciones a las inversiones extranjeras:

- Según la constitución, los extranjeros no podrán poseer tierras dentro de los 50 km de las fronteras (Art. 46).
- Los extranjeros no podrán ser dotados con tierras (a título gratuito) ni recibirlas por adjudicación (a título oneroso). (Sin embargo, la ley permite a quien ha recibido tierras a título gratuito su venta a terceros –extranjeros o nacionales–, con lo cual la renta de la tierra, en lugar de quedar en manos del Estado, quedará en manos de un privado [Art. 46, inc. III].)
- Para tener derecho a adquirir tierras, los extranjeros deberán residir en el país (si son personas naturales) o estar habilitados para realizar actividades agropecuarias (si son personas jurídicas) (Art. 46, inc. IV). (Sin embargo, el legislador no define lo que se ha de entender por «estar habilitado».)
- Los bolivianos pueden suscribir contratos «de riesgo compartido» con extranjeros, excepto si éstos provienen de países limítrofes (Art. 46, inc. II). (En otras palabras, la ley autoriza a estipular un contrato con un danés o un tibetano, pero no con un peruano o un argentino, con quienes la asociación sería más lógica⁸.) Además, al boliviano le está prohibido transferir o arrendar tierras a extranjeros, bajo sanción de nulidad y reversión.

Estas medidas, que descansan en un concepto bastante mezquino de la soberanía, limitan inmensamente tanto las inversiones externas como las internas. Imponen un gran costo de oportunidad en términos de empleo e ingresos perdidos y limitan la generalización de nuevas tecnologías. Cabría preguntarse cuál habría sido, por ejemplo, el desarrollo de la agricultura y ganadería argentinas si, hacia 1930, se hubiera prohibido a los extranjeros la inversión en las tierras de la pampa húmeda.

⁸ El legislador no deja en claro qué se entiende por contrato «de riesgo compartido». Este concepto ha sido desarrollado para ampliar la escala de los grandes negocios en funcionamiento que requieren un capital de operaciones adicional y cuyas operaciones pueden ser divididas, generalmente en acciones o por cuotas-parte de capital.

La ley genera un aparato burocrático extenso, complicado, de funciones sobrepuestas y potencialmente

ineficiente. El proyecto desarrolla el Servicio Nacional de Reforma Agraria (SNRA), cuya creación está prevista en la Constitución Política del Estado (Art. 175). La ley establece que el Servicio estará formado por el Presidente de la República, el Ministerio de Desarrollo Sostenible y Medio Ambiente (MDSMA), la Comisión Agraria Nacional (CAN), el Instituto Nacional de Reforma Agraria (INRA) y la Superintendencia Agraria (Art. 6).

Los defectos principales de la ley en materia burocrática son los siguientes:

i) En los años cincuenta y sesenta, la implantación de la reforma agraria había sido motivo para que el Presidente jugase un papel en el asunto de las tierras, y que firmase títulos: era este un hecho económico, legal, político y simbólico. Pero en la actualidad, ¿qué sentido tiene perpetuar esa función? La ley, en lugar de mantener invariable el papel del Presidente o de reducirlo, lo amplía (CPE, Art. 96): además de presidir el SNRA y de otorgar títulos, el Presidente deberá aprobar y supervisar políticas, designar autoridades, dictar resoluciones supremas y ejercer otras funciones menores. El mandatario deberá por consiguiente firmar documentos sin tener un conocimiento suficiente acerca de los asuntos a los que éstos se refieren.

ii) Los varios organismos que forman el SNRA tienen funciones superpuestas o replicadas, lo cual es inaceptable desde el punto de vista de la organización y de los métodos. Las replicaciones más visibles son las siguientes:

- El MDSMA clasifica las tierras; la Superintendencia Agraria, por su parte, lleva un registro informático sobre uso del suelo. Ambas tareas son básicamente idénticas (cabe suponer que el MDSMA usará sistemas de información geográficos).
- El MDSMA dicta normas sobre el uso del suelo; la Superintendencia Agraria adopta

medidas precautorias para evitar el mal uso del suelo. Ambas funciones son casi análogas; empero sería importante establecer una diferenciación efectiva entre un órgano normativo y un órgano fiscalizador.

- El INRA expropia tierras y la Superintendencia Agraria las revierte. ¿Cuál es la diferencia efectiva entre ambas funciones y la razón de que éstas tengan lugar en dos instituciones diferentes?
- Tanto la CAN como el INRA proponen políticas para asentamientos humanos.
- Cuatro funciones de la CAN a nivel nacional se repiten en las de las CAN a nivel departamental: ejercer control sobre el abandono de tierras, recibir y canalizar peticiones, coordinar y concertar actuaciones con otras instituciones, y proponer nombres de directores.

iii) En la CAN participan el Gobierno, los empresarios privados, los pequeños propietarios y los grupos étnicos. La CAN «proyecta y propone políticas de distribución y agrupamiento de tierras». Supuestamente, la CAN tendrá una función de concertación, y en su ámbito se encontrarán las fuerzas sociales y el Estado para entablar negociaciones sobre el asunto de la tierra y proponer políticas. Sin embargo, se ignora que las presiones sociales se ejercen por otras vías: en la práctica, la CAN será una estructura obstruccionista.

iv) Las prefecturas y los municipios, dos organizaciones que podrían jugar un papel clave en relación con la planificación del uso de la tierra, no han sido incorporadas en la gestión de las tierras.

De lo anterior se desprende que el aparato a crear es sumamente grande, sus funciones no están bien distribuidas y en buena parte se repiten. Se trata, por lo tanto, de un esquema ineficiente. De acuerdo con un criterio moderno, lo esencial es que haya una distinción clara entre el organismo que elabora una norma, el que la aplica, el que fiscaliza su cumplimiento y el que administra justicia. Este criterio no es respetado por la ley, que por el contrario crea una estructura en la que la duplicación de funciones es abundante, y en la que la CAN y el Presidente

de la República sobran totalmente. Además, no se debería dejar de considerar el costo que supondrá el mantenimiento de todo este aparato: una razón más para cobrar impuestos a todos los propietarios de tierras.

La ley consolida una cuestionable judicatura agraria independiente. La ley desarrolla la judicatura agraria fundándose en un mandato de la CPE (Art. 176) que establece que «no corresponde a la justicia ordinaria revisar, modificar y menos anular las decisiones de la judicatura agraria, cuyos fallos constituyen verdades jurídicas comprobadas, inamovibles y definitivas». Es interesante notar que la CPE no ordena la creación de la judicatura agraria como un órgano separado de la justicia ordinaria. En cambio, en la ley se ha decidido crear la Judicatura Agraria como un aparato independiente.

