

Briefing note from a webinar on

Struggles for the African Commons: Building an Agenda for Engaged Scholarship

24 July 2020



PLAAS
Institute for Poverty, Land and Agrarian Studies



UNIVERSITY of the
WESTERN CAPE



Struggles for the African Commons: Building an Agenda for Engaged Scholarship

Text by Mark Paterson

A webinar on “Struggles for the African Commons: Building an Agenda for Engaged Scholarship” was held by the Network of Excellence on Land Governance in Africa (NELGA) and the Institute for Poverty, Land and Agrarian Studies (PLAAS), University of the Western Cape (UWC), on 25 June 2020 as the third in a series of seven monthly online seminars. The virtual meeting brought together activist academics to discuss the governance of the commons on the continent and how to build momentum around an agenda towards engaged scholarship among African universities that addresses and supports struggles for managing and using these to produce sustainable, resilient livelihoods.

In particular, the webinar considered how capitalist crises, which have included precipitous global economic decline; global warming; inequality that has challenged the legitimacy of political dispensations; and the impacts of, and responses to, the Covid-19 pandemic, have both highlighted the importance of the existing commons, including land, rivers, oceans and natural resources, as public goods; and spurred efforts to revalue and commodify them. The meeting highlighted the roles of national governments, state-society alliances and transnational elite interests in implementing these approaches.

The webinar further discussed ways of reclaiming, expanding and democratising the

commons and the importance of reframing and re-politicising the agenda for their governance, including with the support of engaged scholars. In this regard, the meeting considered the decline of the intellectual left across much of the continent over the past 40 years which has proceeded alongside market liberalisation; the detachment of universities from political struggles; and disconnected forms of governance and development being pushed by authoritarian and democratic states. In response, the webinar sought to provide a platform to promote scholarship that reconnects the African intellectual and natural commons.

Commodifying the old and new commons

The expropriation of the old commons – that is, land, natural resources, water and forests – has been underway for a long time under capitalism in Africa. More recently, an onslaught has also been launched against the new commons – that is, public goods such as education, water, sanitation and health services, provided by nationalist governments after independence to mitigate some of the deplorable conditions imposed on their populations under colonialism. These subsidised, public goods, which became an important component of the social wage of working people, have increasingly been privatised under the new liberalism. In both cases, the commodification of the commons

This briefing note is based on a webinar you can watch [here](#).

A succession of capitalist crises

has both highlighted the importance of the existing commons as public goods; and spurred efforts to revalue and commodify them.

has been implemented through primitive accumulation – a dominant, continuous process in capitalism, under which goods and services are expropriated without any value being returned.

In the dominant hegemonic discourse about tenure systems in Africa, there is a dichotomy between customary tenures, which are the commons owned the communities, and statutory tenures, which are usually owned by the state but handed out to private interests. In this discourse, development is seen as a product of the conversion of customary to statutory tenures through processes of titling and registration. This current notion of development finds an echo in the idea of “dead capital” advanced in 2000 by Peruvian economist Hernando de Soto.¹ The notion, which became popular across the continent, was that moribund capital which lay buried beneath the land under customary tenure could be unlocked by privatising it. The approach has recently been justified by the promotion of the concept of the “tragedy” of the commons – that, if something is owned by everyone it is not owned by anyone; and that, as an inevitable result, it will be depleted and devastated.

This view, which has no basis in reality, is founded on the application of the Western concept of “ownership” to land used by indigenous people under custom. Although this concept is necessary to produce commodification and privatization, it fails to describe how such land is understood by the communities who derive

their livelihoods from it in common maintaining, replenishing and sustaining it through their own systems of rules and traditions.

The idea of community governance

The idea of communities as a de facto positive force for managing the commons may be traced back to the work of American economist Steven Cheung, who argued in 1968 that sharecropping was not necessarily an oppressive relationship and could produce significant benefits.² The idea signalled the beginning of a new approach towards the commons and their governance under customary regimes. Subsequently, greater community participation in structural adjustment programmes and a weaker role for the state in administering natural resources and land was advocated. The proposed framework emphasised local management, with sanctions for the abuse of resource usage to be implemented by the community, and the community’s right to self-determination being recognised by higher authorities.

