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REVIEW ARTICLE

Collateral: The Sword of Damocles of the Small-scale Farmers; Land Tenure Issues in Africa

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Abstract:

Introduction:

Numerous studies have been conducted on tenure and how it affects agricultural productivity. However, in Africa, its complexity emanates from the existence of various types of land tenure systems. This study examined hypotheses derived from the economic theory of property rights.

Problem Statement:

It is difficult to comprehend the manner in which land tenure issues influences farmer incentives. A perception is held regarding the complexity of instituting policy reforms to 'fix' tenure problems.

Methodology:

The economic research results related to land tenure, tenure security and their impact on land investments and agricultural productivity, and how these relate to hypotheses generated from the economic theory of property rights in Africa were evaluated. The study is essentially a qualitative approach and is based on literature review and secondary data sources.

Results:

There is an intimate link between Land tenure development and various constructs of political economic issues such as governance, democracy, empowerment, social justice, equity and development. Consequently, until the recognition of historical issues and political challenges associated with resource redistribution, any solutions to land and tenure questions will lack context and will fail to fulfil the crucial aim of transforming property relations and creating social change. There are convergence and divergence of economic research on land tenure.

Conclusion:

Land tenure reform is a time-consuming process requiring thorough public consultation and careful preparation. Recently, many international organisations and governments have embarked on land purchases/grabs in Africa exposing smallholder farmers to the arbitrary land acquisition and hence, exacerbating food insecurity in Africa.

Keywords : Land policy, Land tenure, Land tenure security, Poverty alleviation, Contract farming, Collateral, Rental.

1. INTRODUCTION

The study of land tenure in Africa is a complex and cumbersome process due to a number of factors such as the existence of different historical, social, political, economic, religious and technological developments that different

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African countries have gone through colonial and post colonial independence. In addition, such a complexity is also exacerbated by the failure of post independence African countries to formulate land tenure policies meant to benefit the majority of Africans who had been deprived of such a scarce resource during both the colonial and post colonial periods. Additionally, there is a nexus between the divine and the ancestral discourse in Africa in relation to land, land use and land management which has a bearing on agricultural productivity [1, 2]. Furthermore, the world over when dealing with agrarian issues, land tenure and land rights tend to be the most critical issues.

2. PROBLEM STATEMENT

Numerous studies have been conducted on tenure and how it affects agricultural productivity. However, in Africa, its complexity emanates from the existence of various types of land tenure systems. Coupled with these factors, it is difficult to comprehend the manner in which land tenure issues influence farmer incentives. A perception is held regarding the complexity of instituting policy reforms to 'fix' tenure problems.

3. METHODOLOGY

The underpinning issues upon which this paper is based include; the availability of evidence on the coverage of land tenure challenges for smallholder farmers and policy considerations in the large body of research. These issues were addressed by a close evaluation of areas of convergence and divergence in the results of prior economic studies which considered land tenure, tenure security in relation to how these factors influence investment in land and farming productivity in Africa. A closer analysis was performed on the relationship between the aforesaid outcomes hypotheses derived from the economic theory of property rights.

The study considered economic studies of land tenure systems and agrarian reforms in Africa within the past 15 years. It sought a comparative examination of various economic studies so as to draw conclusions regarding the nature of congruence or divergence of the empirical results. Policy issues were considered by analysing renowned, published articles on poverty or agricultural strategy, such as the 26 Poverty Reduction Strategy Papers (PRSPs). Even though the PRSPs were all completed since 2002, it was felt necessary to analyse them as they help to assess the importance of land tenure issues in Africa. Also, the PRSPs are crucial in obtaining land policy funding and implementation, an attribute identified as the major problem for African governments [3, 4].

The study was purely qualitative in nature, making use of secondary data. An estimate by De Soto [5] shows that around the world, a lot of money is tied up in what he described as 'dead property', as people using the land lack official title over their land. De Soto [5] went on to point out that in developing countries, at least 80 percent of the poor's assets are not marketable owing to the lack of legal representation. As such, efforts to empower the poor ought to include the provision of title to property (land) which facilitates the conversion of ownership into capital; collateral or credit [6]. This move towards empowerment lays the basis for the poor to engage in entrepreneurial activities and to avoid being trapped in their subsistence agriculture which aims to sustain livelihoods as they can proceed into commercialisation of farming activities. Amongst ways for alleviating poverty in Africa, the growth in agriculture is now receiving considerable attention [7] and with that, a renewed interest in the determinants of agricultural investment such as land tenure and land tenure security. This is evident in the African scenario where land tenure issues are cited as critical in [7, 8, 9, 10, 11]. However, in the Poverty Reduction Strategy Papers produced by many countries in Africa, land tenure systems have received varying degrees of attention with most African countries currently reviewing and reforming the policies and laws relating to land tenure and ownership [12]. As such, in spite of diversity on grounds of religion and other social constructs, it is evident that land is key to the political, economic and social development in African communities [13].

3.1. Secondary Data Collection

In order to understand what is already known about land tenure, literature will be drawn from journals on land tenure systems, working papers, unpublished theses, as well as publications from civil society organisations and government documents drawn from the African continent.

For people who are not acquainted with Greek Mythology on 'the sword of Damocles', it describes a case when a heavy fighting sword is hung by a thread from the roof over the head of a person who is strapped down underneath the sword and awaiting death.

3.2. Conceptual Model Linking Tenure to Agricultural Production

Feder [14] developed a conceptual model in Thai agriculture which links land titles and productivity by

hypothesising at least three vital economic relationships including that: (1) access to credit to fund agricultural activities can be enhanced by obtaining land title, (2) land title may improve farmers’ security of tenure and increases their preparedness to make land investment in the medium and long-term, and (3) land title may stimulate land markets which increases chances of transferring land resources to more productive farmers. Economists have utilised these pathways when testing the connections between land investment, tenure security and productivity and the effect on land markets along with other policy instruments. Fig. (1) is a presentation of the economic model of property rights—agriculture productivity. The existence of innovative adaptations of the model is worth noting, namely: the way of measuring tenure security. Despite that, it has been observed that the economic articles reviewed were amongst many valuable researches on property rights systems [15].