Cualquiera que haya sido el criterio usado para su establecimiento, la judicatura agraria no debería ser una entidad separada. Con análoga lógica se podría fundamentar la creación de otras judicaturas (minera, petrolera, de la educación, del sector informal, etc.). Una judicatura debería simplemente fortalecer el poder judicial, creando tribunales especiales. Sin duda, ello obligaría a modificar la constitución, procedimiento que no debería desecharse.

La ley propone un difícil saneamiento de la propiedad de la tierra. La ley introduce el saneamiento de la propiedad, proceso que debería perfeccionar los derechos propietarios sobre la tierra. Sin embargo, dichos derechos no serán perfeccionados en todo el país y en las mismas condiciones. En la práctica, el saneamiento será sólo un ordenamiento administrativo, el cual consistirá en el ordenamiento simple (el que se haga a pedido de parte en áreas no catastrales o de oficio); en el ordenamiento integrado al catastro legal (CAT-SAN), y en el ordenamiento que se haga en tierras comunitarias de origen (SAN-TCO) (Art. 69). Las comunidades y pueblos indígenas participarán en el saneamiento (Art. 72). Es preciso hacer las siguientes observaciones:

- Debería existir un solo tipo de catastro, con independencia del tipo de propietario.
- Los propietarios (aunque fueran comunidades o pueblos indígenas) no deberían ser partícipes del catastro. Si éste tiene por objeto aclarar los derechos de propiedad, lo menos que se podría exigir es que las partes conserven su condición de tales y no ejerzan también como dirimidores.
- Sería conveniente elevar los títulos ejecutoriales actualmente existentes al rango de títulos de propiedad plenos, que confieren un derecho de propiedad absoluto. Si existieran conflictos, los propietarios o pretendidos propietarios tendrían que resolver sus diferencias mediante la justicia o la compra y venta.

que corrija sus falencias, pero que mantenga las limitaciones impuestas por la CPE. Por lo tanto, primero habría que modificar la CPE, y luego promulgar una nueva ley.

Estas acciones implicarían necesariamente la ruptura definitiva con una visión romántica del campesinado y del mundo étnico. En el estado actual de desarrollo de Bolivia, ya existen las condiciones para que esa ruptura sea posible.

CONCLUSIONES

Se ha intentado hacer en este artículo un balance de los aspectos positivos y negativos más importantes de la ley INRA. ¿Es esta ley, como se pretende, una segunda reforma agraria? Los argumentos presentados parecieran indicar que no lo es.

Por un lado, la ley pone un límite a la concentración de las tierras en las grandes propiedades, mejora parcialmente la administración del recurso tierra y la aplicación de la justicia: estos son méritos indudables.

Por otro, la ley impedirá la constitución plena de un mercado de tierras en todo el país, obstaculizará la formación de un mercado de capitales, frenará el desarrollo de la agricultura tradicional, rebajará el precio de la tierra produciendo una demanda excesiva, incentivará la ineficiencia en las zonas agrícolas tradicionales, fomentará la destrucción de los bosques, limitará las inversiones extranjeras, y generará un aparato burocrático complicado y potencialmente ineficiente.

El desarrollo rural y el desarrollo de los sectores agrícola, ganadero, pesquero y forestal es una necesidad urgente. Un prerequisite clave es el buen funcionamiento del mercado de tierras y la adopción de una legislación moderna. Ambas cosas son posibles sustituyendo la ley INRA por otra ley

La réforme agraire en Chine rurale depuis la moitié des années 80

Cet article analyse les principaux aspects de la réforme agraire en Chine rurale depuis la moitié des années 80. Il explique le système chinois actuel de responsabilité du ménage en insistant notamment sur ses faiblesses institutionnelles, et expose les hypothèses quant à la nature et à la direction d'une réforme agraire plus poussée avancées par les économistes chinois. L'article analyse en particulier quatre modèles de réforme représentatifs et expérimentaux mis en œuvre depuis cette période. Enfin, des leçons sont tirées du passé en vue de façonner la réforme à court et à moyen termes.

Reforma agraria en la China rural desde mediados de los años ochenta

En el presente artículo se examinan los principales aspectos de la reforma agraria en la China rural desde mediados de los años ochenta. Se expone el sistema actual de responsabilidad familiar de China, describiendo sobre todo su debilidad institucional, así como los debates teóricos sobre el carácter y las orientaciones de la ulterior reforma agraria entre los economistas chinos. Se analizan en particular cuatro modelos representativos de reforma experimental desde mediados de los años sesenta, ilustrando sus comienzos, funciones y resultados primarios. Por último, se extraen algunas enseñanzas del pasado para definir la reforma futura a corto y medio plazo.

Land reform in rural China since the mid-1980s¹

Fu Chen

Professor, Deputy Dean, College of Economics and Trade, South China Agricultural University, Guangzhou, China

John Davis

Director and Research Fellow, Centre for Rural Studies, Queen's University of Belfast, United Kingdom

This article reviews the major issues of land reform in rural China since the mid-1980s. Arguments are provided on China's current household responsibility system, mainly focusing on its institutional weaknesses. The theoretical debates on the nature and directions of further land reform among Chinese economists are also discussed. The paper particularly examines four representative experimental reform models put in place since the mid-1980s, illustrating their beginnings, functions and primary performance. Finally, some lessons are drawn from the past to shape the reform in the short- to medium-term future.

Land reforms are currently being pursued in socialist countries as well as in the independent States of the former Soviet Union and Central and Eastern Europe (CEE). However, the reforms differ from country to country. Typically, China's land reform has concentrated on land use rights reform, while in the former Soviet Union and CEE countries farmland privatization has generally been seen as a crucial component in economic transition. Although abundant literature deals with agrarian restructuring in the former Soviet Union and CEE countries (e.g. Csaki, 1990; Csaki and Lerman, 1994, 1996; Brooks and Lerman, 1993, 1994, 1995), comparatively little has been published about the reform taking place in China, particularly in the past decade. By any standard, there are many good reasons for watching closely over China's farmland reform.

This article reviews the major issues of land

reform in rural China since the mid-1980s and in particular examines four experimental reform models. Given China's huge size and its diversity in natural endowment and economic development, it is very difficult to carry out an inclusive study. Thus this paper restricts the analysis to some of the main issues and cases to shed light on the current approaches. As institutional innovation is being driven by the weaknesses of the existing agrarian system, an overview of the current household responsibility system is given, focusing mainly on its institutional weaknesses. Bringing about further reforms is bound to be a difficult and contentious task. The range of ideas and suggestions has been extensive. As theoretical studies generally precede changes in practice, a section examines the debates and controversy on the nature and directions of agrarian reform among Chinese economists. This is followed by an analysis of four recently initiated local reform cases which, in the authors' view, represent the main approaches to China's agrarian reform since the mid-1980s. The paper concludes with a discussion of the lessons from past reforms that might help to shape future measures.

