Land tenure reform in Africa: a shift to the defensive

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Land tenure reform in Africa: a shift to the defensive

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Abstract: Land tenure reform has been advocated as an instrument of development in sub-Saharan Africa since before Independence, based on a neoclassical economic model promising greater agricultural productivity as a result of titling. This in turn, it was suggested, would promote land investments, credit supply and efficient land markets. Titling policies were justified in the 1980s by evidence from southeast Asia, particularly Thailand. However, empirical studies in Africa have largely failed to find any of the promised positive effects; indeed they have revealed negative effects of titling policies, especially by worsening the tenure insecurity of poor farmers whom such policies should have helped. In the last decade the discourse of land tenure reform in Africa has departed from promises of increased incomes and shifted to a conservative, defensive stance, focused on preserving livelihoods against élite predation. This paper explores why the neoclassical model has not borne fruit in sub-Saharan Africa, describes inherent weaknesses in the model as applied to the African context and suggests methods by which the model could be better tested before dismissing entirely the use of tenure reform as an instrument against poverty.

Key words: agricultural productivity, governance, land tenure, poverty reduction, rural development, sub-Saharan Africa.

I Introduction

Land tenure reform has long been seen as a pre-requisite for development in sub-Saharan Africa (SSA). Most arable land remains under 'customary' tenure, considered by most modernisers to be inefficient and in need of reform, usually towards individual freehold systems patterned on western land law. Neoclassical economic arguments described tenure security's positive effects on incentives and markets. The historical

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experience of western Europe's and North America's freehold systems, and more recent experience in southeast Asia, suggested that secure individual tenure stimulates agricultural development, and then in turn general economic development, with democratization as an attendant benefit. Africa was told that it had better follow suit.

Land tenure reform should indeed be an instrument of progress, a weapon against agrarian under-development and exclusionary politics. However, in the past decade, empirical evidence has emerged that questioned these neoclassical hypotheses. Quantitative analyses of data from various SSA countries showed few significant effects of tenure security on production. Qualitative data (often from anthropologists) gave reasons to doubt that the economic logic holds in the SSA context. The failure of tenure reforms to deliver the promised benefits, indeed their observed negative effects on the poor gaining access to land, led to a body of opinion that tenure reform must take a defensive stance, preserving the frail land rights and livelihoods of poor smallholders against the manipulation of land laws by élites.

Can tenure reform do no more than defend a status quo of poor livelihoods? Has empirical testing to date of links between land rights and productivity really proven the insignificance of tenure security? Since the agrarian situation in SSA remains unacceptably poor, is there no scope for tenure reform to go back on the offensive? The objectives of this paper are to review the debate on African land tenure reform, assess the empirical evidence to date, critique the neoclassical model that links tenure security to greater productivity and suggest how the debate and future research might progress.

II Assessing the evidence for the neoclassical model

Early arguments in favour of reforming customary African land tenure were typified by the 1953 Swynnerton Report (cited in Berry, 1993, among others) on the rural economy of Kenya. This claimed that the conversion from customary arrangements to western-style freehold title would achieve political and economic transformation, creating a class of 'yeoman farmers' who would be more productive and amenable to modernization. Similar arguments were heard from colonial governments in Francophone Africa (e.g., Senegal, as described by Golan, 1994).

More recent arguments were based on the neoclassical economic approach to land tenure, which applies theories of property rights to the case of land. This yields a strong if simple model (Feder and Noronha, 1987, Bruce and Migot-Adholla, 1994) that predicts greater productivity as land tenure becomes more secure and individualized. The mechanism for such productivity gains comes in the form of three hypothesized effects that occur in a situation of secure tenure:

1. the farmer will have greater incentive to make long-term investments that boost land productivity, reduce yield variability, reduce necessary labour input and/or sustain or conserve the land;
2. the farmer will be better able to obtain credit by offering the land as collateral;
3. land markets will transfer land from less efficient to more efficient users through willing transactions.