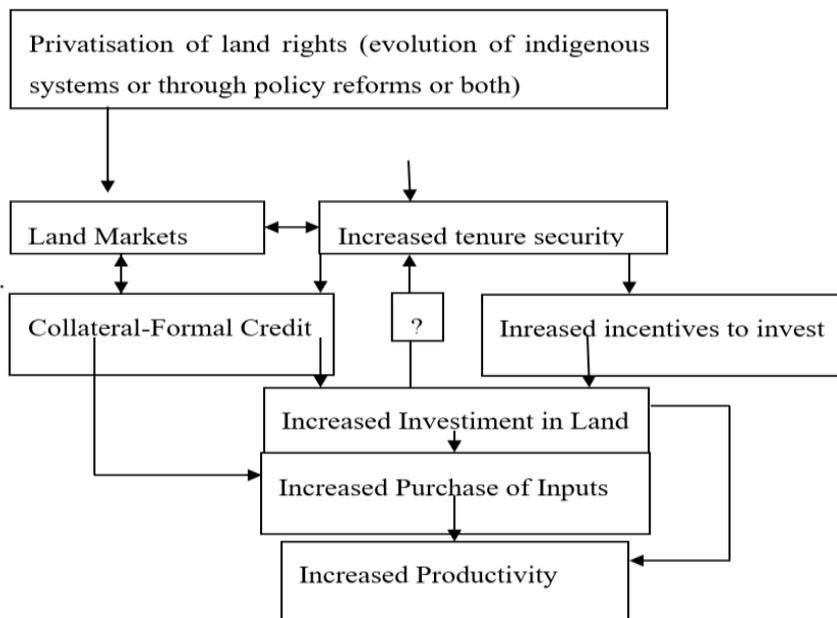


Fig. (1). A conceptual model linking policy, tenure security, and economic efficiency Source: [15].

The conceptual model has escalated the development of strong beliefs in Africa regarding the importance of land tenure and certain reformations, despite being a framework for hypothesis testing.

4. LITERATURE REVIEW

4.1. Land Tenure

Shivji *et al.* [16] defined land tenure as, “the sum of rules recognized in law underlying land ownership, allocation of land rights, the substantive content of those rights, their protection in law, their disposal and/or extinction as well as their regulation”.

Such rules are there to define land as a property right in terms of how such land is allocated, accessed and under what regulatory regimes [17, 18]. This, in the end, will have a bearing on the quality and quantity of food productivity which may be underpinned by the existence of certain administrative, social and legal structures operating in a particular society and context. Ownership rights and land tenure security are the major determinants of land use in Africa [19].

Literature has suggested a causal link between land tenure and responses to the issues of food security of the vulnerable, social conflicts and environmental sustainability. Past land tenure influences the issues of food security of the vulnerable, social conflicts and environmental sustainability. Similarly, past food security of the vulnerable, social conflicts and environmental sustainability influence land tenure. As such, it is imperative that land tenure implications be considered from the onset of an intervention to avoid unanticipated results and failure of the initiative to generate expected improvements. The situation may be worsened when people have been inadvertently dispossessed of their land rights. This has been witnessed as some initiatives have resulted in the resettlement of displaced people on land after

erroneously identifying it as vacant.

Land is a key resource whose access to and control is a key determinant to the political economy of most countries in the world. The centrality of land to the political economy of most countries makes discourse on land tenure critical to all developmental narratives. According to FAO [2], land tenure is a legal or customary association existing among individual persons or groups of people in relation to land ownership and tenure security. In essence, it is an institution comprising of societal rules intended to regulate behaviour [2]. Barrows and Roth [20] concurred with the description of land tenure as the legal or customary association defined among groups and individuals regarding titles to land. As argued by Bruce and Migot-Adholla [21], land tenure defines the granting of access to individuals and groups, *inter alia*, the right to control, use or transfer land. In essence, the aim is to ascertain individuals with the legal right to utilise land resources for a specified period within laid down parameters. Carter *et al.* [22] identified two crucial dimensions of tenure systems, namely: defining property rights and distributing property rights. The definition of property rights encompasses the security of land rights in relation to tenure possession whilst distribution of property rights encompasses identifying those entitled to receive the land rights.

Land tenure systems remain central to social phenomena since time immemorial. In Africa and some parts of the world, land nexus ownership continues to be a topical issue within the academic arena. The main reason for this is that it is a source of livelihoods for many, especially considering the fact that Africa's society depends mostly on agriculture and natural resources. Past and present research has managed to capture the concept in a remarkable way but, however, much is still to be done.

Barrows and Roth [20] concurred with the description of land tenure as the legal or customary association defined among groups and individuals regarding titles to land. The main aim is to ascertain individuals with the legal right to utilise land resources for a specified period within laid down parameters. Research on land tenure has identified four broad classifications namely private, communal, state and open access. A number of researches have managed to assume that land tenure constitutes a web of intersecting interests which include but are not limited to overriding interests, overlapping interests, complementary interests and competing interests, [21].

Research has also shown that consideration of land is important when seeking to alleviate poverty in Africa, as it is the source of livelihoods for most rural households [23]. This implies that the survival of households is threatened by unresolved land issues along with delayed progress towards land reform. The Economic Commission for Africa [23], went on to argue in favour of developing suitable land policies as these may enhance the survival of economies by reducing conflicts surrounding land problems and consequently bringing countries on a steady course of sustainable development. Through a number of researches, it can be observed that land tenure is an integral component part of the political, economic and social structures in a country. Land tenure has effects on all social constructs as it brings together political, economic, technical, social, legal and institutional aspects to obtain sustainable development and a vibrant society. Even though formal courts of law and customary setups may enforce land tenure relationships, relatively poorly definitions of ambiguities which fuel exploitation by unscrupulous individuals and systems.

In the Zimbabwean context, for example, land tenure systems have been subjected to change. This can be traced from the pre-colonial era through the colonial era right up to the post-colonial era. Zimbabwean land and tenure reforms are engrossed with high emotions embedded in complicated political ideologies that have been associated with anti-colonial dogmas seeking to address socioeconomic injustice through black empowerment [24]. Prominent researchers on the issue argue that Zimbabwe inherited a racially divided, two-tier, hierarchical and unequal land tenure system at the time of independence [24]. This has necessitated intervention by the post-independence Zimbabwean government to redress and address socioeconomic injustices and systemic problems surrounding the allocation of land. Consequently, the main thrust of land and tenure reforms was to confer rights to land ownership to the previously underprivileged black Zimbabweans. In Zimbabwe, a considerable amount of literature on the subject already exists. What is critically important to underscore is the fact that contemporary setups in land tenure need attention due to a number of reasons ranging from globalisation, corruption, changing governance, emerging policies *inter alia*.