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LIMITATIONS OF THE HOUSEHOLD RESPONSIBILITY SYSTEM

Land reform has characterized rural China since the founding of the People's Republic in 1949; there have been three major farmland reforms. First came a radical farmland revolution in the early 1950s. By expropriating land from landlords and distributing it to landless peasants, China achieved the goal of tillers having their own land – the dream of Chinese farmers for thousands of years – and created a stratum of private smallholders. Like other socialist countries, China shaped its farmland policy from the well-known model of the Soviet Union, which was characterized by collective ownership and unified collective operation.

To reach this target, China carried out its second land reform, a campaign of collectivization in the mid-1950s. During the process individual farmers were compelled to join collectives. The collectivization finally developed an institution called the People's Commune. With centrally controlled property rights and a misapplied egalitarian principle of distribution, the communes destroyed farmers' operational freedom and their enthusiasm for production. Much literature illustrates the poor performance of the commune system (e.g. Stavis, 1982; Lin, 1982; Lin, 1987; Chen, 1994).

At the end of the 1970s China launched an economic reform, pioneered by rural reform. China broke with the Soviet doctrine, introducing a family-based contract system, the so-called household responsibility system. Since then, household responsibility has been the nationwide statutory pattern of agricultural land tenure.² Honoured as the third land revolution in China, the household responsibility system has proved a great success. There is no doubt that the system generates incentives for production by giving

farmers freedom of land use rights and decision-making, linking rewards closely with their performance. As a result, China's agriculture has been dramatically revived. After 30 years of stagnation, growth in agricultural output in the first half of the 1980s accelerated to a rate several times the previous long-term average. Between 1978 and 1984, output of the three main crops, namely grain, cotton and oil-bearing crops, increased at annual rates of 4.8 percent, 7.7 percent and 13.8 percent, respectively, compared with the average rates of increase of 2.4 percent, 1.0 percent and 0.8 percent per year from 1952 to 1978 (State Statistical Bureau, People's Republic of China, 1985). Production of grain, the most important farming product of the country, reached a peak of 407 million tonnes in 1984, which represented a net increase of more than 100 million tonnes within only six years. The fundamental problem of feeding the giant population, which had been a great pressure in China for several centuries, was basically solved. However, a big drop in grain output was witnessed in 1985, 6 percent off the previous year, followed by stagnation until the 1990s. It appeared that the household responsibility system had exhausted its benefits, although clearly neither the dramatic growth in the first half of the 1980s nor the stagnation in the second half was the sole result of land institutional reform. However, it did have an important role, alongside, for example, real grain price changes.

Although the household responsibility system was a great success, as an institutional innovation it could not address everything. Several years of practice have exposed a number of limitations and weaknesses inherent in the system. First, tiny and fragmented farming units emerged as farmland was distributed to individual households that would farm it independently. The principle of land distribution was derived directly from collective ownership. Farmland in a village was owned by all of its members collectively. As a result, every member had equal claim on land property rights, and the norm for distributing land was based on the

² While the household responsibility system has been adopted in most rural areas since reform, about 7 000 villages (teams) (0.2 percent of all villages in China) remain in collective-run farms, accounting for 0.3 percent of total cultivated land. In addition, 21 000 villages (teams) have leased farmland to carry out group-based farming while adopting the household responsibility system (Ministry of Agriculture of China, 1991, 1993, 1996).

size of the peasant family. Given the abundant population and limited land, the amount distributed to each household was very small. Moreover, farmland differed from parcel to parcel in terms of soil fertility, irrigation conditions, location and so forth. A household had to obtain parcels from each of the grades. Thus, the total was not only insufficient but also fragmented and scattered around villages. Large areas of cultivated land were wasted in the form of paths and boundaries separating households' holdings. A survey conducted by the Chinese Ministry of Agriculture indicated that in 1986, among 7 983 sample villages from 29 provinces, average cultivated area per household was 0.466 ha (7 *mu*),³ fragmented into 5.85 plots, each plot on average 0.08 ha (1.2 *mu*) (Ministry of Agriculture of China, 1993) (see Table 1). This fragmented structure of family farming has remained largely unchanged and has arrested the possibilities of using relatively advanced mechanical equipment and agricultural infrastructures.

Second, farmers were shortsighted in action. According to the system, a person's eligibility for land depended only on his or her villager status, no matter when this was obtained. On the one hand, babies and villagers' newly married spouses from other villages were all eligible claimants, having equal rights to share equal amounts of land; on the other, when a villager died, his or her right would automatically disappear. As population increased, villages had to readjust the distribution structure, which further subdivided the farmland.⁴ The endless redistribution of farmland resulted in many problems:

- the situation of a small and fragmented farming structure further deteriorated;
- worried about the risk of losing their land as well as investment, farmers had no

³ 15 *mu* = 1 ha.

⁴ According to a survey conducted by the Chinese Ministry of Agriculture, since the implementation of the household responsibility system in 1978, 65.2 percent of China's villages readjusted households' land – 37.1 percent once, 19.8 percent twice and 8.3 percent three times. The main reason was population growth (Kong, 1993).

TABLE 1
Area and fragmentation of household land

Year	Cultivated area per household (ha)	Number of plots per household	Average size per plot (ha)
1986	0.446	5.85	0.080
1988	0.466	5.67	0.078
1990	0.420	5.52	0.076
1992	0.466	3.16	0.148

Source: Ministry of Agriculture of China, 1993.

incentives to improve land conservation and agricultural infrastructure – irrigated land, one of the most important components of agricultural infrastructure in China, remained almost unchanged during the 1980s;

- farmers overexploited the soil to pursue short-term returns;
- the process of land redistribution itself was costly, requiring much labour and time in organization and implementation.