Empirical testing of the neoclassical model in SSA was undertaken by Bruce and Migot-Adholla (1994), presenting eight country case studies by the World Bank and the

Madison Land Tenure Center. The studies found the effect of tenure security on land improvements to be mixed, with no significant effects in Somalia and Senegal, but positive and significant effects in Uganda on certain types of improvements. In Kenya too there was a correlation, but 'when the effects of size and market access are separated out, it becomes clear that it is these factors, rather than title, that are responsible for the correlation . . . The lack of any significant relationship between title and yields may be explained by the limited use of credit in the Kenyan study regions' (Bruce *et al*., 1994: 257–58).

As one suspects, in other regions as well: 'The use of formal credit in the study regions is limited, reflecting the poor development of formal rural banking institutions. In 9 of the 10 study regions, less than 13 percent of the farms received formal credit during 1987–88 [compared with over 50% credit use in the Thailand study areas of Feder *et al*., 1988!] . . . It is therefore not surprising to find a weak relationship between land rights and the use of formal credit' (Bruce *et al*., 1994: 254). In the neoclassical model, credit is the crucial causal conduit between tenure security and increased output, providing for higher-quality and more timely short-term inputs, or (with longer-term credit) fixed or mobile capital investment. Hence it is not surprising to find no strong links between land rights and productivity in these case studies. Without credit, the only route from tenure security to greater individual output is through labour-intensive land improvements not requiring credit. The reasons for low credit supply and demand are explored below in detail but are pivotal in explaining the apparent noneffect of tenure security.

In those study areas such as Rwanda where Bruce and Migot-Adholla showed a positive effect of tenure security on land improvements, the land improvements were not found to have caused increased output. The authors hypothesize that this may be due to the possibility that operators of parcels of land under short-term use rights apply more intensive labour inputs to compensate for lesser yield-improving investments on their land (Bruce *et al*., 1994: 256). They conclude that where agriculture is generally depressed, titling will have no effect; weak or constrained titles will not stimulate investment; much of the smallholder demand for titles is defensive in nature and not a desire for new tenure rules; farm size and market access are more important determinants of fixed investments than titles; and 'national legislation of tenure reform has a limited capacity to change behavior' (Bruce *et al*., 1994: 259). State attempts to prohibit or tightly regulate land markets are likely to be disobeyed when economic and social incentives or customary practices contravene state policy. Conversely, state attempts to legislate a land market into existence are unlikely to override anti-market customary practices.

What are we to make of Bruce and Migot-Adholla's findings that tenure security (as defined and measured in their studies) does not have the effect that neoclassical economic logic predicts? Is tenure security actually unimportant to African farmers? Are they mostly satisfied with the security of their tenure? Or have studies in Africa to date failed to define and/or measure tenure security and other important variables accurately?

III Defining tenure security

Title used to be implicitly equated with tenure security, hence it was recommended as a remedy for insecurity. Obtaining a title is adding one form of guarantee of security to another. A title is a legal instrument that is worth no more or less than the quality of guarantee that the instrument's guarantor offers. One form of guarantee may prejudice another. For example, obtaining a title may alienate a smallholder from the local polity that backs customary land rights, thus making the title actually less secure.

In Bruce and Migot-Adholla's study (1994), titles are viewed statically: a respondent either has one or does not. But as the authors note, land tenure reform that introduces titling initiates a dynamic process wherein land rights change. The neoclassical model holds that a land system with strong transfer rights (i.e., the right to sell the property to anyone) will lead to greater economic efficiency, because inefficient, unproductive users will have the incentive to sell to efficient potential users, who in turn will be willing to pay a price for the land that reflects the income stream from their planned more efficient use. Efficient users win the day, theoretically. But manipulating the bureaucracy is not the sort of efficiency that the model had in mind: '. . . titling increases tenure insecurity for the poor because it places a formidable weapon in the hands of the rich who have both better ability to pay the price of registration and superior knowledge of government bureaucracy and procedures . . .' (Platteau, 2000: 68). Titling carries a strong risk of diminishing tenure security when viewed dynamically, especially for those with a lesser initial endowment of wealth, education, access to institutions and power relations. Ironically it is exactly these vulnerable people who are supposed to benefit from tenure reform.