From the 1980s, the role of communities in land management was further valorised by environmental movements led by activists such as the Brazilian campaigner Chico Mendes. In this discourse, the emphasis was placed on supporting indigenous people’s movements in their struggles for the commons – and the enemy was generally multinational corporations rather than the state. However, the translation of this concept to Africa has been hindered by the

1 de Soto, H. (2000). *The Mystery of Capital*. United Kingdom: Black Swan.

2 Cheung, S. (1968). “Private property rights and sharecropping”. *Journal of Political Economy*. 76 (6): 107–122.



challenge of defining which groups of people – other than pastoralists and hunter-gatherers – may be considered indigenous. Even among pastoralists, disparate claims to indigeneity can be a source of discrimination. For example, wealthy pastoralists who claim greater purity of ethnicity can command relatively great resources in the name of indigeneity; while proletarian pastoralists, who are of mixed ethnicity and lack assets or command over resources may find themselves marginalised within the discourse on indigenous rights to the commons. In part, the challenges around defining indigeneity stem from the parochial nature of its frame of reference, which was conceived in, and imported from, the Global North.

However, the major problem of these discourses promoting various kinds of “community” rights is their failure to differentiate among the many different forms of access to land and the commons in African society. For example, the narratives fail to take account of the differences between urban and rural areas; and the question of the place of African land tenure in relation to feudalism, or in the transition from slavery to feudalism, which has occupied the continent’s scholars over the years.³ In the process, such simplistic discourses produce a vision of African society uniformly based on a communal system of land rights which is akin to that produced

under colonialism. During this era, colonisers presented local tenure relations as communitarian, which facilitated proxy rule by traditional rulers chosen by the state to implement regimes of forced labour and expropriation of land, particularly from poorer population groups.

After independence on the continent, this communitarian approach to land governance was widely adopted in new forms, such as African socialism, which emphasised the communality of Africa – and thus enabled the state in alliance with traditional rulers to continue to expropriate resources from the poor. After all, it was not “African” for people to own land. However, some of the newly independent countries realised the importance of land reform. For example, in Guinea, a radical social movement pushed the country’s leadership to adopt scientific socialism and a theory of class relations to address the land question.

Notwithstanding such variations, communal land tenure has continued to form the basis for the expropriation of individual rights of poor farmers in Africa, including in agricultural systems in which the management of common resources used to be based on shifting cultivation and rotational crops. The result has been that common resources are no longer that common. For example, in Ghana,

³ See, for example, South African social anthropologist Archie Mafeje’s work on Buganda, which looks at tributary relations. Mafeje, A. (1998). *Kingdoms of the Great Lakes Region: Ethnography of African social formations*. Kampala, Uganda: Fountain Publishers.

The major problem of discourses

promoting “community” rights is their failure to differentiate among the many forms of access to land and the commons in African society.

smallholders’ rights to use, fell and sell timber which grew on their land were transferred to local chiefs as the custodians of the community in the 1990s. The chiefs then transacted these in concessions and all the timber on the farmland was cut down and exported in the name of community participation.

At the same time, in this critique, it is important to acknowledge that the differentiation within communities, which can be expressed as class conflicts, is somewhat connected to dominant economic forces, such as imperialist capitalism, which ensure that accumulation is always from above and never from below.

Converting the blue commons into the blue economy

Industrial development and new-frontier growth policies which impose ownership of nature have been described by the Marxist environmental sociologist John Bellamy Foster as inherently destructive.⁴ In this context, particular forms of green protectionism – such as “fortress” conservation, and blue bonds – have been produced to address environmental contradictions in contemporary capitalism and enable accumulation. Under fortress conservation, which may be viewed as a form of spatial apartheid, people are evicted from their customary rights to land and water resources – so, fishing and hunting are curtailed – to create terrestrial and/or marine reserves in the name of protecting biodiversity. These spaces are then marketed as exclusive places where rich people can come

to play, or hunt, or experience “paradise”, as, for example, in the Mafia Islands in Tanzania; in Zanzibar in Kenya; and along the KwaZulu-Natal coast in South Africa.