Third, farmland was generally poorly endowed with the necessary human capital. Under the household responsibility system, egalitarianism was generally the leading principle guiding land distribution, with little consideration given to interfamily differences such as labour capability, education and individual preference.⁵ As a result, some large households with a limited labour force could have too much land to work, while other smaller households, particularly those specialized in agriculture, could have insufficient land for full employment. This kind of problem was much worse in areas experiencing rapid rural industrialization and urbanization. In these areas there was a general deterioration in the agricultural labour force as the most able workers tended

⁵ There were generally four methods for distributing household-responsibility land: on the basis of the total number of people within a village; on the basis of the available labour force of individual households within the village; by combining the preceding two methods, whereby a fixed proportion of household-responsibility land was assigned according to the total population while the remainder was allotted on the basis of labour; and by assigning land to a specialized team or group. A survey conducted by the Ministry of Agriculture indicated that these different methods were used in 69.4, 4.4, 25 and 1.2 percent of 253 sample villages, respectively (Kong, 1993). Thus land was distributed mainly on the basis of household size.

to leave the villages. Adding to the problem was the fact that those finding off-farm work did not renounce their right to farm but retained a part-time involvement. Many did not give priority to cultivation and at times even let the land lie idle. Thus, the scarcest resource was underutilized.⁶

To sum up, the household responsibility system maintained egalitarianism but was less successful in terms of economic efficiency. As for the unsolved problems, the negative aspects of the household responsibility system will inevitably become more and more of a constraint on the further development of China's agriculture. China faces a challenge once again.

THEORETICAL DEBATE ON FURTHER REFORM

As early as the mid-1980s, when the household responsibility system began to exhibit the above-mentioned problems, China started to pursue new measures to improve its agrarian institutions under a call for a second stage of rural reform. During the process, different and even divergent ideas and suggestions have emerged. The debate between contrasting viewpoints exerts considerable influence, not only on the evolution of the theories themselves, but also on reforms in practice.

In the early stages, discussions mainly focused on whether collective ownership should be maintained and what form of property rights could be adopted. Two divergent ideas drew much academic attention. One group of economists advocated farmland nationalization. Their central idea was that State ownership of farmland with individual lifelong possession

could be the best solution. They argued that collective ownership of farmland did not exist in practice in rural China: rural collectives never had exclusive property rights on land under the so-called collective system. During the commune era, collectives were prohibited from selling the land they owned (except to the State) or from buying land from other owners. Farm products could only be sold to State commercial institutions at administratively low prices; thus farmers were denied the right to benefit from farming. Farmers' land use rights such as production decisions were also weakened by the rigid State procurement system. Under the household responsibility system, farmers still failed to have complete rights on land. They lacked the right to transfer their contract land, and their rights to use and benefit from the land were further weakened by administrative interference and continued State procurement. As a result of these infringements of property rights, the State was the real landowner – the biggest landlord in rural China (Din and Cheng, 1994). These economists argued that if public ownership was a kind of dogma, it would be better to abandon the name "collective" and institute State ownership instead, in order to live up to the letter and spirit of the system. Through nationalization of farmland, farmers would be granted permanent land use rights. They could buy, sell, mortgage and bequeath their rights. Although peasants would not be landowners, lifelong tenancy in effect could be as efficient as owner cultivation (Din and Cheng, 1994).

Although these arguments are persuasive, the idea of farmland nationalization was not seen as likely to find public acceptance. The first objection of opponents was financial. They asked if the State would need to pay to effect the transfer of land. Although the ownership of collective farmland is ambiguous, it was unlikely that the State could get the land free; it would have to pay at least part of the price. The government would then have to consider social and political risks. An agreement to pay would entail financial embarrassment. In addition, opponents wondered whether the State would

⁶ In theory, land mobility and regrouping could be achieved through land marketing. However, in the absence of the proper legislation and mechanisms for land mobility, few land transfers took place. A survey indicated that in 1990, 2.09 million households subcontracted 0.425 million hectares of farmland, representing only 1 percent of households and 0.44 percent of farmland under the household responsibility system. During the ensuing years there were only small changes. In 1992, the figures were 4.73 million households and 0.769 million hectares of land (2.3 and 0.9 percent, respectively), and in 1994 the figures decreased to 2.38 million households and 0.63 million hectares of farmland (Ministry of Agriculture of China, 1991, 1993, 1996).

be able to manage farmland as well as collectives do. Some economists bitterly criticized the idea of land nationalization as intending a return to the abolished commune system; others viewed it as a kind of quasi-private ownership. Given the strong objections, farmland nationalization is unlikely to be put into practice.

A second group of economists was willing to accept the critique of collective ownership; however, instead of farmland nationalization, they advocated individual ownership. They argued that only under individual farmland ownership would it be possible to overcome the above problems. To defend themselves against criticism for advocating privatization, they tried to find theoretical support. They argued, by the theory of Karl Marx, the founder of socialist thought, that socialism would rebuild the society on the basis of socialized individual ownership. Accordingly, some took the view that the vital difference between socialism and capitalism is whether the main production means are owned by all individuals or by a small number of individuals – the former case being socialism. They argued for a break with the theoretical doctrine that socialist ownership could only be through State and collective ownership (Li and Li, 1989; Lin, 1989).

The idea of farmland individualization was presented as a rebellion against tradition and orthodox theory. However, it is likely to be very problematic in practice. Beyond its current political impossibility, several objections need to be answered. First, the question of whether individualized landownership is really a new concept of socialism or rather capitalism by another name is a source of much controversy; there is certainly no consensus on this point, and many would disagree with the above-mentioned “modern” interpretation of socialist ownership. Second, most economists do not consider land individualization or privatization an appropriate solution to existing land problems in China. Bearing in mind the Chinese historical experience, they argue that under private ownership land fragmentation could be further worsened. Third, although

the private sector was eliminated immediately by decree, its re-creation would require very careful consideration and planning: hasty transition would entail social and economic risks. The unfortunate problems encountered in rapid agrarian privatization in the countries of the former Soviet Union and Eastern Europe are well documented (Nikonov, 1992; Novoselov *et al.*, 1993; Brooks and Lerman, 1995; Peters, 1995). Moreover, a 1991 survey indicated that Chinese peasants did not show much enthusiasm for land privatization (Xia, 1992). Only 13.5 percent of the sampled peasants agreed with the idea, 79 percent expressed a negative attitude, and the remainder did not specify their ideas (Table 2). The reason might be that for several centuries most Chinese peasants greatly suffered from a lack of land. They may wish to avoid the perceived risks associated with privatization. However, there is probably also a feeling of ambivalence: they prefer at the moment to opt for a collective form of ownership although they are unhappy with aspects of the current system. There is clearly a need for a more up-to-date review of peasants’ attitudes on this issue.

