

Struggles over Land and Authority in Africa

Sara Berry

Abstract: This article reviews major changes in policies and practices of land allocation and use in sub-Saharan Africa since ca 1990, using two comparative case studies to illustrate their implications for relations between local and national authority. One case contrasts Ghana, where intense local conflicts over land and authority did not translate into political conflict at the national level, with Côte d'Ivoire, where they did. The other compares political strategies and the influence of traditional chiefs in Ghana and South Africa.

Résumé: Cet article passe en revue les changements majeurs dans les politiques et les pratiques d'affectation et d'utilisation des terres en Afrique subsaharienne depuis environ 1990, à l'aide de deux études de cas comparatifs qui illustre leurs implications dans les relations entre l'autorité locale et nationale. Un cas contraste avec le Ghana où des conflits locaux intenses des terres et l'autorité ne se sont pas traduits en conflit politique au niveau national et la Côte d'Ivoire où ils se sont produits. L'autre compare les stratégies politiques et l'influence des chefs traditionnels au Ghana et en Afrique du Sud.

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For much of the twentieth century, both scholars and development practitioners viewed Africa as a region endowed with abundant supplies of land.¹ Apart from “settler colonies,” such as South Africa and Kenya, where

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Sara Berry is a professor emeritus in the Department of History at Johns Hopkins University. Her research has focused on social, economic, and agrarian change in sub-Saharan Africa in the twentieth century, with particular emphasis on Ghana and Nigeria. E-mail: sberry@jhu.edu

Europeans appropriated much of the best land in the territory, and major urban centers, in much of the rest of sub-Saharan Africa land was not considered a significant constraint on economic growth, a primary source of conflict, or a priority for reform. Beginning in the 1980s, these assumptions have come increasingly into question. As competition over land increased, land transactions became increasingly commercialized, land prices rose, and conflicts multiplied. As rival claimants turned to government officials, adjudicators, and NGOs, as well as relatives and neighbors to mediate disputes or testify on their behalf, struggles over land tangled with relations of authority as well as patterns of market exchange and access to wealth—reinforcing or destabilizing established hierarchies and networks, and sparking intense debates over value, entitlement, and belonging.

Connections between contestation over land and struggles over authority in Africa have been extensively analyzed in both scholarly and policy-oriented literature. By the early 1990s, advocates of structural adjustment had concluded that market reforms would not be effective unless property rights were clearly defined and consistently enforced. Donor agencies as well as some groups of African citizens pressed African governments to construct nationwide registers of land ownership and use them as a basis for regulating land acquisition and adjudicating conflicts. Critics argued that land conflicts were as much about who had the authority to allocate land and settle disputes as about competing forms of land use and transfer, and that efforts to impose uniform rules on societies where land was subject to multiple, overlapping claims and shifting boundaries would exacerbate rather than clarify lines of conflict (Lund 2002). Catherine Boone (2013, 2014) argues that conflicts over land are driven by regimes of governance that vary in their impact according to whether power over land rests with local or national authorities. Ben Cousins, Aninka Claassens, and others have shown the way complex programs of land reform in postapartheid South Africa have been derailed by intersecting political struggles at different levels of governance and social interaction (see Claassens & Cousins 2008).

Building on these insights, the following discussion highlights variations in outcomes of struggles over land and authority that have developed in different economic and political contexts. While fully recognizing the value of building comparative studies around structured analytical frameworks, I think it is also important to recognize struggles over land and authority as dynamic processes, taking account of the way levels of authority, political contests, and forms of land access and use have come together in specific contexts. To illustrate this approach, the article presents two comparative case studies—one of land occupation and political conflict in Ghana and Côte d'Ivoire, and the other of traditional authority, land, and political practice in Ghana and South Africa. Each case compares countries with similar histories of either land acquisition or local authority, but where land claims and authority have come together in different ways, with different implications for trajectories of sociopolitical competition and conflict.

Like Catherine Boone's important multicasestudy (Boone 2014), this article focuses on connections between land struggles and different levels of political authority, but puts more emphasis on variations in the way ongoing changes in patterns of land acquisition and political mobilization have intersected at particular historical moments.

The cases presented here are neither "representative" of common African trajectories, nor comprehensive in their coverage of land-related conflicts. I have not, for example, attempted to review the burgeoning literatures on the complex and contentious legal, financial, and political issues surrounding recent large-scale international acquisitions of rural land for commercial agriculture; on struggles between state and local authorities over the control of mineral wealth; or on local conflicts over land and relations of authority between, for example, women and men, youth and elders, or those whose livelihoods are more and less precarious. Rather than trying to cover these important topics in a few pages, the following discussion seeks to draw attention to the dynamic character of contests over both property and authority, and the value of analyzing them as ongoing and contingent historical processes.

Changing Conditions of Land Acquisition and Use

The 1980s and '90s were a period of intense pressure on African governments—by international donors and different groups in their own societies—to restructure their economies, replace authoritarian regimes with governments chosen through multiparty electoral competition, and devolve both authority and property to local and/or private agents. Like issues of land allocation and management, economic and political restructuring were subjects of intense debate and frequent conflicts that both reflected and influenced struggles over land. In seeking ways to navigate and understand the political, economic, and territorial transformations they were experiencing, Africans drew on a multiplicity of legal norms and orders—some inherited from the colonial era, some introduced (or reworked) by postcolonial governments, and some traced to precolonial societies and/or "traditional" pasts.

