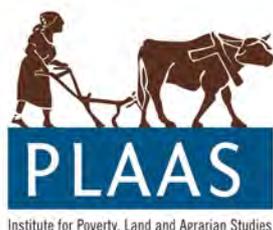


THE POLITICAL ECONOMY OF LAND GOVERNANCE IN AFRICA

The Role of Universities in Decolonising
Curricula and Promoting Critical Scholarship

COLLOQUIUM REPORT

School of Public Health, University of the Western Cape
8 October 2019



CONTENTS

EVENT PROGRAMME	03
Colloquium on The Political Economy of Land Governance in Africa	
CONCEPT NOTE	06
Colloquium on The Political Economy of Land Governance in Africa: The Role of Universities in Decolonising Curricula and Promoting Critical Scholarship	
PROFS. RUTH HALL AND MOENIEBA ISAACS, UNIVERSITY OF THE WESTERN CAPE	
KEYNOTE LECTURE ONE	09
Critical scholarship and crafting a future for African Universities	
PROF. JONATHAN JANSEN, FACULTY OF EDUCATION, STELLENBOSCH UNIVERSITY	
PANEL DISCUSSION	12
Universities' challenge of decolonising curricula and transforming pedagogies	
PROF. ISABEL CASIMIRO, EDUARDO MONDLANE UNIVERSITY, MOZAMBIQUE, AND CODESRIA PROF. SUREN PILLAY, CENTRE FOR HUMANITIES RESEARCH, UNIVERSITY OF THE WESTERN CAPE DR. FIONA ANCIANO, POLITICAL STUDIES, UNIVERSITY OF THE WESTERN CAPE PROF. MOENIEBA ISAACS, PLAAS, UNIVERSITY OF THE WESTERN CAPE PROF. MAANO RAMUTSINDELA, FACULTY OF SCIENCE, UNIVERSITY OF CAPE TOWN	
KEYNOTE LECTURE TWO	17
Land governance challenges in Africa	
PROF. ISSA SHIVJI, DIRECTOR, NYERERE RESOURCE CENTRE, TANZANIA COMMISSION FOR SCIENCE AND TECHNOLOGY, UNIVERSITY OF DAR ES SALAAM, TANZANIA	
PANEL DISCUSSION	21
Land governance challenges in West, East and Southern Africa	
PROF. MAMADOU GOÏTA, UNIVERSITY OF BAMAKO, MALI (WEST AFRICA) MR. EMMANUEL SULLE, PLAAS, UNIVERSITY OF THE WESTERN CAPE (EAST AFRICA) PROF. RUTH HALL, PLAAS, UNIVERSITY OF THE WESTERN CAPE (SOUTHERN AFRICA) DR. PHILLAN ZAMCHIYA, UNIVERSITY OF THE WESTERN CAPE (SOUTHERN AFRICA)	
PANEL DISCUSSION	26
The Way Forward for African Scholarship on Land Governance	
DR. JOAN KAGWANJA, CHIEF, AFRICAN LAND POLICY CENTRE, UN ECONOMIC COMMISSION FOR AFRICA PROF. HORMAN CHITONGE, CENTRE FOR AFRICAN STUDIES, UNIVERSITY OF CAPE TOWN PROF. BEN COUSINS, PLAAS, UNIVERSITY OF THE WESTERN CAPE	
LAUNCH	29
UWC JOINS AFRICAN LAND GOVERNANCE NETWORK AS THOUGHT-LEADER	
MARK PATERSON	

Colloquium on
**The Political Economy of Land
Governance in Africa:**
The Role of Universities in Decolonising
Curricula and Promoting Critical Scholarship

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PROGRAMME



- 8.30 **Opening Session**
Chair: Prof. Moenieba Isaacs, PLAAS, University of the Western Cape (UWC)
- Welcome to the University of the Western Cape**
Prof. Gregory Ruiters, Deputy Dean: Teaching and Learning, Economic and Management Sciences, UWC
- Welcome to the Institute for Poverty, Land and Agrarian Studies**
Prof. Andries du Toit, Director, PLAAS, UWC
- 9.00 **Keynote Lecture 1**
Critical Scholarship and Crafting a Future for African Universities
Prof. Jonathan Jansen, Faculty of Education, Stellenbosch University
- 9.30 **Panel 1**
Universities' challenge of decolonising curricula and transforming pedagogies

Prof. Isabel Casimiro, Eduardo Mondlane University, Mozambique, and CODESRIA
Prof. Suren Pillay, Centre for Humanities Research, University of the Western Cape
Dr. Fiona Anciano, Political Studies, University of the Western Cape
Prof. Moenieba Isaacs, PLAAS, University of the Western Cape
Prof. Maano Ramutsindela, Faculty of Science, University of Cape Town
- 10.45 **Tea and coffee break**
- 11.00 **Panel 2**
The Network of Excellence on Land Governance in Africa,

Background to NELGA
Dr Joan Kagwanja, Chief, African Land Policy Centre, UN Economic Commission for Africa

Partnerships to strengthen land governance in Africa
Anita Hernig, Head of Programme, SLGA, GIZ, Addis Ababa

Activities of the NELGA nodes
Dr Agnes Mwasumbi, NELGA Node Coordinator, East Africa (Tanzania)
Prof. Mutjinde Katjiua, NELGA Node Coordinator, Southern Africa (Namibia)
Prof. Papa Meissa Dieng, NELGA Node Coordinator Representative, Francophone West Africa (Senegal)
Prof. Moha El-Ayachi, NELGA Node Coordinator, North Africa (Morocco)
Prof Paul Tchawa, NELGA Node Coordinator, Central Africa (Cameroon)
- 12.00 **Keynote Lecture 2**
Land governance challenges in Africa
Prof. Issa Shivji, Director, Nyerere Resource Centre, Tanzania Commission for Science and Technology, University of Dar es Salaam, Tanzania
- 12.30 **Lunch**

- 13.30 **Panel 3**
Land governance challenges in West, East and Southern Africa
Prof. Mamadou Goita, University of Bamako, Mali (West Africa)
Emmanuel Sulle, PLAAS, University of the Western Cape, South Africa / Tanzania (East Africa)
Prof. Ruth Hall, PLAAS, University of the Western Cape (Southern Africa)
- 14.30 **Panel 4**
Political economy and the role of the short course
Prof. Ruth Hall & Prof. Moenieba Isaacs, PLAAS, UWC (overview of course)
Chief Stephen Drani, traditional leader; alumnus of NELGA short course (Uganda)
Bernardus Swartbooï, former Deputy Minister of Land / Namibian Landless People's Movement; alumnus of NELGA short course (Namibia)
Eileen Mwangae, women land rights advisor, Namati (Kenya)
Sonnie Kesselly, chairperson of department, University of Liberia; alumnus of NELGA short course (Liberia)
- 15.45 **Tea and coffee break**
- 16.00 **Panel 5**
The Way Forward for African Scholarship on Land Governance
Dr Joan Kagwanja, Chief, African Land Policy Centre, UN Economic Commission for Africa
Prof. Horman Chitonge, Centre for African Studies, University of Cape Town
Prof. Ben Cousins, PLAAS, University of the Western Cape
- 16.30 Close
-

CONCEPT NOTE

COLLOQUIUM ON THE POLITICAL ECONOMY OF LAND GOVERNANCE IN AFRICA: THE ROLE OF UNIVERSITIES IN DECOLONISING CURRICULA AND PROMOTING CRITICAL SCHOLARSHIP

PROFS. RUTH HALL AND MOENIEBA ISAACS, UNIVERSITY OF THE WESTERN CAPE

Why link the issue of land governance to questions of decolonisation and the role of universities?

Decolonising the land requires decolonising our universities.

In South Africa there is a live conversation about the need to decolonise our universities—an idea that expands beyond transforming our curricula, to drawing on the work of African scholars, to changing the character of our institutions, linking them more closely with communities and with policy audiences. As we think about decolonising our universities, we need to think about how, as African institutions, we pull together to strengthen land governance across the continent. As sites of knowledge production and training, universities are central to advancing and realising the African Union's agenda on land. The key documents here are the African Union's Framework and Guidelines on Land Policy (2009) and the Declaration on Land Issues and Challenges in Africa (2010) adopted by the Heads of State.

Why is land governance a decolonisation question?

Land dispossession as a means and consequence of colonial conquest involved, as Mamdani (1996) has shown, the negation of customary land rights and the imposition of dualistic or 'bifurcated' forms of governance. The imprint of this dualism is still evident around the continent, where many countries have weak or absent legal recognition of customary and informal land rights—and other associated resource rights. Alongside this are, in many countries, forms of ownership including private title, typically to a small proportion of the land. Most land is held under forms of customary tenure. Across the continent, 90% of Africa's land is undocumented (Byamugisha 2013). The figures vary but are often very high indeed: 96% in Cote d'Ivoire, 95% in Cameroon, Benin and Senegal. At the far end of the spectrum is South Africa, where only the former native reserves and later homelands or Bantustans remain sites of customary tenure, on approximately 13% of the land. South Africa is not only the most widely privatised land regime on the continent; it is also the most unequal society—and of course the connection is quite obvious. Elsewhere, as in Kenya, laborious land titling programmes have been shown to be expensive, ineffective and often entrench or exacerbate inequalities. The alternative is to recognise informal and customary rights—the rights held by the majority of citizens—while also redistributing access to land to achieve greater social equality.

The duality of land rights is a core legacy of colonialism that continues to generate inequalities and hamper development.

What about South Africa’s land debate?