As the theoretical debate developed, a third group of Chinese economists took the view that it was more feasible to improve land use rights than to change ownership of land. They argued that both approaches, i.e. nationalization and individualization, were still strongly trammelled by the previous doctrine where the concept of ownership was overstressed and taken as the sole key point of property rights. Following modern theory

TABLE 2
Peasants’ attitudes towards land privatization

Village income level	Agree with land privatization?		
	Yes	No	Unknown
	(%)		
Lowest	23.1	73.1	3.8
Lower	9.6	86.5	3.9
Middle	12.8	79.1	8.1
Higher	13.3	77.9	8.8
Highest	13.9	74.4	11.7
All villages	13.5	79.0	7.5

Source: Xia, 1992.

they believed that ownership was, on the contrary, just one of the components of property rights. Other components include the rights to consume, to obtain income from and to alienate assets (Barzel, 1989). The purpose of property rights is to define interests and obligations among participants sharing an asset. Without the clarification of property rights, participants could shoulder burdens for others and this could generate problems such as moral hazard and free riders. According to the theory of property rights, the ownership of land in rural China is clear, but the property rights of farmers are very incomplete. Land is owned by farmers collectively rather than individually, but the land use right is granted to farmers as individuals. In theory, farmers should have an exclusive use right which should mean the freedom to consume, to obtain income from and to alienate the use right at their will. In practice, however, farmers' land use rights are insufficient. Their rights to consume and to obtain income from land are weakened by the State procurement system and distorted prices. Furthermore, farmers are prohibited from transferring their land use rights. These drawbacks, in combination with the problem of frequent land redistribution, lead farmers to feel that they are only nominal owners. As a result of the ambiguous status of land use rights, farmers' incentives to take care of their land are considerably weakened. In addition, as land use rights are not tradable, it is difficult for land markets to develop. Thus, the problem of land fragmentation remains highly intractable. If there is no possibility of changing landownership, there exists, nevertheless, vast scope for improving the land use rights system. At present, therefore, the most important thing is to clarify farmers' property rights so as to foster their production incentives and prevent further farmland fragmentation.

From the above brief review, it is clear that Chinese economists all agree about the need for further clarification of land property rights, but they hold different views on how this should be done. In the absence of a universally accepted approach, recent land reform initiatives have been guided mainly by

the ideas of the third group of economists, which are seen to be less socially and politically risky and more easily accepted by the central government. Under the principle of adhering to collective ownership of farmland and reforming land use rights, the government has issued a number of policies and measures. For instance, in 1983, households were allowed to exchange their labour with others and to employ limited amounts of labour for farm work. For the purpose of providing better incentives for soil conservation and investment, leaseholds were extended to 15 years in 1984, and then to 30 years in 1995. In the late 1980s, rural households engaged in non-farm business were allowed to sublease their land to other villagers in order to prevent land from being left idle. Meanwhile the central government also encouraged more flexible measures to be carried out at the local level. Experimental land reform models were initiated in selected locations of various provinces in the mid- to late 1980s. Thus, China is actively pursuing appropriate models to guide further land reforms.

NEW MODELS AND RUDIMENTARY ACHIEVEMENTS

As the preceding analysis has shown, frequent readjustment of household-responsibility land has been creating big problems because of further fragmentation of farmland and the shortsighted behaviour of farmers. The policy-makers' hope of basically stable, small adjustments was based on the strong desire to stop or slow down the fragmentation; however, the outcome in practice has been an entire redistribution and in a structural sense has been totally negative. The redistribution proved very difficult to prevent because of the fundamental importance of land for subsistence agriculture and for avoiding starvation among the growing population in rural areas. Nevertheless, solutions are being sought with urgency. Different regions have reacted to their own sets of economic possibilities in a variety of ways, utilizing different organizational forms and development strategies to meet their different needs and priorities. The government has

conducted experimental reforms in selected districts to encourage localities to try different methods. This section examines four new models of land reform adopted since the mid-1980s. Most of these reforms have been carried out in the experimental districts and therefore have had considerable national impact on the land reform process.

Meitan: fixed responsibility farmland within a contract term

Located in northern Guizhou, Meitan is a county with a rural economy typical of the province (Li and Din, 1994; Meitan Rural Reform District Office, 1994). About 93 percent of its population of 400 000 is engaged in agriculture. Meitan is rather poorly endowed with farmland. In 1987 the total 30 000 ha of cultivated land occupied only 17 percent of the territory; per caput cultivated land was a mere 0.087 ha. In the process of implementing the household responsibility system, land fragmentation emerged as a big problem because of population growth and land redistribution. The level of fragmentation was very high. According to a survey, the average household's cultivated land was divided into 15 plots, with the largest 0.13 ha and the smallest 0.005 ha. In one extreme case, a peasant householder with seven family members had 128 plots of farmland. The boundaries and paths between plots occupied nearly 12 percent of active land area in the county. The fragmentation had become so intolerable that farmers expressed a strong desire to stop land redistribution.

The initial local government response was to make another distribution and then to fix the structure for 20 years. However, most peasants disagreed with this idea. An investigation among 510 peasant households showed that 64.7 percent wanted to stop redistribution at once. Therefore, a local policy, extending the tenure term to 20 years (originally 15 years) and fixing contract land within this period irrespective of births or deaths of household members, was initiated in December 1987. After careful trial in two villages the policy was extended to all rural areas of the county. Following adoption of the

policy, farmers were granted inheritance rights on their land and the ability to exchange land with one another, to subrent, to pool land and to mortgage for credit. Meanwhile, the local government encouraged households to farm wasteland and to develop small family businesses such as processing and animal breeding, and surplus labour was encouraged to find work outside agriculture.

Several years after adoption of the policy some rudimentary effects can be seen. First, most local farmers have welcomed the policy. According to an investigation, only 10 percent of households asked for land readjustment; they complained that the original land distribution in the early 1980s had been unfair, rather than the policy itself. Second, farmers had greater incentives for land investment and conservation. By 1993, 100 000 ha of new land were developed (average 0.03 ha per caput), which represented one-third of the per caput farmland of the county in 1978. Land fertility grades were advanced and farmers increased their purchases of fixed means of production. Third, land fragmentation was to a large extent brought under control. In 1991, the area occupied by paths and boundaries between plots was almost the same as it had been in 1987. Land subdivision now took place mainly within households as children matured, instead of being redistributed among the households of a village. In addition, farmers' attitudes towards increasing family size changed. Traditional Chinese culture equates more children with more happiness. However, under the new land system, as new babies are not able to get land during the contract term, 41.4 percent of the sampled households showed a negative attitude towards having more children.

In 1993, the policy of fixing contract land was formally legislated as the provincial land management law and applied in all rural areas of the province. In 1995, when the Chinese Government issued the new land policy, in advance of the first 15 years' tenure coming due, Meitan's experiment was included in the central government

document. Although the document just suggests that appropriate villages should consider the policy, its inclusion shows that after eight years of experimentation in a small local county, the policy of fixing land is gradually becoming integrated into national institutional arrangements. This is indeed a significant change.