Scholars have written at length about the legal and practical differences between "direct" and "indirect" colonial rule, as well as ways in which the two governing strategies overlapped. By the 1920s most British colonial regimes in Africa were, in practice, leaving governance of African-held lands to "customary" authorities. The main exceptions were colonies with significant populations of European settlers, where much of the most productive land was allocated to the settlers and governed under European law, while Africans were confined to reserves. In contrast, French colonial law designated all land as part of the National Domain held by the state, but French colonial officials were too few and far between to implement these laws systematically. In practice, they too left local land matters to customary authorities in what often amounted to indirect rule *de facto* (Berry 2002).

In keeping with the then widespread view that land supplies were ample and land reform not an urgent priority, many newly independent African governments left colonial land laws on the books, rewriting them when it seemed politically expedient, rather than in pursuit of any consistent program of land reform. Thus, in anticipation of impending transitions to civilian rule at the end of the 1970s, Nigeria's outgoing military regime nationalized land "for the use and common benefit of all Nigerians" (Francis 1978; Omotola 1982), while Ghana denationalized land in the northern regions of the country in the name of national unity (Lund 2009).² In Francophone countries independent governments retained colonial Laws on the National Domain, but they exercised their authority over land very differently. In Burkina Faso, for example, Thomas Sankara's short-lived "revolutionary" regime laid the legal foundation for private, freehold ownership of land in the cities while sowing confusion in the countryside by issuing contradictory guarantees of both "customary" and universal (i.e., national rather than ethnic) access to land in the rural areas (Otayek 1989; Zagr  1994). In C te d'Ivoire the long-ruling PDCI regime left the allocation of land use rights in the hands of local residents, but made sure that disputes were settled in favor of political supporters of the regime (Chauveau 2000; Akind s 2004).

Changes in legal and governing regimes were only part of the story. Shaped by national economic trajectories, local livelihood strategies and patterns of accumulation also altered pressure on land, impacting states' efforts to capitalize on or defuse the resulting tensions. Heavily dependent on exports of one or a few primary products, many African economies, during the early years of independence, were still reaping the benefits of global commodity prices that had risen steadily from the end of World War II into the early 1960s. By the late 1970s, however, commodity prices had long retreated from the postwar boom and many African states found themselves saddled with both domestic and foreign debts that they could not hope to repay. Exhilarated by the departure of their colonial masters and eager to take control of their countries' resources and economies, newly independent governments had spent freely on public services and development projects, borrowing abroad to finance what were widely assumed to be a few years of start-up investments leading to future economic development. Lavish government spending was also driven by political competition, as newly installed regimes struggled to stave off challenges to their hold on power by wooing supporters with government contracts, jobs, and other forms of largesse (Van de Walle 2001; Bayart 1993).

Dismayed by the size of accumulated deficits in African states' budgets and international trade and payments, international creditors who had dispensed loans with a liberal hand to newly independent governments in exchange for generous loan guarantees, tax holidays, and other financial incentives now found these governments unable to meet interest and amortization payments on their debts, and refused to lend any more. Facing urgent requests for loans and debt forgiveness to enable African economies

to weather the crisis, the IMF, the World Bank, and major donor governments made assistance conditional on far-reaching changes in African states' economic policies. Structural adjustment reform packages required steep cuts in government spending, currency devaluations, and an end to many price controls and subsidies in exchange for debt relief and restructuring. Governments were also exhorted to divest themselves of state-owned enterprises and assets (including land) and take steps to begin registering private land ownership on a nationwide basis.³

Coming at a time when most African economies were struggling, structural adjustment policies profoundly altered the terrain on which Africans sought and defended access to land. While incomes fell and unemployment rose as a result of the crisis, demand for land increased because many people turned to farming, not only to try to support themselves during the crisis, but also as a way to protect themselves against a volatile and uncertain future. Physically fixed—"a piece of land never shrinks" (Mackenzie 1989)—and rising in value, land appeared to offer an island of stability in an unstable economic and political world (Berry 2002). As economic growth began to revive in the 1990s and early 2000s, competition over land intensified further, as those who benefited from market-driven growth sought a secure outlet for their gains, while the growing pool of those who lost struggled to make ends meet. Whether as a site for a small farm, a gated villa, or an asset to hold for the future, land figured centrally in the economic strategies of rich and poor alike. Increased competition led to frequent disputes and appeals to multiple authorities, both in and outside the state, to legitimate competing claims. Land thus became increasingly important as a political as well as an economic resource—a means as well as an object of contestation.⁴

As competition increased, land transactions became increasingly commercialized, posing questions about legal regimes, governance, and citizenship (see, e.g., Mathieu et al. 2003; Toulmin & Quan 2000). Superimposed on rather than replacing customary and colonial land laws and practices, commercialization has complicated land disputes rather than simplifying or resolving them.⁵ Before the imposition of colonial rule, land was not divided into bounded communal properties—each reserved for the exclusive use of members of a lineage, clan, or community—but subject to multiple, layered claims that were renegotiated as circumstances changed. Access to forests, grazing lands, and water sources might be open to all members of a community, while farmland, building plots, ritual spaces, and other locales were not open access, but were held simultaneously by different people—a complex dynamic nicely captured in the title of Miriam Goheen's book on farming and gender relations in Western Cameroon, *Men Own the Fields, Women Own the Crops* (1996).⁶