The debate about expropriation without compensation in South Africa, and the amendment of the property clause in the Constitution, has been profoundly a debate about decolonisation. The overwhelming response at all the public hearings of the Constitutional Review Committee during 2018 was in favour of constitutional amendment which was perceived by the majority of speakers as being necessary to advance expropriation without compensation. And that is equated with the expectation of a dramatic change in how land is accessed and managed, following years of a failing land reform programme. In the most unequal society on the continent, South Africa sits with an unresolved land question—or set of questions—that are centrally questions of decolonising: confronting the violence of land dispossession and the negation of indigenous and customary land rights, making the majority of citizens into tenants or squatters in their own country. What a decolonised South Africa would look like, and how land would be governed, is something about which we at PLAAS have tried to provoke debate. We would now like to engage in this conversation with others in South Africa while linking this to similar conversations across the continent.

Why might ‘non-land’ people be interested?

In putting together the programme for today, several people insisted ‘but I am not a land person!’ We asked you to come anyway, and thank you for being willing to go out on a limb to join the conversation.

The reason we felt it was important to broaden out this conversation to scholars who do not specialise in land issues is that we feel that there is much valuable work being done, including at our own institution, that addresses directly or indirectly various land governance questions—from administration, management, conflict, politics, gender, economics, law, environment, urban planning, agriculture, development finance, land surveying, natural resource management, forestry, water policy, marine and fisheries, and so on. We at PLAAS have had fruitful conversations over the past months with colleagues elsewhere who are coming across land governance questions in the course of their work, and yet do not necessarily frame them as being about ‘land’ but about something else.

It is our hope that by the end of the colloquium, we will not only have had an interesting day but emerge with new ideas and relationships to drive forward our collective interests in addressing land governance on the continent. And perhaps some of the ‘non-land’ people will find ways in which this agenda resonates with their own work, and we can explore new connections.

The Network of Excellence on Land Governance in Africa

The African Union’s Framework and Guidelines on Land Policy in Africa, the African Land Policy Centre’s (ALPC) program on Strengthening Advisory Capacities for Land Governance in Africa (SLGA), and Network of Excellence on Land Governance in Africa (NELGA) all aim to strengthen human and institutional capacities for the implementation of sustainable and development-oriented land policies in Africa. SLGA has established a Network of Excellence on Land Governance in Africa (NELGA) under the leadership of the ALPC. PLAAS in partnership with the AU’s ALPC used the “Guidelines for the Development of Curricula on Land Governance in Africa” as a base document to guide the “Needs Assessment for Short Course Training on Land Governance in Africa”

to develop short course training in Land Governance. PLAAS together with the ALPC commissioned a Needs Assessment for Short Course Training on Land Governance in Africa to provide confirmation that there exists demand for NELGA's vision of training policymakers and practitioners, and ensuring that land professionals in Africa have an appreciation of the land governance policies and frameworks at regional and global levels, as well as an understanding of the socio-economic and political economy contexts in which these are to be implemented.

NELGA is a decentralised model aimed at enlisting universities to be at the forefront of addressing the land governance challenges of Africa. Instead of having one centre, various 'nodes' around the continent have been established with the task of strengthening curricula and conducting research. Many of these nodes focus on land administration and related matters—what are often considered the 'technical' or 'hard' side of land governance.

UWC as a 'special node'

The University of the Western Cape—due to the work of PLAAS—is being recognised and launched as a 'special node' of NELGA, because we have taken up the mantle of driving interdisciplinary short-course training on the political economy of land governance. Working with partner institutions in Southern, East and West Africa, we have conducted our five-day course on The Political Economy of Land Governance in Africa in Cape Town, Zanzibar and Accra, graduating 96 students over the past year. We plan to continue with this work, scale it up, and explore additional new and innovative methods to reach more people, and to deepen the training we have already conducted via our alumni network and ongoing online learning. We hope to make stronger connections with other academic partners and institutions as we continue this journey.

Xenophobia and Afrophobia

We are convening this colloquium at a time when South Africa—and the continent—are reeling from ongoing and recent spikes in xenophobic violence and widespread Afrophobia. We understand that there is outrage across the continent, and a serious deterioration in public sentiment towards South Africa and South Africans. One of our participants withdrew from participating because she was not willing to travel to South Africa. We cherish our partnerships with other African institutions, including the African Union and UN Economic Commission for Africa, and with the African Land Policy Centre (ALPC) and NELGA. As part of a societal response against xenophobia and Afrophobia, we see this colloquium as being an opportunity to demonstrate the commitment of UWC among many other institutions to cement and deepen our continental partnerships. •

KEYNOTE LECTURE ONE

CRITICAL SCHOLARSHIP AND CRAFTING A FUTURE FOR AFRICAN UNIVERSITIES



PROF. JONATHAN JANSEN, FACULTY OF EDUCATION, STELLENBOSCH UNIVERSITY

The #RhodesMustFall (#RMF) and #FeesMustFall (#FMF) student protests which broke out in 2015 drew attention to the impacts not just of apartheid but of colonialism, which has shaped South Africa since the 17th century, including in terms of language¹. However, in considering such impacts from an academic, social-science perspective, it is important to acknowledge that words—in particular the terms that are chosen to express complex ideas—matter. Words can only do so much work on their own. In this regard, South Africans are susceptible to slogans, which may be employed by opinion-formers such as politicians and academics. For example, the deployment of the phrase “expropriation without compensation” bears little relation to how the realities of land redistribution may be addressed effectively. It is a slogan which is used for mobilisation rather than to change the situation on the ground. If the slogan had substance, the people removed from District Six in Cape Town and their families would have had their land back a long time ago. Against this background, the empirical work undertaken by the Institute for Poverty, Land and Agrarian Studies (PLAAS) at the University of the Western Cape (UWC) fosters understanding of the challenges faced in seeking to realise the idea on which the slogan is based.

Slogans, which may foster misunderstanding, can be deployed to achieve parochial goals. For example, the term “white monopoly capital” was popularised in South Africa at the behest of white monopoly capitalists in defence of their interests and to distract from state capture. The reasons for the popularisation of other rallying cries can also be complex. For example, a recent campaign against gender-based violence (GBV) in South Africa was sparked by the rape and murder of Uyinene Mrwetyana, a student at one of the country’s most privileged universities, the University of Cape Town (UCT), in August 2019. Notwithstanding the seriousness and prevalence of GBV, including on the country’s campuses, it is unlikely that the issue would have been taken up in the same way if the victim had been a student at Fort Hare. In this context, a campaign has been produced that fails to promote understanding of the relationship between GBV and violence more broadly. Accordingly, the recent murder of another student, Siyabonga Mkhwanazi, who attended North West University, received relatively little public attention although it took place at about the same time as that of Uyinene Mrwetyana.

Similarly, the terms “decolonisation” and “decoloniality”, which are common in Latin American academic circles, have come to be deployed in the past decade in South Africa as if they represent a new idea and as

¹This sub-section is based on a lecture by Professor Jonathan Jansen, Faculty of Education, Stellenbosch University, South Africa, at a Colloquium on Land Governance in Africa: The Role of Universities in Decolonising Curricula and Promoting Critical Scholarship which was held at the School of Public Health, University of the Western Cape (UWC), South Africa, on 8 October 2019.

if their mere use and repetition can help to create a new phenomenon. But the meaning of the terms has remained obscure in relation to how people actually live their lives. In fact, the concept of decolonisation was previously an aspect of the academic discourse in other parts of Southern Africa although it failed to gain significant traction in Zimbabwe, Zambia and Tanzania. So, it is important to interrogate why the term has now been popularised in South Africa, particularly among gullible social scientists, within a discourse that used to focus rather on the idea of anti-racism, and further to ask whose interests are being served by the promotion of this concept of decolonisation.

Leading South African sociologist Saleem Badat claimed that the #FMF movement represented a decolonial turn, when it would be more accurate to describe the movement as embodying a decolonial moment. The universities haven't actually turned. In relation to the uptake of decolonisation in university curricula, few courses have been substantively transformed. In certain disciplines, including particularly the social and political sciences and the humanities, and within certain departments—such as at PLAAS, the archaeology department at UCT and the anthropology department at the University of the Witwatersrand—the critical instincts of academics had already led them to shape curricula and research practices in line with the perspectives of radical theorists such as Martinican political philosopher Frantz Fanon, Italian Marxist philosopher Antonio Gramsci and Brazilian educator and philosopher Paulo Freire, who have been lauded by the decolonialists.

A survey of academics which asked how they had implemented decolonisation produced some ludicrous findings. For example, one dean of commerce responded that the dollar and euro signs had been changed to rand signs in the teaching materials issued to students. The idea of decolonisation has been trivialised to mean little more than local context; and in the process the importance of contextualisation also has been trivialised – as if the project of producing contextually significant ideas and intellectual tools can be reduced merely to removing American and European references

and replacing them with African ones. This idea of “context” underpinned the apartheid project—for example, in the creation of UWC as a “coloured” university to provide education deemed contextually relevant for a population classified as “coloured” along racial lines. Similarly, the Venda had their own historians at the University of Venda which was established in a former Bantustan in Limpopo province; and the idea of “ubuntu” was originally popularised by Zulu nationalists to give expression to the idea of Zulu-ness. As these examples show, there is nothing inherently progressive or liberating about the idea of context which continues to be placed at the service of tribalism.

In this context, the problem with the present conceptualisation expressed by the term “decolonialisation” is not that it is too radical, but that it is not radical enough. The pain experienced by members of historically disadvantaged communities cannot be reduced to this term. Rather the epistemological foundations on which scholarship is based need to be shifted. In this regard, more inclusive theoretical perspectives should be adopted to address present challenges. For example, students and academics complain about the imbalance of power in relationships within the education system, as if authoritarianism is a product of colonialism alone. However, the idea of chiefs and subjects predates the arrival of colonialism, as research conducted at the University of South Africa (UNISA) has shown. In analysing current realities, it is important to embrace complexity and reflect on how the present has been shaped by a number of previous knowledge regimes and eras, including the precolonial one.