Pingdu: a two-land system

The strong desire in China for social equity in land matters may limit the applicability of the fixed land system in national terms. An alternative which seeks greater economic efficiency while attempting to maintain a degree of social equity is the so-called two-land system. The system originated in Pingdu, a county-level city in Shandong Province.

Pingdu is an area where cultivated land and collective economic infrastructure were relatively well developed in the People's Commune era. After adoption of the household responsibility system, Pingdu was confronted with a growing number of issues that were difficult for individual farm households to handle. These included encouragement of the use of advanced agricultural machinery and equipment and the continuing development of agricultural infrastructure in order to improve production conditions and expand output.

In 1984, Pingdu adopted the two-land system on a trial basis. The total cultivated land in a village was divided into two parts: food land (*kouliang tian* in Chinese) and contract land (*chenbao tian*). The two kinds of land have different functions: food land is for family consumption and contract land for commercial farming. All households have their own food land and can choose whether or not to take contract land. Usually, part-time farmers only take charge of food land for subsistence production; they also pay taxes, including the State agricultural tax. Households which also take contract land have an obligation to fulfil government procurement quotas and pay taxes. However, they can sell their surplus production in the free market. This incentive enhances their enthusiasm for production on contract land.

The key feature of the two-land system is division according to usage. As food land is to guarantee peasants' living essentials, it is distributed relatively evenly or equitably. In Pingdu, it is distributed on the basis of household size and average grain consumption. The norm reflects local conditions: 225 kg of grain per caput per annum for basic food consumption; 400 kg of grain per household per annum for animal feed (normally two pigs and ten chickens per household); and 20 kg of grain per *mu* of land (0.067 ha) for seed planting. A total of 350 kg of grain is estimated to be needed by each person. Given the local grain yield average of 650 to 700 kg per *mu*, at least 0.5 *mu* (0.033 ha) farmland should be granted to each person as food land.

As to contract land, the main concern in allocation is efficiency. Farmers bid competitively for this land. The bid price in Pingdu normally reflects obligations towards government procurement and the collective as well as land tax (approximately 4 yuan renminbi⁷ per *mu* of land). Bid prices differ depending on the grades of land. In 1988, the price range per *mu* per annum in Pingdu was 53 to 71 yuan (US\$6.36 to \$8.52), which typically represented 30 to 40 percent of annual net income per *mu* of farmland. However, allocation of contract land is not decided only based on price. Some intervention is still judged to be necessary to prevent excessive competition between farmers resulting from the scarcity of the farmland resource and limited employment opportunities outside agriculture. Usually a limit on cultivated area of between 5 and 15 *mu* (0.33 to 1 ha) per labour unit is imposed, depending on the land endowment of the locality.

To encourage larger-scale operation and to avoid fragmentation, contract land is offered in relatively large parcels, usually between 20 and 30 *mu* (1.33 to 2 ha), depending mainly on locality and land quality. Household group bidding is strongly encouraged in order to promote cooperative activity. The land is

⁷ 1 yuan renminbi = US\$0.12.

normally allocated for five years and the contract cannot be changed within this term. However, during the term the relative amounts of food and contract land can be altered if changes in household size take place. If a household increases in size, the village will reduce its contract land area or, alternatively, its procurement obligations so as to increase the capacity for subsistence production. If a size reduction occurs the process operates in reverse. Thus, the frequency of changes in the level of active contract farming land per household is reduced.

After only a relatively few years of operation the two-land system has achieved some encouraging results. First, the previously even allocation of land among households has changed considerably. Some 30 percent of 120 households surveyed in 11 villages had increased their land areas, 50 percent of these by as much as 5 *mu* (0.33 ha) (Jiang, Chen and Jia, 1994). Just over 9 percent of households cultivated only food land using female labour; as a result, male workers were able to concentrate on non-agricultural business. Agricultural performance was also much improved. Total grain output increased from 795 000 tonnes in 1987 to 1.041 million tonnes in 1994. Grain yield per unit of land increased by 32.4 percent. At present, Pingdu ranks tenth in grain output among 2 200 counties and county-level cities in China.

In the short period since Pingdu adopted it, the two-land system has developed from a couple of village experiments to nationwide practice. By the early 1990s it had become a nationally accepted and popular form of agrarian institutional innovation. Table 3 shows the main results of a series of surveys conducted by the Ministry of Agriculture. In 1990, there were 1.19 million villages and 37 million hectares of farmland under the two-land system in one form or another, accounting for 26.9 percent of China's total villages and 38.2 percent of total cultivated land where the household responsibility system was implemented. In 1992, the two-land system peaked at 1.7 million villages and 39.3 million hectares of farmland, 32.3

TABLE 3
Development of the two-land system in China^a

Region	Number of villages (tens of thousands)			Area (million ha)		
	1990	1992	1994	1990	1992	1994
National	119.2	170.0	117.7	37	39	42
East	58.8	115.8	n.a. ^b	15	15	14
Central	27.8	30.4	n.a.	16	19	20
West	32.6	23.8	n.a.	5	5	7

^a Excludes Tibet.

^b Not available.

Source: Ministry of Agriculture of China, 1991, 1993, 1996.

percent of total villages and 44 percent of total cultivated land. By 1994, the percentage of villages under the two-land system had decreased slightly, to 31.5 percent, but the land area had increased to 47.8 percent (Ministry of Agriculture of China, 1991, 1993, 1996).

Why has the two-land system achieved such success in a relatively short time? The most plausible explanation is that by separating the household's land into two the new system institutes a workable means of preserving social equity while at the same time allowing the pursuit of greater efficiency.

Shunyi: collective farm

In the above two cases, individual farming, the core of the household responsibility system, remained largely unchanged. However, as was shown earlier, although individual farming succeeded in stimulating farmers' production incentives, it led to land fragmentation. Reconsolidation of farming land has thus been regarded as one of the goals for further reform currently under discussion. Perhaps surprisingly, collective farms reappeared in some rural areas close to urban centres and some coastal provinces of China in the late 1980s. Considerable concern was raised, even among Western scholars (e.g. Reisch and Vermeer, 1992), that this development could signal a return to the People's Commune system.

Shunyi, a suburb county northwest of Beijing, is one location of such collective farms. According to a 1994 survey, collective farms in Shunyi county occupied 62.8 percent of total cultivated land, about 9.7 ha per employee (Luo and Zhang, 1995). A very

important factor in the successful establishment of these collectives was the relatively high level of rural industrialization. Shunyi's location near a major consumption centre meant that it was blessed with many marketing channels, many means of transportation and advanced communication facilities. The area also had developed strong non-agricultural rural enterprises, and many rural people sought employment in township enterprises: 60 percent of the rural work force had abandoned farming. Part-time farming had become the mainstream. Farmers had gradually lost enthusiasm for farming as the contribution of agriculture to household income declined. The problems of agriculture in the area are demonstrated by the fact that the annual growth rate of grain output was 6.4 percent from 1978 to 1984 but fell to 1.2 percent from 1984 to 1986 (Luo and Zhang, 1995). Most part-time farmers even wanted to return their entire land entitlement to the village cooperatives.