Simultaneity did not, however, mean equality. Access to communal resources and particular land use rights might be controlled by a lineage or a community, but relations among members of these groups were often hierarchical. Men exercised authority over women, elders over youths,

chiefs or headmen over other village residents, and so on, and access to land for members of subordinate groups was conditional on their acknowledgment of others' authority. Similar conditions obtained for immigrants or "strangers": land was made available to them as long as they acknowledged the authority of the landholding group. As long as unused land was available, these arrangements were not especially onerous, but as land supplies tightened and prices rose, women, youth, and immigrants might find their access to land curtailed or even terminated (Peters 2004, 2013; Mathieu et al. 2003; Chauveau 2005). How the ensuing tensions intersected with regional and national struggles varied from one place to another, with different implications for trajectories of political and economic change (see, e.g., Juul & Lund 1992; Chauveau 2006; Berry 1993, 2002).

Under colonial rule and afterward, new state-authored rules and systems of adjudication were brought to bear on the allocation of land rights and resolution of disputes, coexisting uneasily with older procedures in the name of respect for custom. In the 1990s, for example, programs of land registration and titling were introduced at the behest of international donors, who hoped to stimulate investment by clarifying and strengthening rights of ownership. But these served instead to produce new claims and reactivate old ones, leading to increased litigation and dispute instead of investment. Land titles also tended to exclude people—especially women and youth—who had previously held land use rights through marriage or family relationships. Land registration has also given rise to spirited debates over how to deploy plural laws and manage multiple venues of adjudication in efforts to resolve, or at least defuse, conflicts before they turn violent. Often turning on far-reaching constitutional principles and governing practices, such questions have proved far easier to ask than to answer.⁷

The following sections illustrate these processes with two comparative case histories that focus on particular aspects of land-related conflicts over authority. The first compares relations between competition over rural land, local authority, and national political stability in Ghana and Côte d'Ivoire. The second examines the economic and territorial dimensions of chieftaincy in Ghana and South Africa—two countries in which traditional authorities wield exceptionally large influence in contemporary affairs. As both examples show, while recent struggles over land and authority certainly reflect the legacies of colonial and early postcolonial rule, configurations of economic opportunity, loss, political contest, and social division have continued to change, with outcomes that cannot all be attributed to a common experience of "indirect rule."

When Local Land Conflicts Go National: Migrants, Cocoa, and Politics in Ghana and Côte d'Ivoire

Conflicts over land occurred frequently both during and after the colonial era, but they have arguably increased in both pace and intensity in the last two to three decades, especially in places where land values were rising

rapidly.⁸ In both Ghana and Côte d'Ivoire, land conflicts were particularly intense in the cocoa-growing regions of the southwest. As global commodity markets revived after the end of World War II, many people moved to these regions, eager to take advantage of expanding global markets by growing cocoa, coffee, and oil palm for sale abroad, as well as food crops, citrus, and oilseeds for home consumption and sale. In both countries, cocoa was the leading export crop, fueling the growth of foreign exchange earnings, income, and state revenue, but also increasing their economies' vulnerability to global market fluctuations. Within the cocoa-growing regions the process of frontier expansion proceeded relatively smoothly as long as farmers could gain access to fresh tracts of old growth forest where cocoa grows best. As the supply of virgin forest land dwindled, however, tensions began to mount, not only between migrants and those who considered themselves "indigenous" to the forest region, but also within local families, as young people found it increasingly difficult to obtain portions of family land that their elders had not already cultivated for themselves or given to migrants (Amanor 2001; Chauveau & Léonard 1996, 2002, 2006).

On the national level, postcolonial trajectories of political and economic change in Ghana both paralleled and diverged from those in Côte d'Ivoire. While the postwar boom in cocoa production ended earlier in Ghana than in Côte d'Ivoire, both followed similar paths of frontier expansion and closure, rising levels of tension, and increasingly frequent conflict over rural land.⁹ Given the importance of cocoa to both economies as a source of foreign exchange earnings and state revenue, one might expect that developments in the main cocoa-producing regions would have similar repercussions at the national level, but this was not the case. As the euphoria of independence wore off and world cocoa prices sagged, trajectories of economic growth, decline, and political (in)stability moved in opposite directions.

In Ghana, the regime of President Kwame Nkrumah, who was overthrown by a military coup in 1966, was followed by a series of short-lived military and civilian regimes that proved incapable of reversing the steady decline in income and exports brought on by falling world cocoa prices and mounting foreign and government debt. The decline ended in deep crisis in 1983–1984, when a severe drought in the Sahel coincided with Nigeria's abrupt decision to expel all undocumented aliens, which forced an estimated one million Ghanaians to return home in a few weeks (Olukoju 2014; Derrick 1984). The economy began to stabilize in the mid-1980s, but recovery remained slow and uneven for the rest of the century, weighed down by a steady decline in the value of the currency. Politically, however, Ghana regained a measure of stability under the leadership of Jerry John Rawlings who, after a decade as military head of state in the 1980s, was elected president when civilian rule was restored in 1992, and remained in office for the full two terms allowed in the Constitution. In 2000 the opposition party was voted into power in one of sub-Saharan Africa's first peaceful changes of regime through a multiparty electoral contest.

