

IMPACT OF ETHNO-CULTURAL FACTORS AND LAND TENURE ON LAND USE AND LAND USE PLANNING

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Summary

One of the major underlying forces in natural resources management, worldwide, is the system of tenurial arrangements which define entitlements and usufructural rights to land and other natural resources. In contemporary studies on sustainable natural resources management, land acquisition and land titles have received major attention. It is argued that in countries and societies where land tenure systems have not evolved properly to accommodate changes in agriculture, industry and the provision of services, the growth and development of such economies have stagnated.

This chapter discusses the land tenure systems in Western Europe, the former Communist Europe and Africa. It emphasizes the influence of ethno-cultural factors on

the evolution of land tenure arrangements in Africa. It brings out how local concepts of land, and their parallels in society, have influenced the evolution of land tenure systems.

The chapter concludes that Africa's land tenure systems are still embroiled in beliefs and superstitions which underline the evolution of tenure systems. They often hampered transactions in land to respond to the demands from agriculture, industry and services. It recommends, however, that those who seek to reform tenure systems in Africa should take these ethnic cultural issues into consideration since they have not only provided guaranteed access to land by individuals but also because they have proven to have positive environmental connotations.

1. Introduction

Land tenure affects a country in many ways. In the first place it determines the distribution of incomes and the use of land. Its influence goes also far beyond the economic sphere as land tenure systems determine social attitudes and satisfactions; they are interwoven with traditions, even with national character.

Land tenure systems affect natural resources management globally, in particular because they define entitlements and usufructural rights to land and other natural resources of the people who inhabit an area. In contemporary studies on sustainable natural resources management, land acquisition and individual titles received a lot of attention, and it has often been argued that in countries and societies where land tenure systems did not evolve properly to accommodate changes in agriculture, industry and services, the growth and development of such economies have stagnated.

Truly, land tenure systems form an inextricable part of people's culture and development history. For example, the rules governing access to and use of land have been noted as essential for poverty reduction in four intrinsic aspects, namely (i) equity; (ii) efficiency; (iii) sustainability of resource use; and (iv) governance. These are particularly important in developing economies, especially in Sub-Saharan Africa, where land is still viewed as a communal resource, and where the trading in land is still deeply rooted in ethnic cultural beliefs, rules and practices.

2. Ethno-cultural Issues related to Land Use

Land as a natural resource is perhaps the most contentious asset that humans, in historical and contemporary terms, have sought to acquire and alienate for individual, group, clan or national use. The close attachment to land both in the developed and developing world was at the origin of several wars and acrimonies in the past, and it still threatens the peace in many parts of the world, especially in Africa. The Middle East in particular has had a long troublesome history in land conflicts, especially between the people of Israel and Palestine. Although this particular area is not among the regions considered for discussion and analysis in this article, the historical and contemporary land issues in the region and their ramifications beyond the area bring into sharp focus the key ethno-cultural issues that relate to land. These issues refer in particular to governance, traditional means of exchange and reciprocity, religion and

spiritual factors.

Governance has been a major factor influencing the evolution of land tenure in the world. In fact, in Africa and Europe the transition from absolute monarchies to modern systems of governance may be noted as the principal driving force behind the changes in land tenure systems. For example, in both Western and Eastern Europe, changes in governance from monarchies to revolutionary governments (as in France under Napoleon) and to more liberal governance as happened in Britain and France in the latter part of the sixteenth century, and to parliamentary democracies latter on in the greater part of Western Europe, illustrate the key role of governance in the evolution of land tenure systems.

Similarly, in pre-colonial Africa, and before in the early Middle Ages in Europe, land was controlled by kings who were constantly fighting wars in order to gain possession and control over land through conquest. In the Gold Coast, now Ghana, for instance, the then Asante Kingdom, was known for its large empire, and the Asante kings gave land to their loyal and brave sub-chiefs and warriors who brought large territories under the kingdom. This system of governance also encouraged authority and power, because kings and chiefs in Africa had absolute control over land. During colonial governance, those kings and chiefs maintained varying powers over land depending either on which European colonial master ruled the country, or depending on the local resistance they faced. In Eastern and Southern Africa for example, most land went into the hands of the White colonial master, and could be bought and sold amongst the whites. The tribal kings and chiefs lost control over land.

In West Africa, especially in the Gold Coast and Ivory Coast, land remained virtually under the control of the tribal overlords, and this situation remained almost unchanged during the transition to independence and in contemporary governance. As is shown in section 5, this traditional land tenure system has been cited as a major factor in the slow pace of development in agriculture, industry and services. In fact, land cannot easily be traded when it cannot be sold. Such a system of traditional governance maintains and even reinforces this situation to the advantage of the tribal chiefs, and the government can do little to influence the land tenure system.