4.2. Land Tenure Security

Land tenure security is defined as, 'an individual's perception that he or she has the right to a piece of land on a continuous basis, free from imposition or interference from outside sources as well as the ability to reap the benefits of labour and capital invested in that land, either in use or upon transfer to another holder' [25]. It refers to the certainty that individual land rights will be upheld, with reasonable assurance of protection, when challenges arise in future

regarding the right to use and control a piece of land. Whether people have security on land tenure, they still face evictions or takeovers under various circumstances.

However, land tenure is arguably viewed as an institution which has a set of rules and regulations anchored on a given society and specifically regulated in a given society and may differ from other societies because of differences in historical and political experiences that African countries have gone through. In addition, the understanding of these differences has an important bearing on agricultural productivity in Africa. A failure to appreciate such different social spaces in Africa is a limited oversight in the study of land tenure, land policy formulation and implementation for the main purpose of sustainable agricultural productivity and sustainable food security in African communities. Sustainable agricultural productivity and sustainable food security can be achieved through the application of different farming methods and models including contract farming.

Poverty alleviation efforts ought to consider improving individual and household access to food resources. It is notable that various factors influence family and individual access to food. Such factors include the opportunities presented by use and control of land along with access to the market and other economic opportunities. Therefore, extensive rights to land enhance the chances of enjoying sustainable livelihoods.

4.3. Describing Land Tenure in Africa

A study by Petracco and Pender [26] revealed that land tenure security may increase demand for credit in Africa as households may desire and be prepared to engage in land investments which require more capital. In addition, the level and quality of agricultural productivity and sustainable food production in Africa as a source of possible poverty and malnutrition alleviation continue to play a great role in many agrarian societies the world over and Africa in particular [1]. The only way to reduce such societal challenges is by forming and implementing sound land tenure policies so as to increase agricultural productivity and food security.

4.4. Implications for Policy Response

The centrality of land tenure to the political economy of agriculture and individual households has made this phenomenon subject of academic and policy research across the academic continuum. Review of available researches confirms that policies in a number of African countries demonstrate an appreciation of the link between land tenure security and the promotion of smallholder agriculture [27].

Researchers have noted that the link between tenure security and agricultural productivity is critical in the transition from subsistence to smallholder commercial agriculture, [27]. When the farmer ceases to work the land purely for purposes of food and sustenance and begins to do farming as an investment, concerns about getting adequate returns on investment become important. Tenure security understood as the perception of having secure rights to land and property on a continual basis, free from unreasonable interference from outsiders, and with the assurance of reaping the benefits of labour and capital invested then becomes critical to decisions about investments in land [2].

However, land tenure policies can either increase or decrease agricultural productivity coupled with anticipated costs due to the lack of appreciating the ever-changing land tenure contexts in different societies dictated by societal changes at a regional or international level [1]. Some of the challenges emanating from poor land tenure policies may include dependence, social instability, conflicts, civil unrest, rural migration, land abandonment, and many other negative conditions [1, 2]. According to FAO [2], “equitable access to land and other assets can play a role in stimulating faster and broader-based economic growth”.

Having defined land tenure and land tenure security, the paper attempts to give a detailed account of the nexus between land tenure and land tenure security. Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land and land may include both fauna and flora resources [1, 2, 28].

There are different tenure systems in existence in which access to land can be utilised for the purpose of sustainable food security, though such systems may differ from one country to another. Some of the common land tenure systems practised all over the world include but are not limited to the following: freehold, delayed freehold, registered leasehold, public rental, private rental, customary ownership, shared equity, shared ownership, Co-operative Tenure and Community Land Trusts (CLTS), non-formal tenure systems and religious tenure systems.

However, no detailed account of these land tenure systems will be discussed since they are out of the scope of this

paper. Additionally, land tenure and property rights can be formal or extra-legal. Such provisions in relation to land tenure are regulated by the state through legal means. On the other hand, informal property rights lack legal protection and may be viewed as illegal [1, 2]. However, from a Western perspective, illegal land rights are interpreted and understood from a customary land rights perspective; which is also context specific as some countries view customary held land rights as legal, according to the constitutional provisions related to land use and management [1, 2].

Thus land tenure, therefore, constitutes a web of intersecting interests in Africa, among them overriding interests, overlapping interests, complementary interests and competing interests [2]. Furthermore, land tenure can be classified as private, communal, open access or state property. On the other hand, land rights in Africa have been termed the Evolutionary Theory of Land Rights (ETLR) meaning a theory of changes in land tenure [25]. This is, however, based on a combination of two assumptions, that is:

- social and economic institutions adapt to circumstances in order to be as economically efficient as possible.
- the property form which generally implies the lowest transaction costs is private ownership [25]. Security of tenure can be secured through private ownership increases tenure security and hence investment and agricultural productivity [25].

4.5. The Economic Theory of Property Rights nexus Land Tenure and Tenure Security

While the economic theory of property rights can be applicable to land tenure systems, its applicability is relative and particular to specific case areas. The hypothesis generated from the economic theory of property rights according to Eswaran and Neary [29] is that, the sense of ownership increases the incentives and willingness to undertake productive investments. On land tenure systems, this seems to be the case. For Segal and Whinston [30] the rule for allocating resources generally affects individuals' incentives. If farmers are given title deeds and are assured of ownership on their pieces of land, it is more likely that they will invest much in it. Property rights such as secure land tenure systems, in theory, have a positive impact on investments and effort applied on the land.

Generally, it is believed that formalised land rights on household welfare through the vectors of increased investment, credit and efficiency, highlights economic empowerment [31]. Land tenure for Matondi and Dekker [17] generally refers to rights to use, control, and transfer land, as well as associated responsibilities and restraints. This is entirely premised on the social, legal and dominant administrative institutions in a society. While the economic theory of property rights advocates that secure tenure guarantees investments, it may be an outlet valve to explain skewed agricultural investments in Africa. In this regard, it is advisable to understand the forms of land tenure given in the table below, juxtaposing each one of them with the tenants of the economic theory of property. Seconding the juxtaposition will be case examples so as to see how the theory resonates with the literature on land tenure and tenure security.

It is out of these tenure systems that the extent of ownership, control, access, use and incentives on land can be drawn. See Table (1) for types and description of Land Tenure found in Africa. Under situations such as freehold, leasehold and customary systems, the tenants of the economic theory of property rights best apply. As for license tenurial regime, statutory tenure and the permit tenurial regimes, maximum investments are discouraged.