In contrast, Côte d'Ivoire, hailed throughout the 1960s and '70s as an icon of export-led economic growth and political stability, slid into economic crisis in the 1980s. Like Ghana, Côte d'Ivoire borrowed abroad as cocoa and other commodity prices declined in the 1970s, but hitherto generous international creditors were reluctant to extend new loans in the face of mounting African debts. As one of the first African countries to apply for economic recovery and structural adjustment loans, Côte d'Ivoire complied with donor "conditionalities," which resulted in an economic recession that hit especially hard in urban areas, undermining the ruling party's hold on power and paving the way for an intense struggle over succession to national power following the death of President Félix Houphouët-Boigny in 1993.

Houphouët-Boigny was trained as a medical doctor and was elected to the French National Assembly in 1946, where he rose to prominence by leading a successful campaign against forced labor in the colonies. Breaking away from the movement to seek greater autonomy for a federated French West Africa, Houphouët-Boigny became a vocal advocate of national independence, motivated in no small part by his desire to keep Côte d'Ivoire's wealth at home, rather than redistributing portions of it to poorer parts of the region. When he was elected president at independence in 1960 he quickly suppressed opposition parties and political rivals, establishing a regime of one-party rule that lasted until his death in 1993.

The dominance of Houphouët-Boigny's Parti Démocratique de la Côte d'Ivoire (PDCI) rested on an elaborate system of patronage financed by agricultural export earnings. To maximize the growth of export crop production, Houphouët eschewed the protectionist policies of some of his neighbors and declared that the doors to Côte d'Ivoire were open to all—French investors and migrant African laborers alike—who wished to contribute to the growth of its economy. In response, thousands of migrant farmers from central and northern Côte d'Ivoire moved into sparsely populated areas of the southwest, clearing the forest and establishing new farms of cocoa, coffee, and oil palm. They were soon joined by immigrants from Upper Volta (renamed Burkina Faso in 1984), Mali, and other poor landlocked countries in the region, most of whom hired themselves out to local farmers until they were able to obtain land and establish farms of their own.

The migrants' efforts received enthusiastic support from the government. Trading on his enormous prestige, the president pressed ahead on his open-door policy, bypassing any statutory restrictions that stood in the way. In 1963, in contradiction to the wishes of the National Assembly, he announced in a public speech that "land belongs to the one who develops it" ("La terre appartient à celui qui lui met en valeur") regardless of where they come from. When disputes arose between immigrants and local farmers, party cadres saw to it that local officials resolved them in favor of the migrants. In an ultimate gesture of welcome, immigrants were even allowed to vote—a practice that directly contravened the Ivorian Constitution and sparked no small degree of resentment among the citizens. Thus encouraged,

immigrants worked hard and prospered, sending much needed remittances to their relatives at home. To no one's surprise, they also cast their ballots for the president and the party in power (Ruf 1995; Chauveau & Léonard 1996; Akindès 2004; Chauveau 2006).

As export-led economic growth waxed and waned in the years following independence, relations between landholders and land users became increasingly strained, especially in the forest regions where cocoa, and to some extent timber, provided significant shares of both Ghana's and Côte d'Ivoire's export earnings. In southern Ghana, land allocation was controlled by chiefs, with the approval of colonial administrators who were eager to maintain stability in the main export-producing regions. Claiming their "customary" prerogative to receive "tribute" from any stranger who found something of value on a stool's land, chiefs extracted substantial rents from migrant farmers—a practice that led to frequent, sometimes violent, protests.¹⁰ While "subjects" of a stool were exempt from tribute, they were subjected to levies raised in support of the stool but often absorbed into the expenses of the chief's household rather than used for the benefit of the community. Such practices were widely resented, leading to frequent efforts to "de-stool" unpopular chiefs.¹¹

In Côte d'Ivoire, most rural communities in the cocoa and coffee-producing regions were small, decentralized settlements of farming households, where decisions were made by household heads or groups of elders, rather than by chiefs. As migrant farmers moved into the region after 1945, they found household heads quite ready to show them uncultivated land where they could farm. In return, they asked only that the immigrants acknowledge their generosity with occasional gifts of produce or assistance on the host's farm. Couched in terms of hospitality, this system, known as the *tutorat*, came under increasing strain in the 1980s as export prices fell, supplies of uncultivated land dwindled, and the urban recession brought on by structural adjustment reforms sent many city dwellers "back to the land," expecting to weather the crisis by farming on their families' land. Finding that their elders had distributed most of their land to strangers, leaving little for their sons to cultivate or live on, urban returnees vented their frustration—berating their elders for depriving them of their patrimony, while joining them in resentment against the immigrants whom they regarded as exploiters (Ruf 1995; Chauveau 2005, 2006).¹²

In both Ghana and Côte d'Ivoire, then, conflict over land intensified as structural adjustment programs led to sharp increases in urban living costs and unemployment, deepening uncertainties about the future, and redoubling people's efforts to acquire land. In Ghana, where tensions over land were directed primarily at individual landlords and/or chiefs, conflicts tended to remain local, rather than cumulating into broader demands for political change. In Côte d'Ivoire, by contrast, conflicts over land and belonging in the rural economy converged with divisions in national politics that emerged in the 1990s as rival parties battled over who would succeed the late president.