This protectionist, as opposed to community-based, form of conservation promotes a pro-nature versus pro-people dichotomy, leveraging the idea of a global ecological crisis to facilitate the development of the world’s oceans as a new frontier for mining, shipping, spatial planning and large-scale aquaculture. This blue-economy agenda for growth and food security has been promoted by states through market-oriented reform policies. In Africa, governmental and non-governmental conservation actors have collaborated to convert environmental protection into capital, such as through payment for eco-system services that safeguard the commons from the people.

For example, amid mounting interest from oil and gas companies in its territorial waters, blue bonds were issued by the government in the Seychelles as part of a debt buy-back scheme launched by the international non-profit organisation (NPO) Nature Conservancy. In exchange for the establishment of a marine protected area (MPA) across a third of its waters, some alternative livelihoods have been pledged for small-scale fishers. (Meanwhile, elsewhere, extractive industries are allowed to continue to use destructive gear to destroy the ocean seabed.) States in Africa have also played key roles in clearing and securing beaches and coastal areas and criminalising particular forms

⁴ Foster, J. B. (2002). *Ecology against capitalism*. New York: Monthly Review Press.

Communitarian approaches to land

governance were widely adopted after independence, enabling the new states in alliance with traditional rulers to continue to expropriate resources from the poor. The result has been that common resources are no longer that common.

of access to them, which has led to gross human rights violations and the eradication of livelihoods for fishers.

Such forms of state engagement have been fostered through national blue growth plans, such as South Africa's Operation Phakisa, and the establishment of a global blue-economy development agenda constructed from those aspects of the UN's Sustainable Development Goals that relate to the ocean, but omitting the social protections and rights promoted elsewhere in this global blueprint. Significant philanthropic support from major international foundations has been extended to the conservation narrative that seeks to exclude local people from their livelihoods.

A cooperative model for the commons

Activists seeking to restore the commons should prioritise the redistribution of land rather than the protection of existing natural commons, ensuring that women, migrants and other marginalised groups gain access to it for their livelihoods. This cannot be implemented in the context of so-called community self-determination because the notions of community and community interests at play here are abstract in nature and, in the final analysis, determined by the state – that is, by the interests of the dominant

class. So, instead of focusing on “community” participation in common property resource management, a framework should be forged to promote producers' cooperatives. These should be bodies which are consciously constituted according to the principle of voluntary, free association rather than any notion of a shared historical identity; and all members should be equal participants in the venture.

At the same time, it should be acknowledged that, just as there is class differentiation within communities, which can, for example, make them vulnerable to abuses by traditional leaders, so also cooperatives can become places of class differentiation and prone to accumulation by the few. In this regard, rather than seeking to impose individualised, commodified property regimes or communal ones, the complex, differentiated, nested nature of tenures, as described by South African political and social scientist Ben Cousins,⁵ may form a useful starting point for a new approach to the commons. In this context, much of what is generally described as common property are actually resources that have been shared, controlled and worked in ways that reflect the multifarious relationships of individuals to their communities – for example, as members of extended families or clans, rather than merely as subjects of a chief.

5 Cousins, B. (2008). “Characterising ‘Communal’ Tenure: Nested Systems and Flexible Boundaries”. In Claassens, A. and Cousins, B. (eds.) (2008). *Land, Power and Custom: Controversies generated by South Africa's Communal Land Rights Act*. Cape Town: Juta, pp. 109-137.

Under fortress conservation, people are evicted from their customary rights to land and water resources. These reserves are then marketed as exclusive places where rich people can come to play, hunt, or experience “paradise”.