The absence of security of land tenure amongst households in Africa may be caused by deprivation in smallholder farmers of their ability to secure enough food and have sustainable livelihoods whether in the rural or urban areas. However, despite governments instituting policies that promote the security of land tenure, some of these policies may change from context to context over a certain period of time either through market forces or through human-induced factors [1, 2]. In addition, long-term land tenure security results from full private ownership of land which can then lead to increased agricultural activities and investments by smallholder farmers in developing countries in Africa [2]. According to FAO [2], security can also be provided by coercive structures such as "warlords" that emerge in the absence of an effective state during periods of civil unrest in some countries. However, total land tenure security involves the combination of all factors highlighted above.

Table 1. Types of Land Tenure.

Type of Land Tenure	Explanation
Land under Freehold Tenure	This encompasses all land held by individuals or private institutions by virtue of title deeds. As such, it is regarded as private land for the individuals or private institution. It may also be land held by the government directly or through a state controlled enterprise by virtue of title deeds, a case by which it is called freehold state land.

(Table 1) *contd....*

Type of Land Tenure	Explanation
Land under Leasehold Tenure	All land occupied in relation to a lease agreement, with the owner being a private individual, public body or the government. The main consideration is that a person occupies land basing on a lease contract.
Customary Tenure	It refers to occupation of land granted in terms of customary law. As such, access to land and rights relating to land occupation are ascertained by customary law.
Permit Tenurial regime	It encompasses land occupation in terms of land permits issued by the state. This includes all resettlement lands or areas, whose right of occupation is derived from state issued permits.
Statutory Tenure or Allocations	Refers to all land held by the state or state controlled entities by virtue of certain statutory provisions. This encompass national forests land, game reserves and national parks land as these lands belong to or allocated to the state and statutory bodies by relevant Acts of Parliament.
Licence Tenurial regime	Refers to all land belonging to the government, which is occupied and utilized by private individuals by virtue of a contractual licence. The main consideration is that land is being occupied and utilized in terms of contractual agreement. This encompasses mining claims.

Source: [16, 17].

4.6. Land Tenure Insecurity and Implications to Agricultural Productivity

The increase in tenure security increased lenders' readiness to issue secured credit basing on the legally owned land as collateral. The use of secured land as collateral provides reasonable assurance to credit providers that they will not lose the amount provided as a loan. In case of default, the loan provider has a right to approach a court of law which may permit the repossession of the land so that it can be sold and indemnify the creditor. Additionally, borrowers are compelled to repay borrowed funds due to the threat of losing their land. Finally, the theorised benefit of secure and titled land tenure revolves around its possibility to enhance efficiency in the land markets, to ensure its availability to groups and individuals who are better placed to employ the land to its best use.

4.7. Impact of Land Tenure on Agricultural Productivity in Africa

It is convincing that tenure can have an enormous impact on agricultural productivity in Africa both in negative and positive ways. Odhiambo [27] argues that, generally, three ways exist through which outcomes of agriculture are influenced by secure property rights. Firstly, he says that secure property rights may encourage land investment in the long term along with inclination towards adopting new technologies. The contention here is that a land user without secure property rights will hesitate to spend resources on technologies that improve the land, and thus not make optimal productive use of the land. Secondly, for Odhiambo [27], secure property rights encourage efficient resource use since they lower the cost and risk of transferring land, thereby improving factor intensity as land is reallocated to more efficient producers. Thirdly, he postulates that resource use efficiency may be improved by property rights due to reduction in disputes over land resulting in enhanced access to credit as the undisputed land can be available as collateral. The opposite of the above tripartite notion or simply insecure property rights is catastrophic/detrimental to agricultural productivity.

In Africa, land reform gathered momentum in the 1990s as it became a frequent agenda of governments in policy development [32]. Accordingly, most countries in Africa began enacting new policies regarding land reforms with major issues revolving around regulation, equity, access to land, control and investment in the development of land [32]. These intertwined concepts, in turn, have enormous impacts on agricultural productivity. Access to land is undoubtedly important when deliberating on agricultural productivity issues. Who has access to land, where and how much are important factors. Having secured access to land, control is another independent concept. Individuals, communities or public and private institutions should have total control of their land so as to maximise its utility and production. If land tenure is not clearly defined and if it lacks devolution and decentralisation, investments are most likely to be problematic.

(a). *The Language of Tenure and Tenure Security*

Land tenure insecurity can be exacerbated by ignorance, that is, the failure to follow land tenure rules by smallholder farmers. Governments often implement forced sales and forced evictions through programmes such as land reform interventions, or imposed redistributive land reforms such as the Fast Track Land Reform Programme of 2001 in Zimbabwe, thereby exploiting the poor, the marginalised and the minority groups [2]. However, sustainable utilisation of land and agricultural productivity can be attained through well-adapted land tenure rules [2]. The [2] identified three sets of rights that are associated with the security of tenure including transfer rights, exclusion rights and enforcement rights.

(b). The Evidence on Land Tenure and Land Tenure Security

The tenure systems in Africa reveal huge diversity regarding their fundamentals and other more subtle ways. This has been attributed to the presence of numerous different ethnic groups that have varying attributes. These groups differ in terms of their institutions, government influence on tenure arrangements, market development, population growth rates, ecologies and climate conditions. Therefore, the result has been various ways of accessing land, equity in land allocation, levels of individualisation of rights, and types of land-related conflicts [1].

Despite the differences, some similarities and convergences can be observed regarding African tenure systems. Several excellent syntheses have documented evidence concerning the status and evolution of tenure systems in Africa [33 - 35]. Progression and developments have been observed on tenure systems due to their response to the pressures requiring accommodation of new demands on accessing, using and controlling land. This can be illustrated by changes observed regarding land allocation. Increasing scarcity of land made it more valuable resulting in the devolution of major land transfer methods from allocation by village heads and traditional chiefs to family bequests and inter-vivos gifts. Deininger [36] and Lavigne-Delville *et al.* [37] highlighted the emergence of various forms of temporary land transfer through derived or secondary rights. Across Sub-Saharan Africa, differences can be noted on the pace at which such individualisation of land rights have developed as well as the various forms of insecurity including land disputes [35]. Chauveau *et al.* [38] believes that this not only corresponds to driving forces, but also idiosyncrasies of location and culture. However, research has shown that it is now a common view that most tenure systems based on customary practices are capable of providing adequate tenure security for the stimulation of investment and growth in the long term [33 - 35].

Therefore, security of tenure cannot be measured because it is context specific and combines social and extra-legal tenure perceptions [2]. In some cases, smallholder farmers may feel secure even though they lack basic legal ownership over their land. On the other hand, having legal ownership is not a warranty or protection for individual ownership claim on tenure security as evidenced by the redistribution of land in the large-scale commercial farms in Zimbabwe in 2001.