The Kenya experience demonstrates that getting past the dynamic stage to the promised land of universal titled security takes decades, if indeed it will ever be attained at all. So is it sensible to ignore the dynamic stage which may be permanent? Where access to titles is unequal, as is predictable in settings with imperfect governance, such as the case in Zambia (say Hansungule *et al*., 1998), land will accrue to the powerful, and insecurity will worsen for those without access to titles.

The belief that titling with imperfect governance does not enhance tenure security, nor transfer land to efficient users, does not negate the more general point of the neoclassical model, that more security should mean more productivity. It may merely mean that tenure security to date has not been well defined or measured in the African context – certainly not when it was equated with titling.

A key conceptualization common to the studies presented in Bruce and Migot-Adholla (1994) was to disaggregate the concept of tenure security into component parts or rights, creating the descriptive categories of breadth (or 'robustness'), duration and assurance. This allows the respondents' varying degrees of tenure security to be ranked and thus used as an ordinal independent variable. But is it accurate to call all of these 'tenure security'? In northern Zambia, Sjaastad (1998) found that specificity of rights increased as land became scarce, but security of rights did not, and explained it as a matter of definition: 'These conflicting results are a reflection of the problem that although both methods ostensibly measure security of tenure, they in fact measure completely different things' (Sjaastad, 1998: 165). So do the neoclassical model's hypothesized effects of tenure security on credit supply/demand and land investment demand, all depend on the same definition, or component, of tenure security?

Using the language of breadth, assurance and duration, it is possible to see that they do not. The credit supply effect depends on the lender's confidence that s/he can seize and liquidate the borrower's land in case of default; in other words, assurance of transfer rights. However in the case of Kenya (Carter *et al*., 1994; Migot-Adholla *et al*., 1994), in practice assurance of transfer rights may be insufficient to inspire confidence in the lender, because assurance can be impeded by a community reluctant to let a parcel of land be alienated to an outsider. Anywhere that transfer rights cannot be assured, titles are of limited use in obtaining credit. 'The low incidence of formal credit in Kenya . . . suggests that transformation of land tenure alone will not lead to the development of active rural credit markets' (Bruce *et al*., 1994: 254–55). But one must be careful: what the evidence actually says is that the transformation of land tenure in Kenya has been *incomplete* if it aimed to attain assurance of transfer rights sufficient to make land useful as collateral. Durable and assured use rights without assured transfer rights are of no interest to lenders, unless they wish to engage in farming.

It would be mistaken to infer that the neoclassical model suggests a credit *demand* effect of tenure security, at least of short-term credit for annual inputs, the most typical use of rural credit in SSA. Security in the sense of duration and assurance should be irrelevant to decisions on short-term inputs (except in the rare case that the tenure is so insecure that the farmer may be ousted before harvest). If, for example, a farmer wishes to double her/his area under cultivation for a season, has access (albeit temporary) to land to do so and can obtain credit to double the purchase of inputs, then s/he need not consider the long-term tenure security of the borrowed land – the harvest will be in before long-term tenure comes into play. If a farmer wishes to intensify production on a fixed area of land, perhaps through purchasing hybrid seed and fertilizer, then s/he may seek credit to do so, and may have more success obtaining credit if s/he can offer the land as collateral – but this is a credit supply response, not a demand response, because the increased demand is independent of tenure status, whereas the increased supply is not. So the credit demand effect should be viewed as null. Theoretically it is sounder to postulate an effect of tenure security on demand for *long-term* credit if such credit is used for fixed land improvements, assuming that the investment demand effect also holds; however such long-term credit is almost never available to SSA smallholders.