Discussion²

There is some value in the use of the idea of “decolonisation” to disrupt the hold on power of a liberal elite at universities who act as the gatekeepers controlling who teaches and studies and what is taught and researched. In addition, there is a substantive aspect to decolonialisation as a mechanism for

²This sub-section is based on an open discussion at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

redress. In this regard, issues of context can be crucial for universities – for example, in relation to the land rights of the dispossessed in District Six, which is also the site of the Cape Peninsula University of Technology’s (CPUT) main campus in the centre of Cape Town. Decolonialisation also has substantive meaning as a mechanism for liberation, as deployed by Samora Machel in achieving independence from the Portuguese in Mozambique. In response to those who characterise colonialism as essentially a form of white dominance, one way of producing a new narrative is to adopt a more nuanced perspective that embraces historical complexity – for example, by recognising that whites also were colonial subjects.

In transforming epistemologies at South African universities, it is also important to confront the idea that there is a centre to knowledge based in the global North and that the South is on the periphery, operating as little more than a proving ground for theoretical constructs developed elsewhere. This dichotomous view of knowledge production is simplistic. A more productive approach is to take a broad view of how diverse, complex African and Western forms of knowledge intersect and interact with each other, and can bring together the best academics in a quest for new kinds of understanding. Adopting this perspective, the academic project is no longer placed at the service of a kind of African essentialism, which Fanon himself recognised as a threat. Complexity, collaboration and interconnectedness should be the order of the day. On the international stage, even the British and American leaders, Boris Johnson and Donald Trump, are starting to acknowledge that a country cannot disconnect itself in an interconnected world. The lesson is as true for intellectual work as it is for trade.

In this context, the return to an African essentialist position represents an easy, but ultimately self-defeating option. Instead, serious scholarship is required to produce alternative theoretical approaches and new ways of thinking. Unfortunately, such seriousness is not necessarily fostered under present managerial cultures in the higher education system in South Africa. For example, where once the University of Johannesburg used to send out a note to academics asking whether they had decolonised their curricula today, now the same institution asks instead: “Are you part of the fourth industrial revolution?”

In Tanzania, there was no so-called “decolonisation” project after independence. Rather academics and student talked about “liberation” and “education for liberation”, which was a bone of contention between them and the country’s leader Julius Nyerere, who instead placed the emphasis on “self-reliance”.³ Academics and student argued that the idea of education for “self-reliance” was a product of colonialism and that, in line with the thinking of Freire, education should be conceived as a form of, and means to, liberation and, thus, a never-ending process. Accordingly, the question of liberation is yet to be resolved. In this respect, the so-called “decolonisation moment” in South Africa could easily be subsumed into a neoliberal education programme, as has happened in Tanzania and elsewhere. And this is always liable to happen unless education is conceptualised as a continuous programme of liberation. •

³This paragraph is based on comments made by Professor Issa Shivji, Director, Nyerere Resource Centre, Tanzania Commission of Science and Technology, University of Dar es Salaam, at a Colloquium on Land Governance in Africa: The Role of Universities in Decolonising Curricula and Promoting Critical Scholarship which was held at the School of Public Health, UWC, on 8 October 2019.

PANEL DISCUSSION

UNIVERSITIES' CHALLENGE OF DECOLONISING CURRICULA AND TRANSFORMING PEDAGOGIES

PROF. ISABEL CASIMIRO, EDUARDO MONDLANE UNIVERSITY, MOZAMBIQUE, AND CODESRIA
PROF. SUREN PILLAY, CENTRE FOR HUMANITIES RESEARCH, UNIVERSITY OF THE WESTERN CAPE
DR. FIONA ANCIANO, POLITICAL STUDIES, UNIVERSITY OF THE WESTERN CAPE
PROF. MOENIEBA ISAACS, PLAAS, UNIVERSITY OF THE WESTERN CAPE
PROF. MAANO RAMUTSINDELA, FACULTY OF SCIENCE, UNIVERSITY OF CAPE TOWN

Anti-colonisation and liberation of the curriculum, which took place in Mozambique after it won independence in 1975, is a key, sensitive issue in the African context.¹ The Mozambique Liberation Front (FRELIMO) took the view that school forms the basis for liberation. So, transformation of the education system had to be undertaken from the primary school to university; and most curricula changed after independence. Beyond Mozambique, the Council for the Development of Social Science Research in Africa (CODESRIA) is concerned with liberating education and research, supporting students and intervening in public education policies across the continent. The council has promoted decolonisation of curricula.

However, the process of liberating education in Africa slowed after 2000 with a rise in neoliberalism and neocolonialism reshaping the political landscape in Mozambique and the rest of the continent in line with the interests of multinational companies. In Mozambique, extractivism, which has focussed on exploiting resources such as rubies and natural gas, has taken hold with special courses being introduced at universities at the behest of multinationals. In a context in which the majority live in rural areas and depend on the land for a living, the situation in the country has become increasingly difficult and violent. Given that the most of the workers in the rural areas are women, the issue is also one of gender. At present, the pan-African perspectives that were once promoted by South African scholar-activist Ruth First and Mozambican social scientist Aquino de Bragança at the interdisciplinary Centre for African Studies at the Eduardo Mondlane University in Maputo, Mozambique; and the epistemological critiques pioneered by Women and Law in Southern Africa (WLSA) have been marginalised.

It is no longer that easy to change the university environment, particularly in comparison with 1975, when things changed very quickly following independence. Now it seems that that some people don't feel the need to change the structure or the way the university is working; and the university itself is not cooperating. Although it is possible to change the curriculum, that is just the start. In such an environment, it is important to involve everybody—the students, the workers, the teachers—in seeking change. Some academics are changing the pedagogies, but the overall system itself is complicated and represents a great challenge.

¹This paragraph and the next two are based on contributions made by Professor Isabel Casimiro, Eduardo Mondlane University, Mozambique, and the Council for the Development of Social Science Research in Africa (CODESRIA), as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.



In considering land issues and the content of higher education, there are many constituencies with diverse views and there will be many disagreements.² There will be academics who produce serious work in these areas and there will be some bureaucrats who respond by trivialising the importance of such work and the concerns raised, and adopt a defensive position, seeking to co-opt the discourse into management speak.

Academics and students at the Centre for Humanities Research (CHR) at UWC have sought to address the land question within the context of the new kinds of knowledge that are required to describe post-apartheid South Africa and its legacies. In this regard, a dominant, South African exceptionalist view has been that apartheid was not a generic form of colonial experience. This view suggests that, after the establishment of the Union of South Africa in 1910, the colonial occupation of South Africa came to an end to be replaced by an anti-imperialist form of Afrikaner nationalism – the supposition being that colonialism and apartheid were quite distinct forms of rule. In this regard, apartheid may be viewed as the solution to a predicament, which was how could a minority of the population ensure its rule over the majority of the population through time and across the land. However, comparative studies indicate that, given its deployment of an ideological framework based on ideas of race and ethnicity as a justification for its form of dominance, apartheid may more accurately be historicised as a system of indirect rule, or settler colonialism.

In viewing modern South African history from this perspective, the land question may then be addressed as an aspect of the political economy of colonialism, which shaped the country's legal and cultural domains. In imposing this system, great efforts were made to reconstitute land and land rights within the terms of a market-driven economy and according to ideas of ethnicity. It was under colonialism that the idea of ethnic relationships to land was promoted, which led to tribalism as well as the issue of who may truly be defined as "African". In addition, a number of dichotomies were established, which shaped how land was viewed: civilised versus uncivilised; the indigenous native versus the stranger. In this regard, colonialism may be seen as an expression of the new forms of land alienation and ownership that it produced, which further gave birth to a new form of political organisation – nationalism – in the place of pan-Africanism.

Against this historical background, land both shapes, and represents a kind of, expression for contemporary forms of political identity and belonging and is integral to the question of citizenship. As such, it is the locus of struggles not only in the countryside, but in the city. In the context of nationalism, which is always an exclusive political ideology, land can

²This paragraph and the next four are based on contributions made by Professor Suren Pillay, Centre for Humanities Research (CHR), UWC, as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

also be the locus of secessionist demands. For example, in political communities in which contestation over land is shaped by a discourse in which some people are seen as indigenous and others as interlopers, minority groups lacking rights enjoyed by others may demand their own place where they can govern themselves. The proliferation of such demands reproduces a colonial logic of political and land rights shaped by ethnicity, leading to the establishment of new territorial entities and dispensations, such as South Sudan.

In acknowledging how land and the ways in which it is, and has been, valued has influenced past and present ways of thinking, a new kind of critique of development can emerge. One that considers how inherited relationships to land have been shaped by the exigencies of resource extraction and the view that nature is there to be domesticated and dominated in the name of reason; one that looks at how the relationships to land produced by colonialism valorised culture over nature and science over tradition, and produced a paradigm of dichotomies that is now disintegrating. Such a critique would lead to serious questioning of the current development path being adopted in South Africa. In this regard, scholars should be asking whether the mantra of technological progress and the impending fourth industrial revolution should be uncritically embraced, and whether the current forms of capitalism and socialism can produce the socio-economic and cultural solutions that are required going forward; or whether technological fundamentalism itself has led to the present plight in which the planet's future is at stake. Such a process of interrogation may lead to different forms of critical practice and thought that can produce new theories of the present, conceived not in the service of modernity but in order to understand how society is actually constituted and what it is becoming – and in order to offer knowledge and histories from which alternative political futures may be forged.