The other ethno-cultural factors that ought to be mentioned in relation to land use are related to reciprocity, religion and spiritual factors. Religion and spiritual conditions may at first sight not be seen as cardinal factors in contemporary land tenure systems in Europe; this is large because of the very secular societies that exist in most European countries. Land has lost the spiritual connotations that it was assigned in the past, particularly in the Middle Ages. The system of reciprocity has also evolved from what pertained when the King gave land to his loyal nobles and aristocrats either to keep their loyalty or to retain a firm grip on the society as a whole.

Local perceptions about land and the natural environment in Africa are still viewed in a sphere of spiritual cosmology of these resources. Taboos and totemic connotations underpin access to local natural resources, their use and management. Land may be considered as the most important candidate in this category, especially in Ghana and in most other parts of West Africa where traditional beliefs amongst most ethnic groups

hold land as a deity. This is reinforced by traditional chiefs who are seen as the spiritual heads and intermediaries between the living and the dead, with the latter considered as the true owners of land (see section 5). In this respect it must be emphasized that these perceptions still guide the systems of land exchange in most parts of Africa, even amongst Christians and Islamic groups, the majority of whom are still considered to indulge in syncretism. Hence, land may not be easily exchanged like it can in Europe without taking these factors into consideration.

3. Land Tenure Systems in Europe

3.1. The Period of Medieval Feudalism

The most significant land ownership that cuts across the entire landscape of Europe, both in the West and the East, which heralded the modern form of land ownership, as alluded to in section 2 above, is the Feudal System. Feudalism was a major political and military system based on the holding of land with its serfs attached to it. It grew out of German customs in the early Middle Ages and developed first in France and spread to other parts of Europe. Under the feudal system, the land belonged to the King. To keep the loyalty and the service of the nobles, the King gave them land. The nobles were usually soldiers who helped protect and govern the Kingdom. Since there was little money, giving land was the best way to reward people for their services. The land and everything on it including the peasants who farmed the land, called the *fief*, became the property of the noble to whom the King had given the property.

The whole feudal system was based on the control of land. The land was divided into manors. A manor was a piece of land which was farmed to support the family of the lord. A manor was self sufficient. This means that practically everything was either grown or produced on the manor. All the food that was eaten was produced on the manor farms. Only a few things, like salt and iron, were bought from the outside world.

About 90% of the people during The Middle Ages were peasants. A few peasants were free, but most were serfs. Serfs were not free, but they were not slaves either. They could not be bought or sold. On the other hand, they could not legally move from the manor on which they were born.

With respect to development and evolution of the feudal system, there were not many differences between Western and Eastern Europe, though some discrete differences existed. Broadly speaking, the societies of Western and Eastern Europe differed only in detail and degree, rather than in substance, especially at the upper levels. At these levels social structure conformed to what is now generally recognized as the feudal order. The role which the upper ranks of society in Eastern Europe were called upon to play in central and local government was in essence the same as that played by owners of fiefs in Western Europe during the earlier centuries of The Middle Ages. The Russian landowners, like the landed knights and nobility in the West, were a military class par

excellence; and as such they bore the main burden in the conquest and occupation of the new territories.

In the new territories, once they had been occupied and settled, the landowners as a rule continued to perform the military and administrative functions appropriate to members of the upper ranks of society. To this extent, the structure of state economy and society in Russia may be called "feudal". Yet Eastern feudalism differed in several important respects from that of western countries. It was less hierarchical than in certain parts of southern France, for instance. In Russia it was much more anarchical, less subordinated to the central power and less easily controlled by it. The duties, obligations and local powers of the noblemen were not solely dependent upon an implied feudal contract between them and their *suzerains* (fiefs). These obligations instead sprang from their *de facto* positions as soldiers, owners of land and colonizing entrepreneurs.

Even greater were the differences in the conditions of lower men between the West and East. In Western Europe the manorial ties between landlords and peasant tenants were dissolving during the twelfth and thirteenth centuries. Personal liberties were enlarged and the burdens of services and obligations lightened. However, the actual material level of life among the peasants in the West was low and sinking lower, primarily because of the pressures of a growing population. By comparison, the conditions of peasants in the East were much superior, where life was freer, more prosperous and seemingly more promising. Likewise land was less scarce in Russia and in other parts of Eastern Europe.

In reality, however, the actual development proceeded in a diametrically opposite direction. In the West, especially in England and France, the hold of the feudal landlord over state and society weakened as national governments consolidated themselves and as commerce expanded. In the East the power of the estate owners grew, while the peasants were brought to the very threshold of enslavement and impoverishment.

