

Global Experiences in Land Reform: Comparative Study of Best Practices With Special Focus on Africa

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Presented to the First International Conference on Agricultural Law.

Event online on September, 23, 2021

The Global Scene

- Bhattacharya *et al.* (2019) identify 372 major land reform enactments from 165 countries between 1900 and 2010
- Each attributable to one or (usually) more of 12 distinct motives:
 - landholding ceiling imposition
 - Expropriation
 - Redistribution
 - Distribution
 - Restitution
 - Consolidation
 - improving tenure security
 - Privatization
 - Collectivization
 - Nationalization
 - recognizing customary, indigenous rights

Land reform in Latin America

- Land reform in Latin America started in the 1960`s with an almost universal conviction that associative forms of productive organization could play the land reform processes.
- The main reasons for the failure in the Latin America case, many collectives were forced on the peasants who did not have any other alternatives available
- Many collectives broke up into smaller individual family holdings who were not such committed farmers.
- Insufficient planning, training, technical and financial support services and access to markets
- Today efforts are directed at ‘modernizing’ rather than substituting ‘traditional’ and customary land governance system

Land reform in the BRICS

- **BRAZIL:** land reforms unable to resolve dual economy and cant escape Middle Income Trap
- **RUSSIA:** Privatization enhanced large scale players to strengthen industry links , limited expansion of middle class
- **INDIA:** small farmers and landless initially empowered with positive impact economically and socially. Today push control of agrarian sector by middle-large players
- **CHINA:** most successful deployment of land reforms to create massive rural middle calss that has led to largest economy in record period.
- **SOUTH AFRICA** has had limited redistribution of land to those dispossessed by Apartheid. The massive economic structural faults, like Brazil, cant be resolved by import substitutions or urban solutions – begging for urgent land reforms as means of expanding rural middle class

Land reform in Africa

- Recognition of customary rights- almost every country
- Government and elite control
- Large scale land based investments
- Land redistribution

AFRICA'S LEGAL CHALLENGES WITH LAND REFORM

1. **Dual/multiple legal jurisdiction** -- means conflict between given/colonial/statutory laws versus customary laws which are generally not codified
2. **Dual economy** -- Eurocentric commercial law applies to land previously held by colonial settlers, meanwhile there is no interpretation of commercial value in customary land because of the African worldview that integrates all values and purposes of land
3. **Landholding ceiling imposition** – challenge with valuation
4. **Compulsory acquisition**, Expropriation, Redistribution – especially east and southern Africa loaded with legal and constitutional contradictions
5. **Consolidation** usually targeted customary land for concessions so as to allow LSLBI
6. **Improving tenure security** experience mostly negative impact with compulsory titling. Requires prior protection of current landholders through constitutional recognition of customary, indigenous rights– even with no formal registration