The Fast Track Land Reform Programme in Zimbabwe affected agricultural productivity due to poor land tenure policy frameworks and the absence of a National Land Policy [17]. As a result of the absence of a National Land Policy framework, both black and white farmers lost and continue to lose their land. Although some Zimbabweans benefitted from the land reform programme, the non-existence of a comprehensive land tenure security framework means food productivity will remain poor. This is also exacerbated by the continued land invasions which have affected smallholder farmers on sustainable food productivity and security in Zimbabwe. It should be mentioned that the holding of a permit or lease document from the government for new entrants (farmers) is not a guarantee for a continued stay on the land. The Zimbabwean government has on record evicted farmers with permits or leases without any notification. Similarly, remaining private land is not safe from legal (despite having the Certificate of no Present Interest) and illegal occupancy.

4.8. Economic Perspective on Land Tenure Security

At a more theoretical level, there exist strong arguments concerning the positive contribution of land tenure security on the economic results of a country. Adams *et al.* [39] established a huge impact of tenure security on economic results of the former homelands of South Africa. Papageorgiou and Turnbull [40] argue that appropriate land rights improve market efficiency in the purchase and sale of land, an attribute which is crucial for the development of an economy. Adams *et al.* [39] also suggest that tenure security gives confidence to individuals to invest in their land. In supporting this economic argument for land tenure, Udry [41] makes an interesting assessment of the “insecure” tenure system in Sub Saharan Africa. Udry [41] argues that conflicts have been the major factor which has shaped the complexity of land tenure systems in sub-Saharan Africa. Land conflicts whereby more than one party claims entitlement on a piece of land imply that all the parties’ claims over the land are not fully secure. Over the past decades, such insecurity and the related costs due to productivity losses has been a critical issue for policymakers [41].

It is important to note that there is also empirical evidence supporting this theoretical underpinning of the linkage between the security of tenure and productivity economic outcomes. Studies by Besley [42] and Papageorgiou and Turnbull [40] show that the evolution of land property rights from the vaguely defined communal or tribal forms towards the modern individualistic concept of private property increased the efficiency of investment in capital improvements applied to land, a result consistent with the cross-country studies of property rights and growth. Another

study by Papageorgiou and Turnbull [40] examined the relationship between governments' arbitrary seizure of private property and economic outcomes and the conclusion suggests retardation in economic growth of the developing countries.

Notwithstanding the strong theoretical arguments and some scant empirical evidence showing a positive relationship between land tenure security and productivity, in some African evidence, empirical evidence on this relationship seems to suggest that such a relationship is not always positive. Adams *et al.* [18] highlight a Kenyan case study of 1954 where the Kenyan Government reformed its land tenure system through titling land in former African natives and allowing the individualization of tenure. As shown by Adams *et al.* [18], this policy plan and direction did not yield the positive policy outcome. Studies by the Land Tenure Centre as cited in Adams *et al.* [18], have failed to reveal a causal relationship between survey and registration of individual rights and investment in land improvements and on-farm productivity.

Adams *et al.* [18] argue that the otherwise non-materiality of the positive relationship in most empirical cases has been the main reason why the World Bank [43] revised its policy position adopted in its Land Reform Policy Paper, 1975, namely that individual tenure ought to replace communal systems as the latter was a limiting factor in economic development. The Bank's prior argument was based on the notion that communal systems were impeding the flow of investment capital to agriculture as they were not saleable, which made it possible to mortgage them [43]. However, the Bank now recognizes the cost-effectiveness of communal tenure systems, hence the abandonment of the position to discourage communal tenure systems in preference of subdivision and individual tenure [43].

Land has always been and continues to be the most important and elementary resource of any agricultural and economic investment. This entails how in economic terms its possession, control, uses and associated benefits from its use as well as disposition are important. This background triggered an avalanche of heated debates surrounding economic research and land tenure. Two waves of thinkers have emerged to this cause. The first wave of economists asserts that efficiency and a more effective economy can only be attained through private ownership of enterprises [44]. Another wave is totally an opposite of the above, questioning whether the notion of privatisation guarantees success in investments or better economic performance. Land tenure systems have not been spared by this undertaking.

Kotz [44] notes that in the 1980s, some economists in China, Europe and the USA started advocating for land privatisation. This initially provided justification of the move to privatize most state-controlled entities. In most cases, institutions such as the International Monetary Fund and the World Bank imposed privatisation on governments through the Economic Structural Adjustment Programme. However, in some cases, governments voluntarily privatized their public corporations following economic claims which favoured private ownership. Although this economic step was undertaken by many, it did not bring the desired results. What had been anticipated did not transform into the over imagined reality. Very few cases recorded the much talked about benefits of privatisation as many countries plunged into serious social and economic challenges. Kotz [44] identified some of these problems as including theft of assets from formerly state-owned entities, rampant worker retrenchment, increased criminal activity, corruption and dismal performance by privatized enterprises. This notion discredited economic research as a solution to inform land tenure systems.

(i). Land Markets

Previous studies which reviewed evidence concerning land tenancies in Africa include that of Lastarria-Cornhiel and Melmed-Sanjak [45] and more recently Holden, Otsuka and Place [46]. Depending on location, locally prevalent methods include sharecropping arrangements and fixed rentals. Research suggests escalating levels of frequency of tenancies. Place and Migot-Adholla [47] reported that in Kenya, very few households make use of short-term acquisition methods of any type of land, a practice which Place [48] described as prevalent in Southern Africa. The same practice was observed in most households in the Benin lowlands as they accessed land through short-term options [49].

(ii). Land Renting

Blarel [50], Deininger, Ayalew & Alemu [51] show that renting is prevalent in Ethiopia, Rwanda and Burundi. The opportunity to rent land gives the land-poor a chance to access and use more land thereby reducing land allocation inequalities, despite the smaller size leased land (for example in Rwanda [50]; in Ethiopia [52]; in Malawi [53]; in Uganda [54]; in West Africa [37]. On the contrary, Tikabo and Holden [55] observed "reverse" tenancies in Eritrea, whereby those with land were leasing out their land in order to obtain cash to supplement their daily needs, while in

some cases it was due to their lack of other productive assets like farming implements and oxen. Numerous ways of nonpermanent access to land have been observed in West Africa, a region with high migration [37]. In Rwanda, incidences whereby farmers simultaneously rent parcels in and out were also observed [50].

Africa is also recording increasing land sale, though some resort to doing it in an illegal manner [46, 48, 56]. However, land purchases remain an important way of acquiring land in most parts of Africa as shown by studies in Rwanda [50, 57] and in Southwest Uganda [58, 59].