African socialist political models, such as Ujamaa, which was established by Tanzania’s founding president Julius Nyerere, have been criticised with some justification for failing to differentiate among forms of local property governance and thus facilitating the expropriation of land from marginalised people. However, it is also important to analyse African land systems in the context of the historical forces that forged them: that is, imperial domination in alliance with domestic property-owning classes and compliant states. So, concrete analysis of class systems and the character of individual states at the different stages of their evolution is crucial. In this context, the quest for an idealised terrain beyond class and class struggle may be viewed as a futile intellectual pursuit. Rather academics should be engaged in analysing and articulating the emergence of new forms of class; how classes organise themselves accordingly; and the kinds of struggle in which they may engage as a result. The starting point for such analysis is the people themselves who are always considering their conditions and opportunities.

Towards a new intellectual commons

Although authoritarian developmental states have been widely replaced by neo-liberal democratic ones in Africa, popular participation in them remains limited or disconnected; and livelihoods, which continue to be expropriated, have not improved regardless of official growth rates. Meanwhile, across the world, industrial-

isation, which has failed to produce significant benefits for poor people, particularly women, has entailed dispossession and exclusion. In this context, new narrow forms of nationalism have emerged globally. In this political climate, independent intellectual spaces have come under attack and there is little interest in funding critical scholarship perceived as threatening states. At the same time, academics in Africa have tended to internalise liberal values and the hegemony of neo-liberal democratic forms of government.

As an antidote, engaged scholars should renew their commitment to working people who are concerned with their livelihoods and controlling their resources. In particular, they must attend to the central agency and character of the state in the conversion and privatisation of resources in the interests of capital. In addition, rather than accepting neo-liberal or authoritarian political models, which in their different ways limit or marginalise communities, scholars should seek to reconceptualise and recharacterise the kinds of democracy and development and states being sought. Such efforts should be led by organic intellectuals who are rooted in the struggles of the people and can promote their agenda, systematically articulating what the people already know but may not express clearly.

Such an agenda for engaged scholarship can build on the knowledge produced by traditional intellectual work which has detailed the dimensions and kinds of the socio-economic

challenges faced with reference to history; forces such as extractivism; and analysis of forms, continuities and differences. The agenda may also seek to build on the values of an earlier era of relatively free, authentic, collaborative thought and labour among an intellectual left who were closely connected to social formations.

At the same time, it should be acknowledged that such values have largely been displaced by increasingly corporatised approaches within academia and civil society, following the advent of structural adjustment and the establishment of a new, professionalised, non-governmental organisation (NGO) sector dedicated to implementing Northern concepts of development. Research projects and popular consciousness have been commodified as a result, with philanthropic and voluntary agency stakeholders playing a leading role in implementing the new zeitgeist – for example, by stepping up funding support for titling efforts which seek to protect so-called “community” interests in less than progressive ways.

In this context, it is important, as the era of progressive nationalism recedes, to create a pan-African intellectual community which is en-

gaged, committed and willing to reflect on the commonalities of experience across the continent and collectively resist Northern hegemony. The establishment of the Council for the Development of Social Science Research in Africa (CODESRIA) in 1973 marked a step in this direction. However, at present, there is a dichotomy in which Southern researchers produce data which is sent to Northern scholars who then transmute it into theory and knowledge which is exported back to the South, where it shapes intellectual endeavour. Instead, engaged scholarship on the continent must reclaim Africa’s right to produce its own theoretical knowledge, which is the highest form of knowledge, based on the struggles of Africans and their concrete conditions.

In seeking to revive the intellectual commons in solidarity with struggles around the natural and social commons in Africa, it is also important to consider the gendered nature of access to these public goods. In addition, the role of science and technology in framing the neo-liberal project as a form of exclusion should be considered; as well as the benefits that communications technologies may bring – for example, by creating new forums to promote intellectual solidarity across the continent.