The Department of Political Studies at UWC, in reflecting on decolonising the curriculum, particularly in relation to issues of social justice and urban governance, has looked at how it can think about learning

outside the classroom.³ It has considered how it can take its students into communities and the workplace, grounding their learning in how and where South Africans actually live and work. The concern has been to explore what it means to be an African scholar in practise and how best to bridge the gap between theory and practice. In this regard, the department's view is that decolonising the curriculum entails changing not only what is taught, but how it is taught. In seeking to help capacitate and guide its masters students in new ways, the department has collaborated with a Swedish partner to establish a work-integrated learning programme that engages with community concerns. The programme provides students with the opportunity to engage with actual, community-based organisations—not as interns, but in order to develop new theoretical understandings of the concrete problems faced in these workplaces and how these may be addressed more effectively.

The student engagement with these organisations must be proximal—that is, they work in the same geographical area—and authentic—that is, the tasks performed by the students must mirror those performed in the actual community organisation. In Cape Town, the students have partnered with the local non-governmental organisation (NGO) Reclaim the City and other bodies working on the issue of gentrification. In Sweden, they are partnering with a refugee rights organisation. Having engaged, students must then identify a key problem and how it may be addressed. In Cape Town, the students identified a youth programme as something that should be developed with Reclaim the City.

One of the key lessons that has been learned from establishing this programme has been that there is no silver bullet to decolonising the curriculum. Actions must be taken both theoretically and practically, often in the face of significant obstacles erected to head off attempts to try new things. For example, approvals have not always been forthcoming for some of the new approaches

³This paragraph and the next two are based on contributions made by Dr Fiona Anciano, Department of Political Studies, UWC, as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

adopted at the Department of Political Studies. Nevertheless, the goal should be to adopt new forms of praxis which can offer opportunities to reflect on different types of teaching and engagement, and assess the potential benefits of these in the longer term.

The present debate about decolonisation in South Africa stems from the 2015 #RMF and #FMF protest movements, in which the term “decolonisation” was used by students to express their discontent.⁴ The universities had to engage with the protest movements against their will in order to contain the rebellious students—and so, the notion of decolonisation was placed on the agenda for transforming curricula and knowledge production within the higher education system. However, the idea of decolonisation was an ephemeral one. No one was exactly sure what it meant or what a decolonised curriculum would look like. Although the opacity of the concept empowered the students, as if it were a new idea that belonged to them alone, its relative incoherence and its provenance from beyond established academic disciplines as a product of student discourse dulled its impact. It is difficult to import ideas from outside the university into the higher education system and make them part of its thinking on how to restructure the production of knowledge. To compound the challenge, the calls for decolonisation were made in the absence of a broader movement to transform the education system—such as that advocating People’s Education for People’s Power as part of the Struggle against Apartheid in the 1980s—and so, the drive for decolonisation was born into an ideological vacuum.

In this context, or lack of one, the call for inclusive knowledge as part of decolonisation soon became a source of contestation. Academics in disciplines like the hard sciences and mathematics which prize specialist forms of knowledge indicated that they were unclear about which aspects of their curricula and pedagogic methods were supposed to be transformed and how this should happen. In this regard, the drive to decolonisation may entail implementing complex kinds of training and multiple forms of knowledge, but few models for forging and packaging these and for incorporating students’ experiences into

the teaching process have been developed. In this respect, the promotion and establishment of trans-disciplinary programmes that may provide more decolonised kinds of learning faces resistance within present university structures in which much of the power is wielded by individual departments and deans. One solution to this would be to produce more flexible university structures. More broadly, in developing new disciplines – such as, for example, that of political ecology – there must be greater genuine collaboration among academics and students to forge the kinds of theoretical perspectives that need to be examined; the books that need to be read; and the questions that should be asked. As crucial contributors to such processes, academics should not be permitted to abdicate responsibility for opening new lines of intellectual inquiry, but should rather be obliged to foster the forms of knowledge and understanding required to facilitate curriculum transformation. Another way of promoting greater transformation of teaching and knowledge production would be to reform the current rewards regime within the higher education system, which prizes particular kinds of activity, such as the publication of research papers, over others, such as community engagement. However, this would require those who are succeeding under this system of rewards to speak out, since the views of those who are failing under this regime are unlikely to receive significant credence. In other words, those who publish should be the advocates of greater community engagement.

Education must produce relevant knowledge and help to make sense of lived realities.⁵ So, PLAAS encourages students and teachers to bring their activism into the institute’s learning and research and to develop their own tools for thinking and their own theoretical frameworks. In this regard, PLAAS’s post-graduate programme, which

⁴This paragraph and the next are based on contributions made by Professor Maano Ramutsindela, Faculty of Science, University of Cape Town, South Africa, as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

⁵This paragraph and the next are based on contributions made by Professor Moenieba Isaacs, PLAAS, UWC, as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

was never only a South African course but a regional one, situates the issue of land within the studies of political economy and history, including colonialism. Similarly, the institute's land governance programme sees land as an entry point for understanding people's struggles for natural resources, including fishers' struggles within the blue economy; the use and exploitation of forests; and the role of the extractive industries. PLAAS also offers a rich programme run by Ben Cousins, the institute's founding father, who, as a SARChI chair, developed a cohort of researchers to produce case studies from the field on class struggles. PLAAS continuously seeks to develop critical scholarship in its masters and PhD programmes and also interrogates issues around activism and engaged scholarship. Building on this work, it has moved into training and equipping land professionals with different ways of thinking, including through understanding the political economy of colonialism.

However, in relation to the broader issue of decolonisation within the higher education sector, particularly in relation to UWC, there could be greater coordination among academics on the issue of unpacking student struggles and creating more student-centred teaching and knowledge production. The question is: Why aren't the academics getting together more often to discuss this? For example, there have been moments at UWC when the academics have been forced to reflect on their own practices but there needs to be a more concerted, deliberate effort to examine critical issues in relation to the university's governance and its mission.

Discussion⁶

In considering the impediments to decolonisation in South Africa's tertiary education sector, it is important to acknowledge the roles and structures of universities, a number of which were founded as part of the colonial project, and how these shape their efforts to reproduce and/or challenge the social order, as well as the kinds of teaching and knowledge that they value and promote. At the same time, under the tyranny of the audit culture, the room for manoeuvre in fostering new ways of doing things within the sector has become increasingly tight. The challenge is exacerbated by the inherently conservative nature of universities in South Africa, which broadly failed to acknowledge the everyday experiences of poverty faced by students—for example, in relation to accommodation and transport—until these were made plain by the students themselves. In this regard, understanding the socio-economic context of students' lives—which necessarily entails efforts to safeguard their dignity—must be considered as a priority in decolonisation to produce both the material conditions that allow students to learn and the kinds of knowledge that are required in a new society. Accordingly, although curriculum reform is crucial, it is not enough.

The ideas of decolonisation and nationalism can be used to produce justifications for parochial viewpoints and particular systems of power. For example, decolonisation may be used as a pretext to valorise, rather than problematise, the pre-colonial period which was already characterised by significant movements of people as a result of trade and demographic pressures. Meanwhile, nationalism as an ideology that pits insiders against outsiders may be used by ruling elites to advance their interests, as has been shown, in relation to land reform, by the Zimbabwe African National Union—Patriotic Front (ZANU-PF) in Zimbabwe, and by the African National Congress (ANC) and the Economic Freedom Fighters (EFF) during elections in South Africa. •

⁶This sub-section is based on an open discussion at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

LAND GOVERNANCE CHALLENGES IN AFRICA

PROF. ISSA SHIVJI, DIRECTOR, NYERERE RESOURCE CENTRE, TANZANIA COMMISSION FOR SCIENCE AND TECHNOLOGY, UNIVERSITY OF DAR ES SALAAM, TANZANIA



As opportunities for the free exchange of ideas have become increasingly limited in Tanzania and other African countries, PLAAS provides an important forum for intellectual debate among academic colleagues. In line with Mao Zedong's dictum, it is important for public intellectuals on the Left to bear in mind that, as a fish swims in water, they are sustained in their scholarship by their engagement with the masses. If the Left disengages, if the fish is out of water, they die.¹

A mainstream academic view is that the peasant question was resolved with the advent of capitalism; and much of the scholarship on the Left claims that the peasantry has disappeared in areas of capitalist development, such as South Africa. However, a more nuanced perspective is that peasant question has not been resolved – it has rather been exported to the periphery, where the peasantry remains a site of the primitive accumulation that has underpinned the evolution of the capitalist system globally.

It is important for the intellectual Left to interrogate some of the terms and concepts that it is using, including in relation the land question; and also how it is preparing to counter the new, rightist, narrowly nationalist and ethnicised politics that are evident across the world, including in a number of African countries. The world is at a crucial political juncture: current nationalist politics and ideologues have adopted an anti-imperialist, populist language that can appear to be progressive, tempting many on the Left to jump on the bandwagon.

In considering the peasant question, two main questions need to be addressed:

- ▶ The land question which is concerned with all the issues relating to land, such as cultivation, the peasantry and the use of land for pasture, as well as overground and underground land resources, including forests; aquifers, rivers, lakes, and oceans; bioresources; minerals and fossil fuels, and so on.
- ▶ The democratic question which is concerned with who owns and works the land and who appropriates the surplus generated by particular forms of accumulation. These issues are partially captured in current discourses on land tenure and land governance.