(iii). Land Distribution

Land distribution has been identified as a critical issue in Africa, though much effect is felt in Southern Africa [60]. Major effects are felt in areas that were intended for farming purposes by the colonialists and notable examples include Namibia, Zambia, Kenya, Zimbabwe, Malawi and South Africa. Large estates meant for the benefit of European farmers were carved with some still in existence while in some areas traces of such vast tracts of land for European settlers are still evident. Historical statistics reveal that, at the end of the apartheid era, a black South African owned an average of 1.3 hectares while an individual white farmer enjoyed up to 1,570 hectares [61]. The Land Audit in South Africa (done in 2013) puts 67% of agricultural land (82 million hectares) to whites (just under 60 000 people) and 15% (17 million hectares) to the rural population (20 million people) [61]. As a result, addressing inequity and injustices surrounding land allocation are issues requiring political discussions followed by policy action. Van Den *et al.* [62] noted that, controversies still exist concerning productivity and income generation from various farming structures.

However, in Africa where the impact of foreign settlement on farming grounds was less, an observation has been made to the effect that land distribution has been fairly equal, only constrained by the availability of arable land. This was gradually reversed by the emergence of commercial opportunities as even indigenous tenure systems could not stand in the compelling need to redistribute land.

Increase in land holdings, hiring of labour and the generation of surpluses created opportunities which incentivised land redistribution [34]. Labour mobility and markets were facilitated by regional inequalities in land productivity. On the other hand, disparities in local power resulted in the rise of income and wealth differences in families residing in the same community (Woodhouse) [63].

(iv). Tenure security

Adams [64] argued that tenure security is relatively high in SSA when it is measured in relation to household possession of a piece of land and wields strong and continuous use rights alongside important transfer rights. He described this situation as *de facto* tenure security. Bruce & Migot-Adholla [65] reviewed numerous research articles which suggested inheritance as the principal way of acquiring land in Africa as it gave the landholder strong, long-lasting private rights. There exist other ways by which one may permanently acquire land including outright purchase and gifts. Traditional authorities often do not have the power to revoke the rights once a household has been allocated to land rights [66].

Two important caveats must be added to this general conclusion. First, migrants' tenure security can be tenuous as when locals claim ancestral rights to land that is alleged to have been inappropriately transferred from them, regardless of the method of land acquisition. Cotula [67] opined that this has resulted in rampant cases of civil conflicts in West Africa. Second, women were largely excluded in privatisation and land redistribution exercises [68].

On the other hand, Adams [64] maintained that land conflicts in Southern Africa have been prevalent where there are seemingly profitable investments. Further, the lack of identification of heir also fuelled conflicts and insecurity when the landholder is deceased or when tenants may attempt to increase their claims to land.

Literature has not yet summarised evidence on the existence of land conflicts on agricultural land. According to Bruce and Migot-Adholla [65], Hoile [69], research on four African countries (Kenya, Rwanda, Ghana, Uganda and Sudan), found varying degrees of disputes in relation to frequency with Ghana and Rwanda recording the least of 10% of agricultural parcels while Uganda and Kenya recording from 25% to 30%.

Other studies in Africa also revealed the prevalence of land disputes across the African continent, specifically in Burundi, Zambia and Uganda. Uganda recorded at least 20% of households which acknowledged once encountering land dispute, Zambia recorded at least 21% while in Burundi it was 43% [58]. Of these figures, at least 20% households

in Burundi confirmed losing land following a dispute. Another study which focussed on five different regions of Uganda by Deininger and Castagnini [70] revealed a high presence of land disputes among households, nearing up to 33% of households which lost their land in a dispute. This prompted another study by Deininger, Ayalew and Yamano [71] which later established that almost all of 1,000 surveyed households in six districts of Uganda exhibited their interest in obtaining a land ownership title such that they were prepared to pay a modest amount for it.

It has been established that land disputes often occur amongst extended family members, especially on inheritance matters. Gray and Kevane [72] confirmed this notion in a study conducted in Burkina Faso as farmers revealed that they were afraid of losing land rights that were passed down the generations. The same results were found in an Ethiopian set up as family members feared to lose inherited land [73]. In some cases, the actions of the government posed a greater risk on land rights. A notable example is Ethiopia, whereby policies sanctioning state ownership and redistribution of land jeopardized the security of land tenure, especially for small-scale farmers [74]. The increasing shifting towards commercialisation of farming activities in many countries has led to the establishment of formal tenure systems, and this has escalated fears of insecurity as conflicts revolved around traditional rights and newly created legal rights [36].

(v). The Case of Women

The patriachal systems which once characterised the African countries left traces of gender imbalance regarding access to and control over land [75]. Several researches have established that men's rights on access to and control of land are superior to those of women [58, 77, 78]. This can be illustrated by research in Burundi, Zambia and Uganda which acknowledged men's unfettered rights to distribute land to family members, yet no more than 5% of females exercise such rights [58]. However, very few exceptions can be noted in Ghana areas specialising in growing cocoa as women can be given land rights through gifts [79].

In 1988, the United Nations Commission on the Status of Women described discriminating against women in land distribution as human rights violation. Despite that, a study by Lastarria-Cornhiel [76] revealed fewer incidences of women inheriting land. Notwithstanding the foregoing, in the acquisition of short duration land rights by various means like renting or sharecropping markets, women tend to fare better. Edja [49] has shown that women have actively participated in rental markets in parts of humid West Africa, depicted by at least 75% women who rented land across sites in Benin. While acknowledging low women empowerment in relation to land acquisition in current tenure systems, Lastarria-Cornhiel [76] concurred that past government initiatives impacting land allocation generally marginalised women even further through the formal exclusion of their rights and interests in land. Many countries have since recognised this shortcoming which is now being rectified through land certification and registration which is conscious of the need to encompass the rights of women to access, use and control land [80, 81].

Land tenure insecurity can be a product of some statutory instruments or social changes and the impact of globalization on technology and food production which may prevent access to land [1, 28]. According to FAO [2], Hoile [2, 69], the impact of HIV/AIDS, conflicts and climate change has resulted in land tenure insecurity amongst women and widows who have been left landless in many parts of Africa and those who are active in agricultural activities in the world over.

According to Watkins *et al.* [18], over 80% of African women depend on agriculture as a form of livelihood. The agricultural sector employed 74% of the labour force in Cote d'Ivoire of which the majority of them are women and girls [18].

The International Protocol on Climate Change (IPCC) [82] points out that, more suffering from unfavourable climate changes is laid on women because of gender differences and inequalities especially in patriarchal societies notably Africa. As a result, such gender differences affect women in society, for example, access to resources such as land which is vital for food security is restricted. In addition, climate has affected women in areas such as agriculture and food security among other factors.