Key messages

- A succession of capitalist crises, including in relation to the Covid-19 pandemic, have both highlighted the importance of the existing commons as public goods; and spurred efforts to revalue and commodify them.
- The expropriation of the old commons – that is, land, natural resources, water and forests – has been underway for a long time under capitalism in Africa. More recently, an onslaught has also been launched against the new commons – that is, public goods such as education, water, sanitation and health services.
- In the dominant hegemonic discourse about tenure systems in Africa, there is a dichotomy between customary tenures, which are the commons owned the communities, and statutory tenures, which are usually owned by the state but handed out to private interests. In this discourse, development is seen as a product of the conversion of customary to statutory tenures through processes of titling and registration. This view is founded on the application of the Western concept of “ownership” to land used by indigenous people under custom and fails to describe how such land is understood by these communities.
- Greater community participation and a weaker role for the state in administering natural resources and land was advocated under structural adjustment programmes. From the 1980s, the role of communities in land management was further valorised by environmental activists who supported indigenous people’s

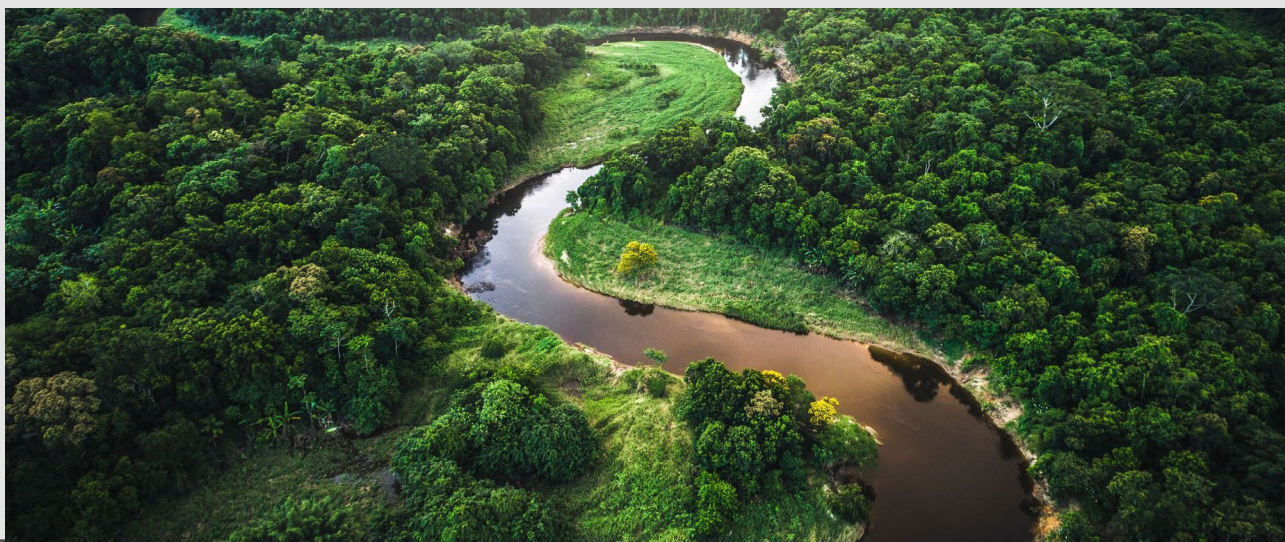


IMAGE: GETTY IMAGES

Activists seeking to restore the commons

should prioritise the redistribution of land and other resources rather than the protection of existing natural commons.

movements. However, the implementation of such activism to Africa has been hindered by the challenge of defining which groups of people may be considered “indigenous”, which is anyway a concept imported from the Global North.