The investment demand effect depends chiefly on duration and assurance, given that strong use rights are almost ubiquitous in SSA. The farmer who considers making an investment or fixed improvement will be wary of the risk of being shifted off the land before the investment has paid for itself or without compensation. Strong duration and assurance of rights will alleviate these concerns. Table 1 illustrates these intersections of rights and predicted effects.

If these combinations are correct, then the way to test the neoclassical model would be to look for the economic effects at the intersections with the relevant specific rights.

The experience of Kenya also raises an epistemological point, that there may not be enough variability in tenure security to accurately test its effects. The titled sector in Kenya, which appeared at first glance to constitute an endpoint in the range of SSA tenure security, turns out to lack some attributes that are key (according to theory) in stimulating the credit response and productivity effects – and the usefulness of Kenya as an empirical case to test the economic logic is therefore diminished. It remains very useful, however, as an example of how legal reforms may fail to activate an economic

Table 1 Intersections of rights and predicted effects

Effects	Relevant rights			
	Usufruct	Transfer	Assurance	Duration
Credit supply		✓	✓	
Credit demand[a]				
Investment demand	✓		✓	✓

Notes:
[a] Null.

model. If Kenya, as an SSA outlier in the prevalence of titling, fails upon closer examination to manifest the theoretically necessary components of tenure security, then the other country case studies are even more likely to lack true variability, and consequently should not be taken as definitive. By contrast, Thailand (Feder *et al*., 1988), in which over 50% of respondent households were found to be using formal credit, exhibited greater variability: specificity of rights and assurance of transfer rights was generally sufficient to inspire confidence in lenders, titles were frequently required as collateral by official lenders, and foreclosure with repossession did happen. While foreclosure is no cause for celebration, it is an indication of a fairer test of the economic logic.

IV Land is not the scarce factor of production

Another line of argument suggests that the empirical evidence is negative because land tenure was never the key constraint on African agricultural development. Berry (1993) contends that the key constraint in SSA is not land but labour, historically mobilized by membership in social networks, but recently becoming more commercialized and less accessible to poor smallholders. In land-surplus countries with largely unmechanized agriculture, labour rather than land is the scarce factor of production, though other important factors can be scarce, such as animal draft power (Smith, 2001). If the poor have been losing the leverage that social networks once afforded to access labour, then we would expect any productivity gains from tenure security to be accordingly dulled. Berry also makes a broader point about the perceived profitability and risks of farming apart from land issues – for example, macro-economic policy that determines factor and product prices. 'Under unstable economic and political conditions, farmers are reluctant to tie up land, labor, and capital in long-term projects, such as soil conservation, water control, or fixed capital formation, which may sustain soil fertility or augment available land and labor. Instead, they are likely to spend more time in off-farm employment or out-migration, both of which accentuate the trend toward smaller farming units and investment in liquid assets' (Berry, 1993: 195). If Berry is right, then in a country with excellent tenure security but poor macro-economic stability, we would expect to see little or no effect of tenure security on productivity – such an effect would be drowned out by farmers' wariness of losing money through exposure to an unstable macro-economy.

V Low demand for credit

The hypothesized credit supply response has been seen to be absent in the main in SSA. A second major reason why the neoclassical model has not held empirically in SSA is lack of credit *demand response*. We have reviewed the theoretical problems of the credit demand response to tenure security in view of the typically short-term use of credit. But beyond the fact that improved tenure security doesn't change the incentives to demand short-term credit, anthropologists have explored smallholder reluctance to accept credit because of risk:

> Idealistic titling programmes often purport to make land usable as collateral for loans by smallholders. But *land mortgage systems have failed* in rural Africa for nearly a century and are likely to continue failing . . . Based on European and American models, these systems ignore several hard realities. The first is agronomic and economic. Credit means debt. Most African rain-fed smallholder agriculture is too risky, and markets and prices are too unreliable, to allow reliable loan investment and repayment (Shipton and Goheen, 1992: 317; italics in original).