According to FAO [2] women in rural Africa are the producers of close to 50 percent of the world's food resources as they are responsible for producing between 60 and 80 percent of the food consumed in many developing countries. Women produce 80 percent of basic food in the Caribbean and Sub-Saharan Africa. Women also perform from 50 to 90 percent of the work in the rice fields in Asia. The storage facilities necessary following harvesting are provided by rural women in Africa. These women provide all the labour and facilities needed to store, handle, stock, market and process the relevant food for their communities [2].

4.9. The Contract Farming Debate

Over the years, Contract Farming (CF) has been widely held as having the potential to provide ways for integrating smallholder rural farmers into markets beyond their geographical boundaries and ultimately into the modern economy which prioritises the selling of value-added products through robust processing means. In Africa, CF is believed to help farmers (especially those who cannot get funding or loans because they cannot get or provide collateral because of lack of title to their land) through the provision of secured agricultural inputs and ready markets, new technology and competitive prices [83]. Further, Glover [84] and Weatherspoon *et al.* [85] maintained that CF can facilitate sustainable development by providing means to would-be farmers who lack requisite equipment and implements. Contract Farming has proved to be part of fruitful income-generating projects for smallholder farmers in less developed countries. It also enhances chances of improving foreign exchange due to enhanced smallholder farmer capabilities such that they can participate in international markets. Different definitions of CF have been identified as influenced by geographical areas. CF in the United Kingdom and the United States of America means the farmer gets third-party contractors to, for example, harvest crops for a fee thus saving the time and expense of buying equipment. However, CF has been described as the way of exploiting farmers by contractors that has limited equity impact and increases socio-economic differences as evidenced by numerous failed schemes [84].

On the other hand, CF has become a new model of increased agricultural productivity. Farming on a contractual basis has become a norm in agro-based countries all over the world and has been in existence over a long period of time. CF is more dominant in perishable agricultural products and can take many forms such as plantation farming, share farming and selling through local markets [86]. The coming in of CF has been attributed to technological advancements, increased global competition, shifting consumer demands and associated changes in government policies [86]. In developing countries, the rise in CF has been attributed to the increase in the number of supermarkets in food retailing [87]. The term 'outgrower scheme' can be used interchangeably with 'contract farming' and CF can either be formal or informal. However, the outgrower scheme discourse of CF is more pronounced in Africa [87].

Adjognon [88] described contract farming, as having less value in community development as it relies on large-scale farmers instead of bailing out smallholder farmers. For example, in Kenya, CF has declined over the years since exporters and other economic players tend to value the convenience of working with a single large farmer than numerous small-scale farmers. Furthermore, the participation in CF in African societies, especially by women, the most deprived minority groups, and some small-scale farmers has been very limited [88], Bijman [87]. In some communities, the unequal access to CF schemes may even reflect, to some extent, the prevailing inequality in the society [88]. Is CF a way of avoiding the difficult land tenure issues by African governments? However, this paper is not going to discuss CF in detail; this will be done in a different paper altogether.

CONCLUSION

It has been observed that the past years have resulted in the accumulation of knowledge and understanding concerning land tenure and its effects on the development of a country. Policy makers have endeavoured to disseminate and make use of this vital information in their policy decisions. Despite that, the complexity of land tenure and its effects provide an opportunity for development of the research methods, understanding of research outcomes and in the application aimed at land policy reforms.

The resources available to the small-scale farmers in Africa who do not have title (Collateral) to their land, are often inadequate to source tillage and crop inputs (seed and fertilisers). In the end, farmers struggle to even make a living and secure their own food and, therefore, collateral becomes the Sword of Damocles for these people.

There is a need for African governments to revisit the land tenure systems in their countries and make reforms that would encourage financial institutions to extend loans to such farmers to increase agricultural productivity in the country.

There is a need to redress the land tenure policies so as to attract sustainable investment in the agricultural sector by both local and international aid communities in line with the needs and demands of local communities in relation to food security and productivity. In addition, bodies such as the Southern African Development Committee (SADC), the African Union (AU) regional and international, must craft policies that protect smallholder farmers from being arbitrarily evicted by African governments as well as international multinational companies so as to safeguard food security in Africa.

For rural households, land rights are crucial as they assist in balancing household potential, capabilities and assets,

as well as in the determination of resulting strategies for coping with day to day food security and production. Apart from being a source of economic production, household rights to land also provide the basis for cultural values and social relationships. In rural African communities, land rights are a source of power and prestige. The generation of social networks based on specific values of a social and cultural group is crucial as it may help to attain sustainable livelihoods for rural folks.

The more general lessons learned from this review on land tenure include:

- Community development, denoted by good health and welfare and higher food security, has been realised by countries that were at the fore in investing in technical and institutional infrastructure, necessary for efficiency and equitable land tenure administration. These countries have been the promoters of warranting land rights through fair and transparent allocation and distribution of land to both men and women. More sustainable development has been observed in areas where policy-makers were willing to support women's rights to land access and control in addition to recognising the need to reform land tenure arrangements.
- The family and household units will continue dominating Agricultural food production in developing countries. Frequent misplaced land tenure policies were attributed to policy makers' failure to understand the complexity surrounding the kinds of social relations characterising rural households. Consequently, it is worth noting that policy interventions in land tenure have either favourable or unfavourable outcomes to the community under consideration. Intended outcomes can be obtained through the development of policies that are grounded on accurate information, and capable of appreciating everchanging contexts.
- If large segments of rural societies are denied equitable access to land, the result is unanticipated costs to the community. Such denial of access to land can significantly contribute towards, *inter alia*, dependence, social instability and extreme poverty, which may fuel rural migration, civil unrest and conflicts. However, upholding land rights and the provision of equal access to land and other productive assets may stimulate faster and broader-based economic growth.

Indeed, land reform to rectify socioeconomic injustices is crucial across Africa and other developing countries. Despite the issue of titles to land not being commonly upheld in African communities, it is notable that the authorities should perform a land registration which may enhance community members' protection so that they will not be inappropriately denied access to their land. It is important to note that such a proposition does not require discarding all African land tenure customs in preference to international practices. Rather, land tenure systems ought to consider cultural practices in line with practices across the globe as this enhances chances of attracting business and investment. Whilst calling for justice, it is imperative to consider the sustainability of any tenure system. Such changes in land administration can be attained through African civic engagement. Africans empowered with knowledge concerning their property rights, food security, economics and the environment should feel obliged to empower fellow Africans with such knowledge. As such, the ability of Africans to collaborate and work together is crucial for the generation of better governance within their countries.