- The major problem of such discourses promoting “community” rights is their failure to differentiate among the many forms of access to land and the commons in African society, producing a vision of land rights akin to that produced under imperialism – when colonisers presented local tenure relations as communitarian, thus facilitating proxy rule by traditional rulers chosen to implement regimes of forced labour and land expropriation.
- After independence, this communitarian approach to land governance was widely adopted in new forms, such as African socialism, which emphasised communality, enabling the new states in alliance with traditional rulers to continue to expropriate resources from the poor. The result has been that common resources are no longer that common.
- Forms of green protectionism – such as “fortress” conservation, and blue bonds – have been produced to address environmental contradictions in contemporary capitalism and enable accumulation. Under fortress conservation, people are evicted from their customary rights to land and water resources in the name of protecting biodiversity. These reserves are then marketed as exclusive places where rich people can come to play, hunt, or experience “paradise”.
- This protectionist, as opposed to community-based, form of conservation promotes a pro-nature versus pro-people dichotomy, leveraging the idea of a global ecological crisis to



facilitate the development of the world's oceans as a new frontier for capitalist exploitation. With significant philanthropic support, an international blue economy agenda has been forged from those aspects of the UN's Sustainable Development Goals that relate to the ocean, but omitting the social protections and rights promoted elsewhere in this global blueprint.

- States in Africa have promoted the agenda by producing market-oriented policies for the exploitation of oceans and rivers and have further played key roles in clearing and securing beaches and coastal areas and criminalising particular forms of access to them, which has led to the eradication of livelihoods.
- Activists seeking to restore the commons should prioritise the redistribution of land and other resources rather than the protection of existing natural commons. This cannot be implemented in the context of so-called community self-determination because the notion of community interests at play here is vague and, in the final analysis, determined by the state.
- One alternative approach could be to promote producers' cooperatives, which should be consciously constituted according to the principle of voluntary, free association rather than any notion of a shared historical identity – although experience has shown that cooperatives can become places of class differentiation and prone to accumulation by the few. The complex, differentiated, nested nature of tenures may also form a useful starting point for a new approach to the commons.

Engaged scholarship must

reclaim Africa's right to produce its own theoretical knowledge based on the struggles of Africans and their concrete conditions.

- In the present political climate, independent intellectual spaces have come under attack; while academics in Africa have tended to internalise liberal values and the hegemony of neo-liberal democratic forms of government. As an antidote, engaged scholars should attend to the central agency and character of the state in the conversion and privatisation of resources in the interests of capital; and should seek to reconceptualise and recharacterise the kinds of democracy, development and states required to remedy the situation. Such efforts should be led by organic intellectuals who are rooted in the struggles of the people and can articulate and promote their agenda.
- The values of an earlier era of relatively free, authentic, collaborative thought and labour among an intellectual left who were closely connected to social formations have largely been displaced by increasingly corporatised approaches within academia and civil society. One solution is to create a pan-African intellectual community which is engaged, committed and willing to reflect on the commonalities of working people's experiences across the continent. Such engaged scholarship must reclaim Africa's right to produce its own theoretical knowledge based on the struggles of Africans and their concrete conditions. ●

About this webinar

PLAAS offers a short course on “The Political Economy of Land Governance in Africa” through NELGA, which was established under a programme run by the African Union (AU), United Nations (UN) and the African Development Bank (AfDB). In the past two years, the training has been provided to 95 practitioners and scholars from 26 countries across the continent to help them to improve land policy-making and administration at the national and regional levels. In recognition of PLAAS’s contribution, the institute’s host university, UWC, has been incorporated as a “special” node into

NELGA’s pan-continental network, which features five other university hubs in North, West, Eastern, Central and Southern Africa. The network’s aim is to strengthen human and institutional land-governance capacities for the implementation of the AU’s agenda on land.

The webinar was moderated by Professor Ruth Hall, PLAAS, and addressed: by Professor Issa Shivji, School of Law, University of Dar es Salaam, Tanzania; Professor Kojo Amanor, Institute of African Studies, University of Ghana; and Professor Moenieba Isaacs, PLAAS.



Prof Kojo Amanor, Institute of African Studies, University of Ghana, Ghana



Prof Issa Shivji, School of Law, University of Dar es Salaam, Tanzania



Prof Moenieba Isaacs, PLAAS/UWC, South Africa



Prof Ruth Hall, PLAAS/UWC, South Africa