Platteau puts it in the producer's perspective: 'Smallholders may fail to apply for loans because they perceive a high risk of losing their land through foreclosure, as the experience of Kenya testifies . . .' (Platteau, 2000: 59). And: 'Whatever the exact content of the land rights claimed by the poor, it is essential to bear in mind that what they seem to desire is security of tenure in its most fundamental sense – absence of risk of loss of land – rather than a security which enables or encourages long-term investments or transactions . . . the demand for a return to joint use land rights or to other kinds of traditional land arrangements must be understood from this safety-first perspective' (Platteau, 1992: 26).

The basic problem of the producer's risk in using land as collateral is not captured in the neoclassical model. If farmers value tenure security only or mainly for the increased access to credit that it affords, then they will mortgage themselves to the hilt. However, if they value tenure security for its own sake, as a guarantee of livelihood against risk of dispossession, then it would be perverse for them to collateralize their land, because that opens the possibility of dispossession. In places with few or no off-farm employment opportunities, or other safety nets, it seems rational to be risk-averse *vis-à-vis* land loss, and to value tenure security for its own sake ('safety-first'). An area for future research may be to try to measure smallholders' behaviour and microeconomic choices in this situation, in other words to measure their risk aversion to land loss versus the desire for increased income (and especially to see how such choices change across poverty levels). If low credit uptake is the problem, then land tenure reform, especially in the advanced form of titling, is an expensive solution – so much so that it may be cheaper to throw semi-secured credit at farmers and accept a high default rate, or otherwise 'addressing the collateral problem directly (perhaps through the formation of mutual-responsibility borrowing groups . . .' (Carter *et al.*, 1994: 156). Tenure security may theoretically be good for fixed investments, but what is relevant to stimulation of credit supply is enforceable seizure of land, which surely is a form of tenure insecurity.

In sum, tenure security's apparent inability in SSA to increase credit use is traced to both supply and demand phenomena: (1) poorly functioning and under-capitalized

credit markets; (2) inadequacy of the observed range of land rights and enforcement thereof to inspire confidence in lenders; and (3) risk aversion on the part of producers. It is noteworthy that an agrarian reform programme that addresses either or both of the first two will fail to increase credit use if it does not address the third. A policy that hopes to increase aggregate output through the mass use of land as collateral is counting on making a population of 'ideally informed risk calculators' or, one could say, gamblers, out of a population of risk-averse poor people.

VI Does advantageous technology exist?

For the neoclassical model to hold empirically, it would have to be the case that improved tenure security incentivizes farmers to install improved technology. Tenure security will not make you install something if it does not make farming sense to do so. In certain agro-ecological zones, perhaps no low-cost technologies are available to improve productivity and profitability. If so, there will be no investment demand effect. Platteau argues that

> the reason behind the failure of farmers to respond to the availability of loanable funds is the lack of attractive investment opportunities or the absence of conditions critical for their successful exploitation. This typically occurs when no technological package suitable for intensive agriculture is on offer . . . Alternatively, when investments embodying technical progress are highly labour-intensive . . . and family labour is sufficient to supply the required effort, no capital is needed for purchase of equipment or advancing wages (2000: 59).

So labour-intensive investments do not show up as a credit demand effect. If the investments serve to defend yield or save future labour rather than increase production, neither will they show up as a productivity effect. This would explain why in Rwanda (Blarel, 1994), land under more secure tenure had higher occurrences of land improvements but not higher productivity.