However, classical and current discourses on land governance can produce a distorted view, under which the concept of governance is narrowed to the issue of land tenure alone. Such a view promotes the idea that the use and exploitation of land is limited to its surface and fails to address the resources above and under the land. Accordingly, the land question should be expanded as a concept that integrates consideration of all the resources on, under and over the land. Taking this definition

¹This sub-section is based on a lecture by Professor Issa Shivji, Director, Nyerere Resource Centre, Tanzania Commission of Science and Technology, University of Dar es Salaam, at a Colloquium on Land Governance in Africa: The Role of Universities in Decolonising Curricula and Promoting Critical Scholarship which was held at the School of Public Health, UWC, on 8 October 2019.

of the land question, the imbalanced, uneven development of the spectrum of resources associated with land is a common thread that runs through contemporary African policies and politics and characterises economies on the continent. This exploitation takes place at the nexus where extractivist development meets the peasant economy. Adopting this expansive, composite definition of the land question, scholar-activists are freed from the straitjacket of a dominant, bourgeois discourse which talks about economies as sectoral and views land accordingly. This discourse produces a segmented vision of the processes of accumulation and fosters a fragmented political landscape in which the conversation tends to be about investment in this or that sector. This discourse further enables the marginalisation of a more integrated view of the land question – for example, by framing the issue of restitution as a peripheral one—and places scholars advocating alternative positions on the defensive, having to answer the questions put by the dominant discourse, rather than being free to pose their own ones.

In South Africa, much of the discussion about land reform has focussed on possible ways of acquiring and redistributing land to redress the legacies of apartheid. However, this conversation omits consideration of the rapacious use of land by extractive industries at the behest of multinational capital, which has led to the massive displacement of the peasantry and doubled the poverty of surrounding communities. Such exploitation cannot be separated from the land question in South Africa, which is not exceptional in this regard. Large extractive industries are being established across the continent to exploit overground and underground resources; and these industries are being defended and protected by increasing militarisation, which has been the source of conflicts in the Democratic Republic of the Congo (DRC), Niger and Mali. Indeed, France supported the overthrow of Libya's former president, Muammar Gaddafi, in large part because it opposed his proposal to establish a pan-African bank, which would have been inimical to the interests of external capital which supports the extractive industries on the continent.

When the meaning of the land question

is expanded to include all the resources that come from it, a broader view of the political economy can be taken—one in which politics no longer need to be so fragmented and the possibility of agency for transformation can emerge. In seeking to define who will be the agents of change, the Left should look beyond its historical, failed quest for the proletariat as the vanguard of the revolution—for neither the proletariat or the peasantry exist now, or at least not as these categories of workers are conceived in classical Marxist theory. However, if the historical trajectory of accumulation is analysed clearly, with primitive accumulation identified as the dominant form, and the process is considered in the *longue durée*, then the concept of “working people” emerges as a category of agents who may bring change. This category collapses the distinctions that differentiate one group of workers from another, such as that between proletarians and peasants and that between semi-proletarian and agrarian workers, as well as those among the unemployed, under-employed, self-employed and casually employed, etc. A larger definition of the land question produces a political-economic justification for a broader idea of “working people” which locates them in the global context of capitalist accumulation. This view also offers a vision of agency for change that makes political sense of the Left's anti-imperialist, anti-capitalist stance, which otherwise risks becoming mere rhetoric.

The development of capitalism on the periphery was different from the development of capitalism in the centre. In independent Africa, an attempt was made to move away from dependence on the extractive industries and create expanded socio-economic reproduction, but neoliberalism, which attacked nationalism rather than socialism on the continent, cut this drive short and reintroduced the most rapacious forms of primitive accumulation to secure the dominance of a neoliberal financial oligarchy. In this regard, the South African experience of alienation from the land and population displacement no longer represents the exception, as recent debates on massive land grabs in Ethiopia, Mozambique and Tanzania indicate. These countries are South Africas in waiting. For example, processes of large-

scale land acquisition and displacement similar to those that took place in South Africa are already being implemented as part of the Southern Agricultural Growth Corridor of Tanzania (SAGCOT). The result of such processes is that those who had been on the land become a surplus population and there is massive migration from rural to urban areas with children and teenagers being left to live on the streets.

Within such displacement, peasants and proletarians flow into each other; and the Left can no longer clearly identify these classes on the ground, which is taken as a sign that class politics no longer exist, when it actually points to an intellectual failure to address the changing situation, develop a deeper conceptual framework to explain it and identify a unitary agency for change. Instead of undertaking such hard, academic work, scholars resort to identity politics which may be fragmented according to issues of gender, ethnicity and indigeneity.

However, a more effective approach would be to seek to forge an understanding of the particular types of accumulation that inform the massive socio-economic and cultural changes being experienced, which may be achieved by adopting a composite view of the land question; and then developing an alternative, progressive set of politics accordingly. Such an understanding can only be reached by linking academic research and training to the actual conditions of life among the working people. If these connections are not made then the scholarship will make little sense and have little impact and the intellectual challenge to the dominant socio-economic order will founder.

In this regard, it is also not enough for progressive intellectual discourses to make sense to those creating them and to like-minded people; they must make sense to the masses—to the working people who are the agents of change—in order to bring about transformation, revolution and change. As Antonio Gramsci advised, intellectual sense has to be transformed into common sense. Ideological hegemony must first be established in civil society, before hegemony on the political terrain can be achieved. This entails grounding radical political ideas in the struggles of working people, which

become schools of learning that can produce further ideas of how change may be achieved and the new struggles that may need to be waged. Only then can the links between the various, otherwise isolated protests, strikes, riots and pockets of struggle be identified so that these can be strung together into a coherent movement of the working people. The function of organic intellectuals in this work is to provide the bigger understanding of the agency for change that is required.

Land, which is a site of exploitation and struggle, represents a crucial issue around which the working masses can be engaged. It also offers a critical terrain for the implementation of democratic politics from below, for example, through a drive to wrest control of resources. For example, in Tanzania during the 1990s, the peasants' battle cry in response to the reformation of property regimes was: "We were not consulted!" In response to the demand for local control over resources, it was proposed that land should be vested in a village assembly. Elsewhere, it has been proposed that working people's cooperatives and resistance committees should be established as the basis for local government, particularly since the actual government machinery at the local level may be no more than a shell.

Another approach commonly adopted by left-wing intellectuals is to resort to the liberal language of rights—human rights, land rights, women's rights. The problem with this is that, notwithstanding the importance of the safeguards offered by constitutionalism and democratic elections, liberal democracies are fundamentally designed to defend the interests of the monopolist bourgeoisie. Progressive political content is required to transform constitutions and elections into mechanisms capable of producing genuinely participatory change. Accordingly, although liberal spaces can be of value, the Left shouldn't just join the bandwagon, particularly given the problems that liberal democracies have faced in responding to challenges to their legitimacy which have recently been mounted in Britain and India.

At the same time, the Left has also yet to develop an effective response to the new wave of nationalism, racism, ethnicism, religious division and even fascism that has spread

across the world. The common thread to the resurgence of these ideologies has been a return to the promotion of societal and state violence. In some African countries, this political phenomenon has been manifested in the form of a narrow, resource nationalism, under which political elites raise the spectre of foreigners from other African countries seeking to deprive local residents of their livelihoods. Unlike, the first-generation nationalism which led to independence and was tempered by social democratic influences, the new nationalism exploits xenophobia as a political tool. For example, in the debate about joining the East African Community (EAC), Tanzania objected to the free movement of people which membership would bring on the grounds that Kenyans would come and take Tanzanians' land. Such scare tactics can help the ruling elite to retain power by diverting attention from their actions. It is also important to note that the current kinds of populism being promoted are far from anti-capitalist and do not shy from employing violence. For example, more and more land is being taken in concessions to multinational corporations, while protests against such acquisitions are violently suppressed.

In order to combat the reactionary turn, the Left must forego its dependence on liberalism and forge a set of alternative politics based on the image of life – the actual lives and livelihoods of the working masses. In support of this mission, the land question, which is a crucial one, should be developed, deepened, theorised, and transformed into a politics of the people. If the Left fails to rise to this challenge, it faces extinction and will likely provide rapacious capitalism with a new lease of life.

Increasingly, the study of political ecology has shaped the discourse about the political economy. However, honest discussions about sustainability cannot be held with governments which are largely controlled by private-sector interests. Accordingly, it is hard to see how things can be changed from below in the context of state-ownership of land, which is vested in such governments and not the people.²

In this regard, Marx noted in *Capital*, Volume One, that capital exploits not only land and labour, but also environment and nature,

for which it does not pay, causing devastation. At present, international capital is jumping on the green bandwagon and seeking to exploit carbon offsets. For example, Norway invested in Tanzania to grow trees on Tanzanian land. Norway received carbon credits in return for the investment. Trees were planted on the land, from which people were evicted, and then many were felled and sold as timber. It is thus important to ask who is profiting from the development of solar and other clean and renewable energies, and at whose expense these are being produced.

In general, the Left's failure to create alternatives is giving space to populists and demagogues. One way of developing effective alternative positions, particularly in relation to environmental concerns and gender issues, is to be humble enough to learn from the practices of the people. For example, in the Ngorongoro Conservation Area in Northern Tanzania, the Maasai were on the verge of being expelled on the grounds that there was a lot of poaching taking place. They responded: "We are not poachers, we are pastoralists." When the conservation authorities told them that they would provide them with food instead, the Maasai said that they didn't want that, they didn't want to become dependent. They wanted to grow their own food. However, the views of the Maasai, who have been conserving the land for hundreds of years, were ignored and they were not allowed to cultivate small gardens near their houses for food.