In response to farmers' requests, collective farms were introduced in 1986 to achieve a more optimum-scale operation. However, the operation of these collective farms is significantly different from that in the People's Commune era. Normally, the village provides agricultural machinery and is responsible for developing infrastructure. Collective farms are titled as the farming enterprises of the village with which they have signed a contract. The collective farms operate independently. The employees of the farms earn wages rather than the working points of the old commune system. After completing the contract, which usually includes fulfilling State procurement quotas and an offering to the cooperative, collective farms distribute part of their surplus as a bonus to employees according to their performance; the remainder, as the farm's profits, is set aside as a common accumulation fund. Those who returned their land use rights to the villages are given the privilege of purchasing grain at lower prices for their own consumption.

Apparently, the collective farm is subjected to a system of collective responsibility rather than an individual household contract system. Since the collective farm is registered

as an enterprise of the village, it is possible for the village to transfer some profits from non-agricultural enterprises to the collective farm. The effects of this kind of operation are controversial. On the one hand, agricultural infrastructure is rapidly improved by the financial support from non-agricultural enterprises; on the other, as productivity is also benefited by the improved infrastructure, the collective farm may be encouraged towards free-ride behaviour. This problem was common under the old commune system and casts a shadow on the collective farms' future operations.

Available evidence suggests that there have been some major achievements in the performance of collective farms in Shunyi. Although the total grain output and the yield per unit of land increased modestly between 1986 and 1994, grain output per agricultural worker grew dramatically – eightfold – during the same period. Agricultural productivity has been improved significantly by rapid farming mechanization from ploughing to harvesting on the collective farms. Surprisingly, employees of collective farms currently earn higher incomes than part-time farmers employed by township enterprises. The internal accumulation of the collective farms reached 60 million yuan in the five years from 1987 to 1992 (RIDA, 1995).

Nanhai: a farmland shareholding cooperative system

The Shunyi-style system is not the only collective model to re-emerge: there are other variants of this model throughout rural China. However, the farmland shareholding cooperative system has emerged as a completely different type of collective and has aroused strong interest. So far, it is confined to the Pearl River Delta area of Guangdong Province. The farmland shareholding cooperative system was initiated at the end of 1992 on an experimental basis in Xiabai, an administrative-level village of the county-level city of Nanhai. Nanhai has emerged as one of the major growth areas in China over the past two decades; it is well known as one of the so-called "four tigers" in the area because of its rapid industrialization and urbanization. (The other three "tigers" are Zhongshan,

Dongguan and Shunde.) In the process of rapid development, land reform emerged as an issue of great importance for two main reasons.

First, reform was necessary to improve agricultural performance. While rapid rural industrialization was achieved, agriculture had gone into decline. Increasingly, rural labour, particularly young educated workers, found employment in non-agricultural sectors, and agriculture suffered through loss of human capital. Workers that shifted to non-agricultural sectors still kept their household-responsibility farmland because of the perceived risks associated with losing land property rights. Therefore, farming in most villages was mainly undertaken by the elderly, females and even children. Agricultural development became an urgent issue as it was recognized that social and economic modernization could not be sustained without agricultural development.

Second, it was necessary to develop a comprehensive land use planning system. The process of rapid rural industrialization and urbanization led to the conversion of a great deal of land to non-agricultural uses. The rational use of land resources became more and more important. There were very difficult conflicts. On the one hand it was considered necessary to preserve agricultural land, but on the other, the strategy of promoting rural industrialization and urbanization (called "leaving the land but not the countryside, entering the factory but not the city") led to excessive growth in the number of small factories and towns and to enormous waste of scarce land (for a detailed discussion see Fu, 1995). There was a need for land utilization to be reorganized, but it was not clear who the responsible authority should be. Rural land was in the hands of natural villages, the basic unit in rural China, but the natural village was too small to manage it effectively. The administrative village, a higher-level rural organization, had the capacity but was not the landowner. In an attempt to resolve the conflicts, the farmland shareholding cooperative system, a kind of land-as-stock system, was initiated.

In the farmland shareholding cooperative

system the first step is valuation of the farmland. Currently, in the absence of a standard approach, three valuation methods may be applied: one based on the the prices paid by government for land conversion; one based on the net incomes of land after deducting input costs; and a mixture of the first two methods (Nanhai Rural Reform District Office, 1994). Although the methods are imprecise, this has not hindered the implementation of the system.

The key aspect of the system is the distribution of land shares to individual peasants. Cooperative membership serves as the main criterion for share entitlement. Age is an additional consideration; children are normally entitled to half shares. Farmers receive their shares – paper entitlements – without any payments. When land shares are allocated, there is no actual distribution of physical plots. Furthermore, the shares cannot normally be withdrawn or transferred (although in some cases the shares can be transferred to the next generation). After receiving land shares, farmers return their land use right to the natural village to which they belong. The natural village then offers the land entitlement to the administrative village to which it belongs. The administrative village is now in charge of land use. Usually an agricultural company subordinated to the administrative village will be founded, which becomes responsible for agricultural land. The land is contracted to individual specialist farmers or farming teams based on a bidding process. In practice, most peasants do not bid to farm the land. However, as they are land shareholders they are able to share dividends and also to promote their ideas at shareholder meetings.

The farmland shareholding cooperative system is still in the early experimental stage, yet the effects are encouraging. Within only three years the system was introduced to almost all villages in Nanhai and other rural parts of the Pearl River Delta area, and it has been welcomed by the local people. Agriculture is much improved. Introducing the system has made large-scale farming possible. By 1993, the cultivated area per labour unit in Nanhai had increased to

7.6 ha, ten times more than before the system was introduced (RIDA, 1995). In Xiabai, the birthplace of the system, grain production has been contracted to a group of 30 farmers. They manage the farm independently and provide the main source of grain for local consumption.

Administrative villages have made comprehensive land use plans, taking account of the needs of the three main land use areas, namely agriculture, industry and city construction. Thus it is likely that land use will be organized in a more rational and efficient manner. In the long term, moreover, the emergence of the land shareholding system may act as a catalyst for rural industrialization and urbanization because of more efficient use of land and labour.