The limited availability of advantageous technology constricts the range of observed dependent variables. In Matlon's (1994) Burkina Faso study, basic land improvements such as tree-planting and terracing were not practised in the study area. The only useful variables identified were fallowing and the use of chemical or organic fertilizer. In such a situation of low uptake of land improvement technologies, it may be unrealistic to expect statistical analysis to show a positive effect of tenure security on investment decisions. In countries with more dependent variables, such as Rwanda (in Blarel, 1994), a positive effect was shown. Ideally, research should include the full range of possible dependent variables; however, it would take some methodological inspiration to identify correlations with a dependent variable that is not observed. So the perfect test would be a study area where there is good variability not only in the independent variable (tenure security), but also in the dependent variables, extending well into the 'transformed', high-input end of the range. Without a country that exhibits both the transformed end of the farming range and also a land administration system that enforces mortgaging (which was lacking even in Kenya), it is not possible to test the effects of such a system. Rather it is only possible to speculate on the putative effects of such a system, on the basis of lesser variations within other systems.

Dependent variables must be properly categorized. Matlon (1994) interprets the use

of chemical fertilizer in the Burkina Faso study area as a method of long-term soil fertility management, hence a fixed investment. But it seems clear that fertilizer use would also tend to produce short-term gains in yield. Indeed it is possible to imagine that insecure farmers might like to enhance soil fertility by means of short-term, non-fixed chemical fertilizer, whereas farmers with secure tenure might prefer to enhance fertility by other, more fixed methods. Place *et al*. (1995) follow the same tendency in their Zambia study, classifying the application of chemical and organic fertilizers as a land investment. Since it is an investment that also yields returns within one season, it would seem imperfect as an indicator of the effect of tenure security on farming decisions about long-term investments. Such categorizations should be clarified before the neoclassical model can be considered fairly tested. Asking farmers what inputs they consider to have short-term versus long-term effects would be the most direct way.

Another way of detecting farmers' preferences emerged from the study of Rwanda (Blarel, 1994: 88). The rate of observed land improvements jumped between two categories in the range of tenure security: twice as many were observed on land held by the family as on land held under long-term use rights, the adjacent category in the spectrum. Moving from usufruct rights to family land was sufficient incentive to install improvements. This seemed to demonstrate a means of determining the degree and type of tenure security that the small producers themselves considered sufficient incentive to invest. Platteau (2000) also remarks that basic use rights without transfer rights, but with bequeathment rights, seem to be sufficient to stimulate investment. Apart from looking for a 'jump,' one can also take the more direct route of asking respondents which land rights they consider the most important. Smith (2001) used a participatory rural appraisal (PRA) technique with farmers in Zambia, asking them to rank six land rights written on cards (title, right to sell, right to mortgage, to bequeath, to install fixed investments and durable use rights) in order of importance by arranging the cards. Because titling programmes tend to be expensive and iniquitous (and at times futile), such a line of enquiry might suggest a way forward for land tenure reform that meets its objectives of stimulating land improvements without incurring the costs and iniquities of a titling programme. It would also suggest a method to apply the taut economic logic of the neoclassical model in a context-specific way.

VII Governance

Titles may be close to the rubbish heap of SSA history, but better-defined tenure security is still alive as a research area. Quan emphasizes the continued importance of security in defensive terms:

> In these circumstances *clarification of tenure rules* and the *provision of greater land security* are essential in order to protect the asset base of the poor, and to promote productive and sustainable farming . . . The maintenance of customary tenure systems, can, in many circumstances, provide all the benefits of private titling (individual tenure security, adaptability to changing economic circumstances and accessibility of small scale credit) without the high financial and social costs which titling programmes tend to involve (Quan, 1997: 3; italics in original).

According to Adams *et al.*, customary tenure should not be maintained uncritically, as: '. . . recent recognition of the merits of communal systems of tenure by governments and donors should not downplay the developmental role of tenure reform nor assume that tenure change will inevitably work against the interests of the poor . . . The belief that rural people are universally happy with communal systems and that legal confirmation of rights brings no benefits is certainly misplaced' (1999: 12).