The leadership of women, who have been at the forefront of struggles globally, including in many African countries, also crucial for the Left. The first Soviet in Russia was in a textile factory employing women. In one Toga community in Tanzania, the women went into forest for seven days leaving the men to look after the children. Their demand was that the men should take up arms to get the community's land back. •

²This paragraph is based on comments made during an open discussion at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

PANEL DISCUSSION

LAND GOVERNANCE CHALLENGES IN WEST, EAST AND SOUTHERN AFRICA

PROF. MAMADOU GOÏTA, UNIVERSITY OF BAMAKO, MALI (WEST AFRICA)

MR. EMMANUEL SULLE, PLAAS, UNIVERSITY OF THE WESTERN CAPE (EAST AFRICA)

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WEST AFRICA¹

Most of the 15 countries in the Economic Community of West African States (ECOWAS) are adopting progressive land policies, which, with the exception of Senegal, recognise custom and law in determining usage and ownership. However, implementation of these policies remains a significant challenge. For example, most of the countries have failed to address a central concern raised by a 2003 land-issue study produced by the Agricultural Development Economics Division (ESA) of the Economic and Social Development Department of the Food and Agriculture Organisation (FAO) of the United Nations (UN). The report noted that there was too much unclaimed, marginalised land, which it claimed, needed to be brought under private control in order to boost agriculture.

A particular challenge is the issue of harmonising the dispensations for customary and private land use and ownership. In Senegal, where virtually all land falls under the aegis of the state and land administration reform has been blocked, the problem is a fundamental failure to establish such dispensations. Elsewhere, the complexity and diversity of the relevant customs and laws have impeded efforts to produce harmonised land administration regimes. Many of the lawyers involved in these efforts are not properly trained.

Meanwhile local communities are left frustrated and facing insecurity on the land, with certain groups, including women, fisherfolk and pastoralists, threatened by marginalisation under present dispensations. Those who move from one place to another can encounter great challenges in accessing land. Gaining title to land can also be difficult, with certain individuals, including former owners, and a plethora of government departments and agencies at the national and local levels all empowered to agree deals for land. For example, a department of tourism may make land available for a hotel.

The dispensations adopted in West Africa generally employ distinctions made on the basis of land-use rather than territoriality. So, they may not recognise the categories of so-called urban and rural land, given the kinds of overlapping usage that have arisen across the town-country divide. For example, agricultural produce is commonly grown in the city and many industries are sited in the countryside. A related concern is that the issue of access to water, for example, via aquifers, and how this may be controlled, has not been addressed properly in many cases. The linkages between land and water need to be acknowledged more comprehensively so that resources can be fostered to support

¹This sub-section is based on contributions made by Professor Mamadou Goïta, University of Bamako, Mali, as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.



livelihoods and agricultural production. Clarity over the use of such resources can also help to resolve conflicts between competing interests, for example, between pastoralists and farmers.

EAST AFRICA²

Land in East Africa is generally the object of contradictory, contested meanings and values, as well as ill-informed, insufficiently participatory reform processes. In Tanzania, notwithstanding the drive to equity embodied in the principle of ujamaa, which was introduced after independence to promote collectivism, productive, efficient farmers came to be favoured; and, despite Julius Nyerere’s interventions to vest control over land in the state for the benefit of all, many overlapping competencies and controls were established over the land. In addition, external consultants wielded significant influence, and changed the context for land administration that had been promoted by local experts. Although the principles for land ownership changed after independence in 1961, when titles were changed from freehold to leasehold, with the state owning the land, wholesale transformation of the land administration system didn’t take place until 2004. As a result, safeguards within the customary system which had shaped land rights were removed and land was made available to be traded using credit offered by commercial banks. The reforms have led to large-scale evictions of communities; and the democratic spaces that were meant to be produced at the local level have failed to materialise.

Meanwhile, in Kenya, the political elite embarked on large-scale transformation of the land administration system soon after independence in 1963. This system was revised after violently contested national elections in 2007; and a new land policy and revised constitution were introduced in 2009. Subsequently, a community land Act was established in 2016 in line with African Union (AU) imperatives. However, implementation of the reformed land regime has been a problem across the country. In addition, a persistent, major issue has been the deployment of land rights as a tool to win political influence on the ground, which has fostered conflict.

In both Tanzania and Kenya, a clear need to strengthen the agency of people who stay and use their own land has been identified, particularly in order to help resolve the problem of land-based conflicts, for example, between communities and the state, including conservation authorities, and between pastoralists and farmers. A further issue is the inadequate compensation offered for land, which is often calculated on the basis

²This sub-section is based on contributions made by Emmanuel Salle, PLAAS, UWC, as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

of the kind of development being proposed, rather than on the productive, cultural and political value of the land itself over time. In general, people tend to object to being told how their land may best be used; and efforts to reduce the meaning of land, and its use, to its mere value as a productive resource are misguided and doomed to fail. In this regard, it is important that value of land is seen holistically as an aspect of the whole political economy. Under this view, it becomes clear that the actions of the political elites in Tanzania and Kenya are informed by macro-economic forces aligned with large-scale resource exploitation. In this scheme of things, there are winners and losers; with the compensation offered to communities who lose their land to mining operations failing to provide adequate recompense for their long-term loss and, often, effectively bankrupting them.

In this context, the granting of titles can facilitate the alienation of land from local communities, making it available for exploitation by big business. Scholars have found that, in the absence of government investment in land management and public infrastructure, such as through the establishment of irrigation schemes and transport links which may support land use in the community, titling offers little protection to local interests. For example, titling is unlikely to lead to access to credit for a farmer with a small parcel of land unless that farmer can produce a viable business model, as this is understood by the commercial banking system. However, titling does enable land to be used as surety against loans from international banks for large-scale, internationally funded projects. In Tanzania, the impact of titling has been to vest overweening power in the state which has allowed it to mortgage large parts of the country. Under Nyerere, the sovereignty of the state over land was intended to prevent the sale of plots of land as if they were pieces of cloth and thus to enable people to build and graze on the land to meet their needs. But with the subsequent formalisation of land as an asset, the state can now dispose of the land, which it still legally controls, in new ways. So, for example, the president may choose to allocate

land for mining, hotels, plantations, etc; and local communities, who may be evicted and inadequately compensated accordingly, have little recourse. Thus, in Tanzania, the discovery of oil is seen as a curse since it leads to local people being stripped of the source of their livelihoods, which is the land.

SOUTHERN AFRICA³

Cameroonian social anthropologist Francis Nyamnjoh has spoken about how colonialism wrought an “attempted epistemicide”, seeking to negate the epistemologies of indigenous populations. Ugandan scholar Mahmood Mamdani’s work applied this concept to show how previous systems of tenure, property and territoriality were eradicated under colonialism and a bifurcated system was created in their stead: with one dispensation providing for the legal recognition of property through titling for the few, who would be citizens; alongside another massive dispensation for allocating land for the use of the majority according to custom and practice. Each of these dispensations had its own forms of law and its own governance systems and institutions. The two often occupied spatially distinct zones. Thus, a dualism was established within the political economy with which most African countries continue to grapple.

In 1972, Samir Amin developed the idea that colonisation had been established employing three distinct economic models which broadly correlated with three regions of Africa:

- In West Africa, as well as other parts of the continent, an *économie de traite* (trade economy) was established, which was characterised by the export of commodities produced by peasant farmers, rather than widespread land expropriation.
- In the Congo River Basin, a form of mineral extractivism, rather than capitalist agriculture, was established under the control of concessionary companies.
- In Southern Africa, the establishment of

³This sub-section is based on contributions made by Professor Ruth Hall, PLAAS, UWC, as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

settler colonies in South Africa and what is now Zimbabwe, Zambia and Namibia was predicated on the widespread alienation of land to these settlers. Meanwhile, the Africans in these countries were limited to native reserves, which provided a cheap pool of labour for mining-led industrialisation which was supplemented by the recruitment of migrant workers from elsewhere in the region, including Mozambique and Malawi.

As a result of the establishment of settler colonialism and labour reserves, the key challenges for land governance in Southern Africa concern massive land dispossession and an historical agrarian and tenurial dualism under which the vast majority of the land fell outside the titling system. In this regard, the different ways in which the various countries in the region have responded to these challenges have largely been shaped by the character and timing of their liberation movements and whether land was nationalised or not at the time of independence. So, on one hand, there are the countries that fought liberation wars and achieved independence in the 1960s and 70s, which subsequently embarked on radical land reforms, including through nationalisation; and on the other, there are the negotiated transitions in Zimbabwe in 1980, Namibia in 1990, and South Africa in 1994, in which the preservation of the property regime was central to the political settlements.

Since independence and liberation, most countries in the region have embarked on a mix of tenure and redistributive reforms. During the 1980s, these reform efforts stalled with the imposition of structural adjustment programmes (SAPs) at the behest of the World Bank and International Monetary Fund (IMF). But from the 1990s in particular, there was a raft of new land laws and policies in the region, including Mozambique's progressive 1997 Land Law; the establishment of Land Boards in Botswana; and significant reform efforts in Zimbabwe, South Africa, Lesotho, Eswatini and Namibia. At the same time, the progress made by reform efforts across the region has been variable. The vesting of customary

and informal rights has proved a particular challenge as has the thorny issue of the governance powers of traditional authorities as these relate those of state authorities and the land rights of customary occupiers. In Zambia, the land reform process has stalled, with the country's longstanding draft land policy mired in political contestation. In Namibia, South Africa and Zimbabwe, market-based redistributive reforms based on the principles of negotiation, or willing-buyer, willing-seller transfer, also stalled. Meanwhile, Zimbabwe enacted what was described by scholar-activist Sam Moyo as the only radical land reform in the post-Cold War era, although this represents a "dissident" case in the region.

In relation to the tenure reforms that have been implemented in the region, it is important to distinguish between the nature of land rights as these are recognised in statute, and whether the occupiers of the land are acknowledged as the de facto owners of land. In this regard, there are massive challenges associated with the implementation of laws protecting customary rights. In addition, significant efforts have been made to roll back some of the rights that have been granted. For example, an amendment to Mozambique's Land Law which was passed in 2007 imposed new conditionalities on land rights and transferred some control away from communities and to the state in order to make land more easily transactable with investors.