As competition over the presidency intensified in Côte d'Ivoire, candidates played on citizens' frustrations, using increasingly xenophobic rhetoric to mobilize popular support among southerners angry over the late president's favoritism toward foreign immigrants. "Contrary to situations in which hotbeds of nationalism emerge and the state is forced to take measures to offset its effects," writes Francis Akindès, "in Côte d'Ivoire, . . . the state itself is responsible for the retribalisation" of political discourse and participation (2004:26). Accusing the leading northern candidate, A. D. Ouattara, of hiding his alien origins, southern politicians implied that his supporters were aliens too, out to wrest control of the country from the true "ivoiriens" of the south. Understandably angry at being treated as if they were foreigners, northern Ivoirians intensified their opposition to leaders from the south. In 2003, after a decade of mounting electoral turbulence exacerbated by a military coup, the country descended into civil war, pitting north against south in a conflict that was only barely suppressed in 2011, when outside intervention was required to install Alassane Ouattara as president after he had won the election.

The virulent popular response in Côte d'Ivoire to the xenophobic rhetoric of opportunistic politicians owed as much to the convergence of a number of factors—national political contestation, land conflicts in the cocoa-growing areas, and donors' insistence on a single, neoliberal blueprint for economic and political "reform"—as it did to the xenophobic rhetoric itself. In Ghana, structural adjustment, land conflicts, and pressures for political change were also at work, but they came together differently. Although economic recovery proceeded haltingly, undermined well into the early 2000s by a steadily falling exchange rate, in 1992 Ghana's last military regime handed over power to a democratically elected government, launching an era of nonviolent electoral transitions that continues today. Conflicts over land and the control of land rent were intense at the local level, but they tended to focus on particular chiefs rather than the government or even the institution of chieftaincy as a whole. The resulting sociospatial distribution of land conflicts worked to deflect popular discontent from the state to local authorities, contributing, ironically, to sustain political stability at the national level. In Côte d'Ivoire, by contrast, where Houphouët-Boigny's party pressured local officials to resolve land disputes in favor of immigrants whose labor fueled the growth of cocoa production and income, conflict over land played directly into the regional polarization of national politics after 1993, and the civil war that followed in the early 2000s.

Land Reform, Development, and Traditional Authority in Ghana and South Africa

On the political landscape of the early twenty-first century, Ghana and South Africa stand out as countries in which chiefs, or traditional authorities, wield an exceptional degree of influence in public affairs. Like "trouble

cases” often featured in ethnographic studies, the two countries are not “representative” of the continent: rather, they illustrate some of the political processes at work in countries with plural legal orders and multiple, overlapping structures of government. While chiefs exercise a great deal of influence in both countries, however, they do so in distinctly different ways. In part, the differences derive from the laws and constitutional provisions that define and regulate chiefly authority in each country, but they also reflect historical patterns of chiefly control over land and natural resources, as well as differences in the territorial economies over which they preside.

In Ghana, chiefs mobilize and exercise power alongside rather than through the law—working informally through personal and professional networks with parliamentarians, local and national state officials, businesspeople, professionals, colleagues in the National and Regional Houses of Chiefs, and their own “subjects,” rather than by holding electoral office or playing a direct role in making and implementing state policy. The current Ghanaian Constitution, enacted in 1992, recognizes chiefs’ authority over the lands attached to their traditional offices.¹³ The 1992 Constitution (Articles 267 and 276) also gives chiefs exclusive jurisdiction over “chieftaincy affairs”—primarily, matters of succession to and removal from chiefly office, in which the state had often intervened in the past—but it explicitly prohibits chiefs from standing for election in either local or national contests.

In South Africa, chiefs participate vigorously in party politics and electoral contests, brokering influence over their constituents for leverage with party leaders, and lobbying vigorously for legislation to codify and expand their authority, both within the Communal Areas (the former “homelands” or “bantustans”) and beyond. Since 1994 a few chiefs have held seats in the National Assembly, and the Constitution gives both the National and Provincial Houses of Traditional Leaders the right to review and delay (but not block) pending legislation before it goes to a vote (Düsing 2002). Unlike Ghanaian chiefs who work beside government rather than within it, South African chiefs have lobbied hard to achieve formal recognition as a “tier of the state” (Cousins et al. 2011).

To understand the significance of these different political modalities for chiefs’ roles in contemporary affairs, particularly land reform and development, it is useful to look briefly at the postcolonial legacies of colonial rule in Ghana and South Africa, and also at chiefs’ respective locations in the economic geographies of the two countries. As Mahmood Mamdani (1996) has shown, most colonial regimes governed their African “subjects” through indirect rule, establishing legal and administrative precedents that continued to reverberate long after independence. Mamdani also concludes that there was no substantive difference between apartheid and indirect rule in the rest of sub-Saharan Africa—and this is a point with which I disagree. I would argue, instead, that indirect rule was *practiced* differently in different colonial territories, and that postcolonial politics have been shaped by practice as well as by law.