Titling in a context of limited capacity for governance was always going to be a red herring. To equate title with tenure security is to implicitly assume effective and equitable governance. In fact the dynamic process of titling, especially if implemented with imperfect governance, frequently reduces tenure security and equity although designed to enhance both, and is unlikely to make efficient users win the day. Okoth-Ogendo, reviewing the situation in East Africa, argues that '. . . the state is both an inefficient administrator as well as a predator on land that in law, and/or in fact, belongs to ordinary land users . . .' (2000: 129). Perhaps governance is better rephrased as power. If property is seen 'as a bundle not of rights . . . but rather of powers' (Verdery, 1998: 161; emphasis in original), then where power is unequally distributed, concentration of land rights will soon follow (Peters, 2000). The negative effects of titling or other tenure reforms may not be due to their legal specifications, but instead to the way in which they are administered and adjudicated (Hunt, 2001: 12), which in turn reflects the distribution of power.

Land tenure legislation is no substitute for the hard work of building capacity for governance. Forcing titling onto a system that cannot support it administratively and judicially is likely to worsen governance and people's confidence therein. If tenure insecurity is fundamentally due to an inability of rights-holders to get their rights enforced, whether the legal instruments are customary or statutory, then the problem ultimately traces back to powerlessness, and proposed solutions must address this.

VIII Conclusions

Land tenure has long been an attractive subject for development theoreticians who looked for systemic explanations for underdevelopment. However, at this stage it is clear that land tenure reform by itself is not the magic bullet that it was once thought to be:

> While all are agreed that secure land tenure is important for both poverty reduction and economic development, it is important to avoid simplistic assumptions about how to design arrangements that can best support agricultural development. Over recent decades, top-down, centralized approaches to land and tenure reform have been attempted based on sweeping assumptions – for example that individual private property is the sole foundation for agricultural development, as in Kenya, or, as in Ethiopia, that all land should be owned and controlled by the state, and the rural populace should be given use rights in equal shares. Both of these approaches have generally failed, often undermining security of tenure, and in some cases deepening poverty and allowing richer groups to gain control over valuable resources. (Quan, 2000: 48–49)

It may no longer be useful to hold customary and statutory tenure in contradistinction, because the literature of the last ten or so years shows that the descriptive boundary

between the two is dissolving. Whereas customary tenure was once caricatured as collective, it is now clear that it mainly provides for strong individual cultivation rights. Whilst customary tenure has been criticized for insecure arbitrariness, in practice state titling is at least as arbitrary. Customary land was supposed to impede credit because it is not mortgageable, yet titled land does not provide adequate security for the lender. The difference between customary and statutory tenure may therefore be not so much the nature of the tenure offered by the two regimes, but rather the nature of the regimes that offer the tenure – their functions, power bases and constituencies.

This review offers two somewhat opposing areas of critique of the neoclassical model. Detailed descriptions of smallholder farming in Africa and its macro-economic, cultural and political contexts cast serious doubt on the hypothesis that tenure security would overcome other constraints on African agriculture. Simultaneously, the empirical testing to date, while yielding a largely negative conclusion, has left room for improvement in the definitions, categorizations and conceptualizations used to apply the model to the African context. Land tenure reform will no longer be seen as a magic bullet to be fired at agricultural stagnation and rural poverty, but the fact that land rights are embedded in cultural practices and power relations does not mean that they have no significant effect on poverty.

The debate on land tenure's relation to poverty alleviation in SSA has shifted in recent years from an 'offensive' to a 'defensive' stance. The offensive stance, at its most optimistic, proposed that enhancing tenure security and transferability could cause economic growth and possibly even equitable growth. The failure of this proposal to yield empirical validation has led the debate to assume a defensive character, arguing that land rights and access to land for the poor and vulnerable must be safeguarded as part of their sustainable livelihoods, especially where policies stemming from the offensive stance undermine smallholders' tenure security by making land alienation possible. While one welcomes the fact that the debate now rests on firmer empirical grounds and with a pro-poor, 'safety first' perspective, one also notes the absence in the current defensive discourse of mechanisms by which land policy can promise a broad-based growth of rural incomes.

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