Present land administration systems also face a number of relatively new pressures. For example, hobbled by old titling models, they are not equipped to address recent massive urbanisation and the growth of informal economies in the city, which are described in *Planet of Slums* by American urban historian Mike Davis. In addition, corporate land grabs, in which a number of states have transferred vast tracts on the cheap, have squeezed communal land over the past decade. Much of this land has been allocated for large extractive and biofuel projects, despite government rhetoric that the purpose of large-scale investment in agriculture has been to promote food security. There have also been

substantial investments in sugarcane, soya, and other forms of large-scale commercial farming, with much of this produce tagged for export. It would seem that some of the poorest communities in rural Africa are being dispossessed to feed a growing world population.

Not all of this exploitation of land is being driven by global multinationals. Much of it is intra-regionally driven, with South African companies playing a key role, often in partnership with domestic companies in the country concerned. Generally, such companies have exported their people and capital, while importing a mercantilist model and value chains. There has also been a speculative element to much of the recent investment, with much land being transformed into a financial asset as part of new farmland funds that have been established by hedge and pension funds and other financial institutions. In this regard, many of the large-scale acquisitions of land have not led to promised production both because of the speculative nature of the original investment and because of agroecological realities.

Meanwhile, as commodification and privatisation of land, and the expansion or resurrection of large-scale agriculture proceeds apace across the region, a key question is whether those countries without a history of settler colonialism may start to experience the kinds of widespread dispossession and the growth of agrarian dualism that have shaped the political economy in South Africa, Namibia and Zimbabwe – and, if so, whether they will thus come to suffer a version of the gross inequalities that have plagued South Africa. It is a matter of great concern that the export of the South African model for land exploitation should provide a model for Africa's future. In this regard, it is important to recognise that the problem of large-scale land grabs is not just limited to how the transactions take place but includes the kinds of economic results that are produced as a result. For example, in Mozambique and Ghana, it seems that the model of large colonial plantations, which had disappeared after independence when these were dismantled or became state farms, is now re-emerging.

In South Africa itself, recent efforts to reform land rights have focussed on the

property clause in the constitution which governs the state's authority to expropriate land. However, the problem is not with the clause per se, which provides the state with sufficient power, but that the state has not been using it to support the interests of the people, 60% of whom occupy land outside the formal system. In this regard, the Presidential Advisory Panel on Land Reform and Agriculture indicated that the real issue was how best to dismantle the racialised, dualist system of land rights that had been established in South Africa. Considering other African experiences and with the goal of shoring up citizen rights, the panel accordingly recommended that accessible, community-driven land should be provided and that the whole spectrum of rights, in which customary, titled and traditional-authority dispensations overlap, should be legally recognised. Meanwhile, surplus state land, including that owned by state-owned enterprises (SOEs) and municipalities, could be made available as a redistributory measure to address urban land shortages.

ZIMBABWE⁴

Notwithstanding the present neo-liberal context, a radical redistribution of land was achieved in Zimbabwe, which benefitted about 150,000 households and close to 1 million people. The involuntary acquisition of land was implemented with the state's backing by marshalling rural elites, including traditional leaders, and gangs, who used coercion and violence. However, the idea of reform for the people subsequently stalled and has even been reversed with the capture of land by agri-business. In addition, the reform process also constituted a form of patronage and enrichment dominated by partisan factions, with the farms becoming sites of political contestation and accumulation by the elite. Of the 8 million hectares that were acquired under the land redistribution programme, 2 million were allocated to political cronies, half of whom occupied officer positions in the military.

⁴This sub-section is based on contributions made by Dr Phillan Zamchiya, PLAAS, UWC, as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

It seems that the Zimbabwean land market is now open for business, attracting big capitalists. For example, in Masvingo province, 21,000 hectares are owned by one person. In this regard, even those countries which censure Zimbabwe are no longer interested in maintaining sanctions, which were anyway opposed as pointless by the European Union (EU) after the establishment of a government of national unity (GNU) in 2009, and have now been limited to Grace Mugabe and Zimbabwe Defence Industries, which is the commercial arm of the army. Indeed, a number of countries are keen to lift the restrictions, fearing that they are losing out to China in the race to exploit Zimbabwean resources, although the removal of the remaining sanctions would require the assent of the American government which is opposed to the Zimbabwean military's pursuit of commercial interests in the neighbouring DRC.

Meanwhile, the acquisition and attempted acquisition of large tracts of land in the region is justified by a dominant myth promoted by the World Bank that most of the land is unproductive. For example, publicity hailing a massive sugar cane plantation which was established to produce biofuel on the border between Zambia and the DRC border describes how the farm was carved from "the bush". This terminology and the perspective that underpinned it indicated a lack of understanding of the productive value of this land, which was used by thousands of African families as a source of medicinal plants even as it lay fallow. In addition, the kind of compensation that is commonly offered for such acquired land is inadequate. For example, it may be based on the price of one season's maize crop, rather than the actual value of the land which may provide crops to support generations to come. A fairer way of realising the whole value of land may would be to invest in smallholder agricultural production. •

PANEL DISCUSSION

THE WAY FORWARD FOR AFRICAN SCHOLARSHIP ON LAND GOVERNANCE

DR. JOAN KAGWANJA, CHIEF, AFRICAN LAND POLICY CENTRE, UN ECONOMIC COMMISSION FOR AFRICA
PROF. HORMAN CHITONGE, CENTRE FOR AFRICAN STUDIES, UNIVERSITY OF CAPE TOWN
PROF. BEN COUSINS, PLAAS, UNIVERSITY OF THE WESTERN CAPE

There are two main contending perspectives on land, each with its own distinctive characteristics: the mainstream one held the World Bank and an alternative one which uses critical political economy as a tool to examine the issue.¹ Exaggerating the differences between the two:

- ▶ The first views land as a form of capital that can enable or impede investment—and thus development. Accordingly, bureaucratic forms and technological innovation may be required to secure tenure, via recorded and registered rights, which usually take the form of private title.
- ▶ The second sees land primarily as the locus for the social reproduction of the poor, a source of accumulation either from below or from above through big business, and a resource for the establishment of political communities.

¹This paragraph and the following four are based on contributions made by Professor Ben Cousins, PLAAS, UWC, as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.



Each view has political implications. The first may be aligned with support for types of government that are essentially concerned with maintaining systems of administration for a privileged minority. The second, which views security of tenure as a result of socially embedded forms of land rights and property regimes, may be aligned with efforts to establish more democratic kinds of governance, such as self-rule through complex rights-based systems with a high level of accountability.

Underlying the two views, there are two more fundamental paradigms:

- ▶ A capitalist one, in which unequal patterns of ownership is the rule and those who don't own the means of production provide their labour in regulated, competitive markets—the goal being the creation of profits and the expansion of productive capacity by accumulation, both of which processes are underpinned by an idea of abstract value.
- ▶ A winner-and-loser one, which is concerned with who gains and who loses out. This view considers the contending interests within the operation of the economy, which may be expressed in the form of class, and how these may be mediated politically within society. This view also considers alternative socio-economic and political systems, which is an increasingly important quest given the present crisis in capitalism, as well as the ecological crisis facing the planet. The question is: What kind of post-capitalist future can be created and how? Once the answer would have been socialism, but now a more resilient solution may be required.

It is important that scholars consider the relationship between these two paradigms, which are contradictory in a fundamental way, and consider how they shape, and are

reflected in, their empirical research and policy prescriptions. Scholars may consider whether there is any way in which the two views may actually complement each other – in which case there are a number of important technical and administrative questions that should be addressed. However, one thing is clear: whatever their contradictions and/or complementarity, the two paradigms cannot be considered as operating in isolation from each other. To claim otherwise is to pretend.

It is also possible that there is a third paradigm, which may entail some kind of progressive reform of current administrative and land-tenure governance systems to meet African conditions more effectively, for example, by recording and registering customary land rights. Such a paradigm may be implemented by progressives within mainstream academic traditions—for example, some surveyors at UCT—as well as by the pragmatists within the political economy cohort—for example, individuals who are prepared to prioritise protection from dispossession over land rights as circumstances dictate. None of which should mean ignoring the limited value of pragmatic compromises. As the inadequacies of piecemeal reform are revealed over time, the discussion must continue to turn to the need for fundamental change. In this regard, scholars must move beyond debates that are restricted, for example, only to land and land-tenure issues and recognise that these concerns are symptomatic of a broader crisis in capitalism and the environment, which must be addressed as a matter of urgency.

The simplistic World Bank approach to land governance must be avoided.² The term should be conceptualised more critically,

²This paragraph is based on contributions made by Professor Horman Chitonge, Centre for African Studies, UCT, as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

particularly in Africa, where land as a source of livelihoods and culture can form the base upon which everything else takes place. Accordingly, research into the issue should focus on a number of interrelated areas. First, it should look at how systems of governance of land in rural areas speak to those in urban areas. Much government research has tended to focus on rural rather than urban land. In a similar vein, past research has adopted a set of dualist paradigms – customary versus statutory dispensations, traditional versus modern approaches, etc – which uphold a bifurcated system which favours one group over another. Instead, researchers should rather be seeking to move forward to establish a single, integrated, decolonialised system of land governance which does not discriminate in such ways. In addition to the work on land rights, more work should be done on land use, which is a particularly crucial issue in Africa, where a growing population is dependent on a fixed amount of land. In this context, it seems clear that Africa is not really a land-surplus continent any longer and needs to find and implement more efficient ways of using land. More work also needs to be done on the legal and administrative frameworks for land. Tensions between states and traditional leaders have mounted and states have been trying to control more customary land. The stakes in these areas of contestation are particularly high since traditional land is widely seen as the final frontier for capital. Accordingly, research and training are required on these issues, as well as on developing systems for genuinely participatory governance.