In South Africa, as early as 1913, Africans were legally barred from owning land anywhere except in “native reserves” that covered only 7 percent (later 13 percent) of South African territory, despite the fact that Africans made up around 80 percent of the population.¹⁴ Beginning in the late 1940s the ruling regime adopted an official policy of apartheid (racial separation) and embarked on a sweeping project of social engineering designed to remove all Africans from white-occupied areas, except those who had official permission to work there. Even they had to keep their distance: industrial and urban workers were forced to live in segregated townships located miles outside the white-controlled cities, commuting to and from work in racially segregated trains and buses.¹⁵ The rest of the African population was legally confined to the so-called “homelands.”

This system was enforced by an elaborate police state, together with “traditional” chiefs acting as agents of the apartheid state. Chiefs who balked at cooperating with the state were removed from office and replaced by more compliant candidates. Those who complied wielded dictatorial powers within their respective domains—as long as they did so in ways authorized by the state. Crucially, the chief’s signature was required on the passbook without which Africans could not leave the homelands without risking arrest—a bureaucratic measure that gave chiefs control over Africans’ access to livelihood through employment in the dominant sectors of the national economy.

In Ghana, where African farmers and traders produced and sold the export crops that earned most of the colony’s foreign exchange, underwriting the profits of European merchant firms as well as good part of the state’s revenue, the colonial regime concentrated on keeping produce and people moving, working to quell disturbances and resolve disputes that might disrupt the smooth flow of commerce. Apart from zoning laws that designated separate residential areas (not only for Africans and Europeans, but also for different “tribes” and “classes” of Africans) in major towns and cities, officials did not attempt to regulate residential arrangements or reduce chiefs to mere agents of the colonial administration. Instead, they sought to enlist “customary” rules and rulers as assistants in maintaining order, collecting taxes, mobilizing labor for public works such as road maintenance and sanitation, and settling disputes before they got out of hand. Colonial officials’ early attempts to claim “vacant and unoccupied land” for the Crown were effectively rebuffed by Ghanaian lawyers, who accepted the reality of British rule but argued that there was no vacant and unoccupied land for the Crown to claim because the land was all “in the hands of the natives, and under the jurisdiction of the native chiefs” (Mensah Sarbah 1897:56; see also Kimble 1963; Amanor 1999).

Colonial officials decided, evidently, that it would be easier to work with local elites rather than try to exercise their claim by force. As a result, they not only accepted the lawyers’ argument, but also made it a cornerstone of their land policies. This approach survived both the transition to independence in 1957 and subsequent legislation designed to circumscribe chiefs’

authority by giving the state powers of eminent domain.¹⁶ The constitutions of the Second, Third, and Fourth Republics all reaffirmed the principle that stool lands are “vested” in their respective stools—language that the courts have interpreted to mean that chiefs hold allodial (or ultimate) titles to their stool lands. Extended to the northern regions in 1979, control over the allocation of stool and skin lands has given chiefs both a legal basis for collecting land rent in the name of customary prerogative and a platform for expanding their influence in public affairs within and beyond their traditional domains. So effectively has this arrangement served chiefs’ interests that when President J. J. Rawlings, seeking election to a second term, proposed that government repeal the constitutional ban on chiefs participating in electoral politics, the National House of Chiefs declined his offer. As more than one chief has pointed out to me and to the press, the fear was that if a chief stood for election and lost, the “sacred dignity” of the stool would be compromised.¹⁷

The contrast between South African chiefs’ ongoing efforts to expand their formal powers within the state and Ghanaian chiefs’ preference for relying on informal networks to spread and enhance their influence reflects both legal differences in their authority over land and people and differences in the territorial economies under their jurisdiction. In Ghana, where stool lands are estimated to cover some 80 percent of the national territory, chiefs have exercised some degree of authority in the most dynamic sectors of the economy—export agriculture, timber exploitation, real estate, and mining—since the late nineteenth century (Kimble 1963; Howard 1978). Invoking their “customary” right to receive tribute from any “stranger” who finds “something of value” on their lands, chiefs have claimed a substantial share of the rents generated by farming, logging, and other forms of natural resource exploitation, using their gains to invest in farms and businesses, educate their children (many of whom have gone on to successful careers in business, professional occupations, government, and the military), dispense patronage, and build networks both within and outside the state.

In South Africa, by contrast, not only were chiefs’ domains limited to 13 percent of the national territory, but decades of forced removals (whereby Africans who lived in white areas were rounded up and dumped, regardless of ethnic affiliation, into so-called “tribal” homelands) had turned much of the homelands into overcrowded, deeply impoverished rural slums (Murray 1992; Platzky & Walker 1985). Unable to extract much wealth from the local population, chiefs leased out portions of their homeland territories to commercial farmers, ranchers, and safari companies, and some have recently begun to assert claims to underground mineral resources as well.¹⁸

Faced with limited possibilities for extracting revenue from their homeland “subjects,” South African chiefs used bureaucratic prerogatives to exercise influence over those who were obliged to live under their jurisdiction. Following the end of apartheid and the establishment of universal suffrage, chiefs have continued to perform administrative functions that people rely on for access to sources of livelihood. In order to supplement

income from wage employment, ensure financial security in case of job loss, and maintain family ties, many black South Africans keep a home and garden plot in the Communal Areas, even if they reside elsewhere for most of the year. By allocating homestead plots, chiefs gain influence over Communal Area residents that they have used to secure legislative concessions from politicians eager for rural votes (see Ntsebeza 2005; van Kessel & van Oomen 1997; Oomen 2005; Murray 2004).¹⁹ While the resulting legislation has not always withstood judicial scrutiny, chiefs continued to lobby for—and gain—expanded legal authority and recognition after the end of the apartheid era.²⁰