3.2. The Transition Period

The divergence between East and West was rooted in the origins of the Eastern European states. From their beginnings, the princely states of Eastern Europe, including Russia, differed from their Western prototypes. The feudal landlords in Western Europe established their power in the Dark Ages and increased it subsequently at the expense of the state and the princely authority, only to lose it in later centuries as and when princely powers and the authority of the state grew. In the course of the twelfth and thirteenth centuries in England, and at somewhat less clear-cut points of time in France, the feudal hierarchy was ceasing to be the principal instrument of the state government. The latter began to rely instead on civil servants and hired soldiers for the military, administrative and judicial services it required.

In the German principalities beyond the Elbe and in Prussia the governments depended, from the very outset, on the support and services of its landowning knights and nobles—the Junkers as they eventually came to be known—for the exercise of its essential functions, and this dependence increased in the later centuries. Ivan the Terrible of Russia in the sixteenth century tried to end the dependence of the state on

the ancient nobility and to govern through the "oprichnina", a retinue of servants and police agents under the tsar's personal command. For a while Ivan succeeded in imposing upon the country a type of autocratic despotism. But it did not outlast Ivan's reign and after him the new monarchy in Russia called into being the landowning class on which it could base its authority, and from which it could draw its officers and administrators.

The loyalty and services of the nobility to the state had to be paid for by grants of land and by facilities for its profitable exploitation. This is what happened in the initial phases of Western feudalism as well as in tsarist Russia somewhat later. Under the conditions of Eastern Europe, however, the means of exploitation were at least as important as the land itself, since the latter was relatively abundant. Since the peasants were therefore more important than the land, they had to be kept from moving away. Thus the peasantry of Eastern Europe, including Russia, moved from relative freedom to serfdom at the very time when Western society was shedding most of the constraints of medieval serfdom.

In fact in Poland and Russia the power, both economic and political, of land owning aristocracy remained more intact in 1815. They showed themselves not hostile to the emancipation of the serfs who provided the labour on their lands. The peasants were bitterly opposed to achieving their personal emancipation from serfdom at the cost of losing land; it was a common saying that '*We are yours, but the land is ours*'. Eventually, in 1861, they were to be emancipated by an edict of the Tsar. Until then Poland and Russia remained essentially under the *Ancient Regime*.

3.3. Introduction of the Principle of Work for Wages

Two causes stand out for social and economic changes in the late fourteenth century: the Hundred Years' War and the Black Death. The economic position of the nobility was based on the control of land, and land continued to be the most important form of wealth. The nobility, enjoying a rising standard of living in the twelfth and thirteenth centuries, exploited their landed wealth for the money income it would provide. The two ways of extracting profits from their land were by renting part or the entire manor to peasants, and by exploiting the manor directly by employing peasants' labor on the *demesne*—that part of the manor reserved for the lord's own occupation.

Many of the *demesnes* were let out to the peasants whose services were commuted for money payments to the lords. From the lords' point of view this system was satisfactory. This was because they would rather prefer rent to hold up than to the then prevailing situation of falling prices of agricultural commodities. But the old bonds that held the manorial population together had been dissolved by the new cash nexus between landlord and tenant, and this gave a relatively greater freedom to the peasants. Some peasants moved to more prosperous regions where they found opportunities to work for wages, others went to towns to hire their labor. Manorial lords were therefore under pressure to lower rents.

To keep their lands in production some lords turned to hiring labour for wages. This system had the advantage of flexibility. Instead of adopting the operations of a manor to

the labour on hand, lords could hire as much labour as was needed at a particular time. This system spread across most of Europe in the fourteenth century. But the forces of change which derived from poor market prices for agricultural commodities, incessant revolt by the peasants, sometimes supported by some lesser nobles, and the subsequent freedom gained by the majority of peasants, resulted in the demise of the strictly feudal societies in Europe.

To the powerful conservative forces of monarchy and religion must be added a third: the universal conservative tendencies of all those whose wealth lay mostly in land. In an age which knew little of mechanization of production and transport, land was still the most important form of property and carried with it an implicit right to social importance and political power.

The upheavals of the years between 1789 and 1815 in France brought an unprecedented transference of landed property by great land owners and corporations (particularly the Church) to a number of smaller property owners. The larger estates, along with those of the church, were declared national property and either put up for sale or exchanged for paper bonds (*assignats*) which were issued on the security of the confiscated Church lands. Many middle-class folk—financiers, lawyers, brewers—made fortunes by speculating in the *assignats*. Sometimes existing tenant farmers took the opportunity to buy their land, and sometimes peasants added to their holdings.

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Biographical Sketch

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