Maguranyanga and Moyo [24] argue that the development of suitable land tenure systems is a very complicated task, resulting in crosscutting political, economic, social and environmental implications. There is an intimate link between Land tenure development and various constructs of political economic issues such as governance, democracy, empowerment, social justice, equity and development (Maguranyanga and Moyo) [24]. Consequently, until the recognition of historical issues and political challenges associated with resource redistribution, any solutions to land and tenure questions will lack context and will fail to fulfil the crucial aim of transforming property relations and creating social change. There is convergence and divergence of economic research on land tenure. The bottom line is that, depending on context, there is convergence and divergence of economic research on land tenure.

RECOMMENDATIONS

There is an agreement between some policy principles identified in literature search outcomes and policy documents. An agreement has been observed on the need for tenure systems capable of providing incentives for investment and growth, without discrimination against vulnerable groups in both research and policy documents. Even though the assertion was not subjected to rigorous testing as often expected, a convergence between research studies and policy documents was noted regarding the need to clearly define and understand property rights, and to ensure these rights are secure [62].

The convergence of research results and policy strategies was also observed on some key tenure problems. Of much essence is the insecurity of African women in land tenure, as explicitly documented in research articles and echoed in almost every policy document. The status of women in laws relating to land tenure is now more explicit as illustrated in Rwanda's Organic Land Law's principle of equal rights relating to the husband and wife relations on land. Overall, both research and policy strategies accept the possibility of improving current tenure systems and the tenure security they provide for agricultural investment. This could be attained through facilitating land markets to ensure the land is accessible to those individuals and groups better placed to make it productive.

The varied literature review research results may be useful in supporting various tenure policy implications, the view reflected in policy documents. In relation to the impact of various land tenure variables on agricultural productivity, literature review yielded inconsistent, ambiguous or conflicting results. This calls for further synthesis, refinement, and tailoring to the local situation without which, policy makers and researchers will end up accepting or emphasising research results that are only accessible to them or those that are felt as appropriate.

Land tenure reform is a time-consuming process requiring thorough public consultation and careful preparation as any relevant institution of the results may need decades to take effect. It requires long-term budgetary commitment from the state and donor organizations. However, it is important to note that external support may be provided on condition that suitable constitutional and legal frameworks are put in place. Therefore, as part of efforts to keep reform in context, policy to reform land tenure should be developed in line with adequate policy frameworks, resources and financial incentives necessary for producing more sustainable livelihoods.

The results show that, in Africa, conventional land management systems are not in line with customary structures of group and family rights. Therefore, they do not function adequately, neither do they provide a solution to land conflicts, hence they are not useful to most people. In some cases it takes up to ten years to register a land title, while at the same time there is poor record keeping, hence many individuals and households lack title deeds over their land, and millions of titles await registration. This is exacerbated by the centralisation of registration systems which are often inaccessible, not transparent, too expensive, and with little or no adequate protection of women's land rights. The transformation of such systems is not only time-consuming, but it is also a complex task. There is a need for reformation of numerous separate agencies, power and patronage alterations, coupled with extensive civil society debate at local and national levels.

Some advocates view land titles as crucial in ensuring tenure security and for enhancing poor farmers' access to financial markets along with agricultural implements and inputs. Conversely, there is still a research gap on the connections amongst land titles and tenure security, demand for agricultural inputs, investments and availability of credit in Africa. Although land rights may accrue a high market value, as is the case for areas which produce high-value commodities, their establishment accrues high costs. Such costs include the expenditure on formal legal procedures and cadastral surveys. Further, efforts to ensure land titles may worsen the plight of underprivileged members of the community as this has a tendency of benefiting elite farmers who can afford the cost while disadvantaging the poor rural farmers.

Perhaps the most debated tenure policy for Africa is land registration and titling. Substantial diversity has been noted on how it is promoted in the policy documents. The UN Millennium Project [11] states, "research has shown that many traditional land tenure systems can provide adequate security without introducing costly, contentious and complex land registration and titling systems." Various national land policies and PRSPs express concern over the need for governments to conduct and sponsor the registration and titling programmes for the poor and vulnerable (for example Ghana, Malawi, Ethiopia, Uganda, Zambia, Mozambique and Rwanda). Of much essence is the Malawian Land Policy which clearly stipulates the need to prioritise extensive registration and titling of all land parcels. This policy outlines that it has been established that the benefits outweigh the costs, even though this is not in line with this current study's findings from the literature focussing on rural African communities.

Different situations may result in differing recommendations for policy reforms, but what is currently absent is a clear outline of such differing situations and their potential impact on the suitable policy response. Land issues are often isolated within PRSPs, with little evidence of their integration into a rural development strategy.

Additionally, close to every African country has decentralised their governance structures. Daniel [89] articulated that in relation to land policy and administration, decentralisation often occurs in the form of administration and service delivery of centrally planned functions. However, notable instances of devolution of authority have been experienced, like in governing land certificate programmes in Ethiopia and in dispute resolution in Madagascar. Increased flexibility

and decentralisation are some of the crucial initial steps toward engaging in land reforms that are community-led [3].

In the economics literature or policy literatures, there is lack of discussion on community-led land reforms. The implicit or explicit assumption in all the literature reviewed is that land reforms will be led by national governments. Surely, there has been progress in relation to the approaches, processes and policy options that can be used. However, the assumption of an ideal state-led land reform remains owing to upholding the rights of the underprivileged, legal backing of land rights and harmonising local arrangements with national law.

But as the implementation of laws and policies relating to land reforms continues to pose a challenge in Africa [4], there is room for giving the concepts of community-led reforms more attention, in a similar manner by which the provision of flexible local development funds become acceptable across most parts of Africa.

ETHICS APPROVAL AND CONSENT TO PARTICIPATE

Not applicable.

HUMAN AND ANIMAL RIGHTS

No animals/humans were used for studies that are base of this review article.

CONSENT FOR PUBLICATION

Not applicable.

CONFLICT OF INTEREST STATEMENT

The author (Douglas Ncube, PhD) certifies that he has no affiliations with or involvement in any organisation or entity with any financial interest (such as honoraria; educational grants; participation in speakers' bureaus; membership; employment, consultancies, stock ownership, or other equity interest; and expert testimony or patent-licensing arrangements), or non-financial interest (such as personal or professional relationships, affiliations, knowledge or beliefs) in the subject matter or materials discussed in this manuscript.

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