In a striking parallel with the leverage Ghanaian chiefs have exercised in recent commercial land deals, the South African government, in 2013, reopened the window (originally closed in 1998) for people to file claims for the restitution of lands that were taken away from their forebears and reallocated to white owners after 1913. Parliament did this even though thousands of claims filed under the original Land Rights Restitution Act remained unresolved, raising major questions about the rationale for reopening the claims process (Atuahene 2016). Ignoring complaints, President Jacob Zuma and other senior state officials openly encouraged Traditional Leaders to take advantage of the new dispensation, and the Zulu King Goodwill Zwelethini has announced his intention to do so by filing a claim for most of KwaZulu-Natal Province on the ground that colonial authorities confiscated it from his ancestors in the nineteenth century—long before the original claims period began in 1913 (Custom Contested 2013). Debate is now underway over two proposed pieces of legislation—one that would increase traditional authorities' control over land in the Communal Areas and one that would limit it. The Minister of Lands and Rural Development supports the former, arguing that traditional leaders are “de facto owners of the land” and might as well be made so de jure.²¹

Concluding Thoughts

Since the 1980s economic instability, political uncertainty, and international pressure for neoliberal economic and political reform have fostered competition over land across sub-Saharan Africa, pushing up land values, commercializing land transactions, and intensifying competition over land acquisition and the defense of land claims. In countries with histories of multiple legal traditions and overlapping systems of authority, competition over land has led to intense debates over what land is worth, whose claims are valid, and who makes these decisions. The ensuing struggles over both land and authority have pitted women and men, relatives, neighbors, hosts, and migrants against one another—often in the face of mounting pressure from firms, state agencies, and nongovernmental institutions to force ordinary men and women to surrender land in the name of development or the public interest. How these struggles play out, whose claims are recognized, and whose claims are ignored or denied have played a significant role in

both reinforcing and restructuring practices of power and the distribution of wealth.

The cases discussed in this article illustrate some, but by no means all, of the ways competition over land has intersected with relations of authority and opportunity in contemporary Africa. In Ghana and Côte d'Ivoire mounting pressure on land used in small-scale export crop agriculture led to increasing, sometimes violent, conflict at the local level, but intersected differently with national politics, contributing to gradual political stabilization in the former, and growing turmoil and civil war in the latter. In Ghana and South Africa, traditional authorities were discredited after independence for their role in facilitating colonial rule and apartheid, but they have reemerged in recent years as influential figures in both local and national affairs. But chiefs' modalities of political practice are quite different in the two countries, reflecting differences in the kinds of land they control, the way they exercise authority over land, and the way national regimes have worked both to co-opt and contain chiefly authority.

Together, these cases underscore the ubiquity of intense competition over land in contemporary Africa, and the importance of looking closely both at who wields authority at different levels of social interaction, and at how land claims and relations of authority have changed and interacted over time. Comparing histories of local and national authority in different African contexts emphasizes variations in the way both states and citizens have wielded power at particular moments, and also complicates the argument made by Mamdani and others that colonial rule left a legacy of decentralized despotism across the continent that was virtually indistinguishable from the bantustans in rural South Africa. In many cases, the peaceful resolution of conflicts over land has depended less on whether disputes were heard by national or local authorities, in formal or informal venues, or adjudicated under statutory or customary law, than on adjudicators' willingness and ability to listen to the powerless as well as the powerful, to take account of changing circumstances, and to satisfy all parties that they had been dealt with fairly, whether or not they won their case. Simple as that sounds, it is often harder to practice than to preach.

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Notes

1. This article was originally delivered as a lecture at the Trustland Project workshop on land conflicts in northern Uganda held at Gulu University, Gulu, Uganda, January 27–31, 2015.
2. One exception was in Kenya, where colonial officials had begun registering land in the name of individual or small group owners in the 1950s. By creating a class of small-scale "yeoman farmers," British officials hoped to prevent further rural rebellions by giving peasants a stake in the colonial political and economic status quo. Land registration began in Central Province, whose Kikuyu residents were believed to be the driving force behind Mau Mau, and it later spread to most of the arable land in Kenya. Ironically, Kikuyu also formed the backbone of the loyalists who fought alongside the British against the Mau Mau Freedom Fighters. See Sorrenson (1967), Branch (2009).
3. The case for structural adjustment reform was laid out in World Bank (1981, 1983), and numerous other publications. It was also challenged by academics and policymakers, including Mkandawire and Soludo (1999), Pincus and Winters (2002), and Edelman and Haugerud (2005).
4. The leading exponent of this argument, Christian Lund, has developed it in a number of publications, including Lund (2002, 2006, 2009).
5. Local land arrangements certainly changed, but in multiple and often conflicting ways—belying predictions that land markets and private ownership would "evolve" naturally, without much government intervention. See Platteau (1996), North (1990).
6. Hardin's classic articulation of "the tragedy of the commons" (1968) was echoed by those who advocated land registration and privatization as preconditions for investment and growth in "structurally adjusted" African economies.