The African Land Policy Centre (ALPC) takes a broad view of governance as encompassing the political, the environmental and the social and seeks to promote research that addresses the complex evolution of governance systems in all these spheres.³ The centre has further identified the importance of ensuring that research and the curricula for teaching within African higher education system are connected. It also advocates for the development of partnerships between research and industry which address

industrial needs. A further priority is the need to interrogate the causes and nature of the many conflicts over land on the continent, particularly in relation to their ethnic and political dimensions.

The ALPC is also concerned to monitor and evaluate the impacts of the research on land that is being produced. This entails developing a theory of change, which can describe the present situation and then analyse how the actions that are taken succeed or fail to produce change. For academics the challenge is to assess how the production of research and graduates, which is their core remit, may or may not change the world.

A further issue is the question of communication and partnerships. When the ALPC partners with stakeholders it becomes a watchdog which may offer both support and constructive criticism. Similarly, the hope is that the platforms fostered by the ALPC and its partners will also promote robust, honest engagement. Within this context, a particular goal is to foster close working relationships between researchers and senior government officials which, in turn, may foster further demand from governments for research support. In this regard, it is important to identify the factors and conditions that lead governments to seek support from researchers in particular cases and how these may be leveraged elsewhere.

There is also a need for strong data in the area of land governance. Policymakers tend to want solid data and actual proof to argue their positions. Such data is crucial to describe who has land rights and who lacks them, and in support of important campaigns, such as that for women's land rights. In addition, comprehensive data is required to demonstrate the progress that has been made on promoting and implementing the framework and guidelines for land governance established by the ALPC for the continent. Appropriate research methodologies and analysis are required to produce such data. •

³This paragraph and the following three are based on contributions made by Dr Joan Kagwanja, Chief, African Land Policy Centre, UN Economic Commission for Africa, as a panelist at the Colloquium on Land Governance in Africa which was held at the School of Public Health, UWC, on 8 October 2019.

LAUNCH

UWC JOINS AFRICAN LAND GOVERNANCE NETWORK AS THOUGHT-LEADER

MARK PATERSON

The University of the Western Cape (UWC) has been incorporated into an influential pan-African network in recognition of its outstanding contribution in promoting a more democratic vision of land-use on the continent.

Against a backdrop of mounting land grabs, dispossession of local communities and rapacious exploitation of natural resources, a leading UWC think-tank—the Institute for Poverty, Land and Agrarian Studies (PLAAS)—has been providing training to practitioners and scholars across Africa to help them to improve land policy-making and administration at the national and regional levels.

The training, which has been developed by PLAAS in cooperation with the pan-

an alumnus of the five-day course.

“It helped practitioners to realise that the current set-up of wealthy landowners and poor people on the land is not actually a ‘normal’ arrangement and to reflect on the tools that are needed to enable us to imagine a new dispensation around land.”

The short course on “The Political Economy of Land Governance in Africa” is offered by PLAAS through NELGA, which was established under a programme run by the African Union (AU), United Nations (UN) and the African Development Bank (AfDB).

The training has been provided to 95 students from 26 countries across the continent in the past year.

In recognition of PLAAS’s contribution as a

knowledge and training leader in the area of land governance and its years of engagement in promoting NELGA, UWC was recently incorporated as a “special” node into the pan-continental network, which already features university hubs in North, West, Eastern, Central and Southern Africa

The incorporation, which took place on the anniversary of the establishment of PLAAS’s short course, was viewed by Joan Kagwanja, chief of the African Land

Policy Centre (ALPC), which established NELGA, as a natural fit for UWC. Referencing the university’s activist tradition as a home of critical scholarship and progressive, liberation politics in South Africa and the continent, Kagwanja said: “At UWC, we have found a safe space for innovative ways of thinking.”

The network has been structured in line



Judy Kariuki (UNECA), Ruth Hall (UWC), Joan Kagwanja (ALPC), Moenieba Isaacs (UWC), and Luisa Prior (GIZ).

continental Network of Excellence on Land Governance in Africa (NELGA), encourages a critical, questioning approach to dominant, free-market-oriented and nationalist policies for land use in post-independence Africa.

“The training allowed us to question assumptions,” said Bernardus Swartbooi, a former deputy minister of land in Namibia and

with the regional economic communities which form the building blocks of the gradualist continental integration envisaged by the AU and features six regional university nodes at: Institut Agronomique et Vétérinaire (IAV) Hassan II in Morocco, for North Africa; L'Université Gaston Berger in Senegal in Senegal, for francophone West Africa; Kwame Nkrumah University of Science and Technology, for anglophone West Africa; University of Yaoundé I in Cameroon for Central Africa; the Namibian University of Science and Technology, for Southern Africa; and Ardhi University in Tanzania, for Eastern Africa.

The training offered by PLAAS as part of the network provides an overview of pre-colonial and colonial histories in Africa. The impacts of colonial systems of economic exploitation in relation to trade, mineral extraction and white-settler land grabs constitute a particular focus of the course, particularly given the continuing damage wrought by the legacies of these systems.

“After the colonial conquest of Africa, a bifurcated system of land tenure was created: one which legally recognised property, issuing land titles for the few who would be citizens, alongside another massive, customary system for the majority of the population,” said Professor Ruth Hall of PLAAS, who helped to forge the course. “The inequalities of this dualism continue to be reproduced,” said Hall, who has played a key role in advising the South African government on its land reform efforts over the past year.

The training also features modules on land reform law and policy; rural and urban land administration; large-scale acquisitions of land; guidelines for national, continental and global land policies; agricultural commercialisation; natural-resource access and management; and the impacts of land commodification on young people.

The course, which is formally accredited by UWC, has been adapted to the regional contexts in Eastern, West and Southern Africa and held in Zanzibar, Ghana and South Africa over the past year. With demand for the training far outstripping capacity—about 1,300 applications were received for the 95 spots that have so far been provided—NELGA is planning to coordinate with PLAAS to

produce and offer training modules addressing the particular conditions in North Africa, francophone West Africa, Central Africa, and the Horn of Africa.

In order to expand capacity to cater to demand within a limited budget, there are also plans to leverage online learning methods. The course fosters both scholarly and practical approaches to improving land governance in Africa. The APLC, which initiated the network, was established by the AU Commission, the UN Economic Commission for Africa (ECA) and the AfDB with the explicit purpose of enabling the use of land to foster African development.

Recognising a lack of capacity among universities to help governments create and implement sustainable policies in this field, the centre established the network to enhance training opportunities and curricula on land governance in Africa; and connect scholars working in this area, with the goal of producing more informed, effective research on land issues.

PLAAS's tradition as an activist producer of engaged research thus made it the ideal partner for NELGA, according to Professor Moenieba Isaacs, who has helped to lead the training provided by the institute. In this regard, a crucial component of the training is a field visit, during which the students are required to community members and from which they are required to write a report.

“We need to produce relevant knowledge in terms of where local communities actually come from and their realities,” Isaacs told a one-day colloquium held by UWC in support of the celebration of its accession to NELGA.

The approach, which aligns PLAAS's practices with those proposed by advocates of decolonialised knowledge more broadly, entails recognition of the complex ways in which local populations use and appreciate land.

Zimbabwean scholar-activist Sam Moyo, who was one of the driving forces behind the initiative, and veteran Tanzanian legal scholar and political economist Issa Shivji both emphasise the importance of understanding the value of land holistically, in line with how local communities experience this, in order to produce sustainable, inclusive land and broader economic reforms.

Accordingly, the training held by PLAAS with NELGA seeks to engage a full range of stakeholder from civil society, the public and private sectors, and academia, to consider the kinds of value that land has – for example, as a spiritual and cultural, as well as material, asset—and to integrate such complex understanding into policymaking and implementation.

Although such analysis can pose significant technical challenges—for example, in assessing the true value of a parcel of land that may be farmed and provide livelihoods for generations to come—it can also, in the words of Swartbooi, prevent government policymakers from, “in all sincerity, making ridiculous statements”. As an example, he cited comments made by Namibian land minister Utoni Nujoma, who, in July, advised local, resettled farmers to manage their grazing land “like the white people” do. The problem, Swartbooi noted, was that “when, as a government, you look at investors from other countries coming in to do land deals, you don’t tend to look at the costs in terms of identity, culture and the actual meaning of the land for the community”.

By contrast, the PLAAS training has, according to Kagwanja, “changed ways of thinking”. It has also produced real impacts, according to Eileen Mwangi, a women land rights adviser in Kenya. Mwangi said that one of the participants among the Eastern African cohort—a judge from Ethiopia—had been so influenced by a lecture delivered during the course by Emmanuel Sulle, a Tanzanian scholar at PLAAS, that he had decided to change how inheritances would be distributed for women.

As Professor Tyrone Pretorius, UWC Rector and Vice-Chancellor, noted at the launch ceremony: “As Africa stands on the threshold of a new era of growth, we need to understand who is doing what to whom and why – and how land governance can help the continent to realise its potential. By joining NELGA, we at UWC hope to be part of a process by which Africa takes charge of its own destiny.” •



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1. Emmanuel Sulle (PLAAS), Stephen Drani (NELGA alumnus), Issa Shivji (University of Dar es Salaam), Ruth Hall (UWC), Moenieba Isaacs (UWC), Bernardus Swartbooi (NELGA alumnus), and Mamadou Goita (University of Bamako).

2. Joan Kagwanja (ALPC), Tyrone Pretorius (UWC), and Luisa Prior (GIZ).

3. Ruth Hall, Isabel Casimiro (Eduardo Mondlane University and CODESRIA), Issa Shivji, and Moenieba Isaacs.