DISCUSSION AND CONCLUSIONS

Although it is clear that China has been making substantial progress with land reform, the pace has been somewhat slower than expected. All the new approaches remain in the experimental stages and no mature national model has emerged. At this stage in the process it is difficult to judge the models' performance relative to one another or to conclude which one might be more effective. However, four tentative conclusions can be drawn about the experiences to date; these insights should be valuable for steering the reforms in the short- to medium-term future.

Land reform in China has emerged as a difficult issue of trade-off between social equality or equity⁸ and economic efficiency. It seems apparent that land reform in China since the mid-1980s has been caught in this dilemma: where social equality or equity considerations predominate,

⁸An important distinction can be made between equality (egalitarianism) and equity. The former is concerned primarily with the humanity of individuals and upholds their right to a share in resources and rewards based entirely on their human condition regardless of their contribution to social and economic progress. The latter is concerned more with the contributions that individuals make to progress; this is the primary basis on which their share in resources and rewards is to be based.

economic efficiency has been held back. For example, the fixed responsibility land in Meitan can only be maintained for one contract term (20 years); after that, redistribution of land cannot be avoided. The land shares distribution in Nanhai also illustrates the trade-off, with land shares allocated equally and the relative contribution of labour to the collective largely ignored.

The two-land system, probably the most suitable for many rural areas in China as it is less restricted by local conditions, has not realized its potential. Recently, the speed of implementation of the two-land system has slowed down substantially. A key factor has been that it is more difficult to pursue efficiency under the system than was hoped. In the case of Pingdu, the small-scale farming structure remained largely unchanged after adoption of the two-land system. Originally, the contract land was intended for development of larger-scale commercial farming. However, in practice, contract land was leased to households largely based on family size, much as under the household responsibility system. Table 4 shows that nationally, since the early 1990s when the two-land system was adopted, more than 60 percent of total contract land in sampled villages has been leased on the basis of household size, around 30 percent on the basis of household labour and only 6 to 7 percent through bidding competition, the approach most likely to secure a relatively efficient scale of commercial farming. Thus, the system has not given people much new experience.

In looking closely at the situation, an important lesson might be learned. Currently, the goals of equality or equity are still outstandingly important. Thus, an effective reform strategy in China in the current environment must satisfy these criteria and then seek efficiency incrementally. Otherwise, it is unlikely that any reform approach or process can succeed.

The clarification of land property rights has proved to be still at an early stage. So far farmers have had insufficient property rights. For example, in the cases of Meitan and Pingdu, farmers' land property rights are

TABLE 4

Basis for leasing contract land under the two-land system (%)

Year	Household size	Household labour	Bidding
1990	64.0	29.9	6.1
1992	60.9	33.2	5.9
1994	68.0	25.0	7.0

Source: Ministry of Agriculture of China, 1993, 1996.

still unstable. As the contract term progresses to the due date there will be great uncertainty among farmers and an expectation of loss of productive capacity. This will tend to perpetuate the problem of underinvestment in land and fixed assets. In the case of Nanhai, the land shares are really just paper entitlements, which lack the real attributes of shares in a joint stock company. In particular, farmers cannot get compensation for their shares even when they move to a city and are no longer active in their village. This lack of incentive tends to make farmers reluctant to leave their village. Thus, surplus agricultural labour continues to grow in villages, slowing down the progress of rural industrialization and urbanization.

As the inadequacy of property rights hinders the reform process, further clarification of farmers' land rights will undoubtedly be a key issue. However, this area is still very controversial. Study is urgently needed on the nature and extent of land property rights that should be granted to farmers and protected. Otherwise, it is likely that the reform process will continue to be frustrated and may well stall.

This issue also raises questions about the role of central and local governments. To date the central government has tended to stand back and leave decisions to the local authorities. However, the latter are calling for a clear general statement of policy; there would seem to be some justification for this position, as the issues are clearly of fundamental national importance.

The implementation of land reforms in China has reflected and will continue to reflect the diversity of local conditions. In the early 1980s, the household responsibility

system emerged as the dominant national institution in rural China. By contrast, the deepening of the reform process since the mid-1980s has reflected much more the diversity of local conditions and circumstances, and no universal model has emerged. As the local conditions are hard to change, reform will continue to reflect diversity, at least in the medium term. Indeed, to ignore local conditions and needs would delay and even distort the process of structural change in the countryside.

It seems clear that the most successful reforms have taken place where there has been a clear understanding of local specificity and no excessive reliance on an imposed imported model. In addition, particular attention must be paid in the future to the prevention of unnecessary administrative interference and excessive rent-seeking behaviour. There have been instances where reform has been used as a vehicle for different goals. For example, it is reported that the two-land system was heavily distorted in some places; the introduction of the system served as a means of levying high charges for contract land, and as a result contracts were disrupted and some farmers lost half their original land. The consequence has been a change in farmers' attitudes to the two-land system, from one of welcome to one of rejection (Ministry of Agriculture of China, 1996).

Successful further land reforms in China depend on the creation of a dynamic environment.

Apart from the dilemma between equity and efficiency alluded to above, it is clear that the appropriateness of particular models and the pace of land reforms to a great extent depend on the state of overall development of the rural economy, and particularly non-agricultural industry. For example, it is reported that in some coastal areas of China, the two-land system is developing towards a one-land system; local farmers are said to be abandoning their food land completely and this land is being tilled by farms organized by villages (*People's Daily*, 1996). However, as has been noted earlier, the Shunyi-style collective farms have

encountered problems as well concerning property rights relations between the farms and the collectives, and thus there are clear problems in moving towards recognition for this model.

Nanhai's farmland shareholding cooperative system seems less in dispute. The system was initiated against a background of rapid rural industrialization, where either the farmers wanted to abandon farming or local villages had considerable financial capability to support agriculture. As it is to be expected that in the next few decades rural China will become more and more industrialized, it may be legitimate to ask whether this system, or a further development of it, has the potential to become more popular or even adopted as a national model.

Thus, it is possible to envisage a rural reform strategy with two main strands. One will be to ensure that the dynamic structural changes in the wider rural economy, and particularly rural industrialization, are maintained or quickened and more widely distributed. The other will be to deepen the land shareholding cooperative experiment with a view to improving the system, especially in the area of property rights of farmers.

Of course, agricultural policy and agrarian institutional innovation are not independent of one another. So far, the government has been slow to develop or deepen institutional innovations in other areas in support of land reform. For example, market signals are distorted, with the result that farmers' production incentives are weakened. The development of a land market, which would facilitate structural consolidation among fragmented small farms, has been hampered by the lack of political will to introduce effective land rights legislation. Under such an unfavourable policy environment, it is unrealistic to expect great achievements from further land reforms in isolation.

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