- For examples of the very large literature on this subject, see Feder and Feeny (1991) and several of the essays in Bruce et al. (1994).
7. For recent stimulating discussions of these issues, see, e.g., Peters (2013), Boone (2014), Claassens and Cousins (2008), and Lund (2009).
 8. Driven by people's eagerness to acquire an asset whose value was appreciating, the boom in urban land markets tends to be self-reinforcing. See Ubink (2008), Berry (2001), Kasanga and Kotey (2001).
 9. Reaching a peak in the mid-1960s, cocoa production in Ghana declined for the next twenty years and remained well below previous levels for the rest of the twentieth century. In Côte d'Ivoire cocoa output continued to expand into the early 1980s, generating increases in export earnings despite steep declines in world market prices.
 10. Whether residents of a chiefly domain are classified as "citizens" or "strangers" depends on the history of their ancestors' relations to the stool. Since histories are debatable, conflicts over land may include efforts to redraw social as well as territorial boundaries. See, e.g., Boni (2005, 2006).
 11. There is an extensive literature on land, chieftaincy, and politics in Ghana both before and after independence. See, among others, Arhin (1986, 2001), Amanor (1999), Berry (2001), Boni (2005, 2006), Ubink (2008), Ubink and Amanor (2008), Kasanga and Kotey (2001), Lund (2009), Boone (2014), and Lentz (2006, 2013).
 12. As Chauveau (2006) and others have pointed out, many of the immigrants who arrived in the 1950s and '60s had become more prosperous than their hosts, in part by drawing most of their labor from tightly knit family networks, which allowed them to produce more cheaply than their hosts whose children had left farming to attend school and work in town.
 13. Known as "stools" in most of southern Ghana, and "skins" in the three northern regions, chiefly offices govern territories the boundaries of which have been subjects of intense contestation since colonial times. See, e.g., Berry (2001), Ubink and Amanor (2008), Lund (2009), Lentz (2013).
 14. Recent studies estimate that chiefs in Ghana control land in about 80 percent of the national territory.
 15. Mine laborers and domestic servants lived in worker hostels or small rooms in their white employers' backyards, but they had to leave their families in the homelands and might not see them for a year at a time. See Gaitskell et al. (1983), Mamphela (1993).
 16. The Administration of Lands Act (123), 1962, gives the state the right to take control of stool lands and administer them for the benefit of the people of Ghana. Under the State Lands Act (125), such lands are "vested in" rather than "owned by" the state—an apparently hair-splitting distinction that left stools' claims to land in place. The same terminology, applied to stool lands over which chiefs have retained control (and reaffirmed in subsequent constitutions, including the Constitution of 1992 currently in force), has been interpreted in the courts as giving chiefs allodial (ultimate) title to stool lands. In practice, this means that the chief's title is not alienated when a portion of the stool's land is sold (actually leased to the buyer for 50 or 99 years). In contrast to the situation in other countries in Africa where recent "land grabs"—purchases of large tracts of rural land by agribusiness corporations and other commercial buyer—are negotiated with the state, in Ghana prospective buyers deal directly with the chiefs. See German et al. (2013).

17. During “Africa’s land rush” of the early 2000s, officials in Ghana left it to chiefs to negotiate lucrative land deals with international investors—explaining to incredulous researchers that, as government officials, they did not interfere in “chiefly affairs.” See Cotula (2009), Hall et al. (2015).
18. Perhaps the best-known example is the Royal Bafokeng Nation, a small traditional polity on the border with Botswana that is located atop some of the richest platinum reserves in South Africa. After years of litigation, the Bafokeng chief managed to secure a share of the wealth generated by the mining companies, which has been used for developing a diversified complex of businesses, from manufacturing to insurance, managed as a conglomerate (the Royal Bafokeng Holding Company) held by the Bafokeng Nation. In a pattern familiar to many Ghanaians, the king’s “subjects” complain that they have seen very little of the money flowing into the kingdom’s coffers from the mines. See Cook (2011), Manson (2013), Comaroff and Comaroff (2009).
19. Legally Traditional Leaders are subject to the authority of elected local councils, but even where local elections have actually taken place, inexperienced and under-resourced councilors are often no match for the chiefs, who not only receive salaries from the state, but also have retained offices, vehicles, staff, and other resources left behind by the former Bantu Administration. For rural dwellers who need documentary proof of residence in order to claim pensions, child welfare grants, or other state resources to which they’re legally entitled, it is often quicker and more efficient to go to the chief than the local council. See Ntsebeza (2005), Oomen (2005). The importance of bureaucratic regulations for states that have little to distribute as patronage has been explored for Senegal by Léo Villalon (1995).
20. The Communal Land Rights Act of 2004, which gave chiefs virtual control over land in the Communal Areas, was overturned by the courts in 2010, but on procedural rather than constitutional grounds, leaving open the question of whether such control was consistent with constitutionally mandated principles of democracy and equality. Critics have argued, for example, that the inherently inferior status of women in customary law and governance contravenes the constitutional mandate that all South Africans be treated equally before the law. See Claassens (2008), Ntsebeza (2005).
21. The proposed Communal Land Tenure Policy would give Traditional Councils control over the “outer boundaries” of the Communal Areas while limiting residents to “institutional user rights.” According to some observers, the minister does not support the proposed Spatial Planning and Land Use Management Act, which would limit the Traditional Councils’ authority. See Custom Contested 2015.