

**Catherine Boone**

## Sons of the soil conflict in Africa: institutional determinants of ethnic conflict over land

**Article (Accepted version)  
(Refereed)**

**Original citation:**

Boone, Catherine (2017) *Sons of the soil conflict in Africa: institutional determinants of ethnic conflict over land*. *World Development*, 96. pp. 276-293. ISSN 0305-750X

DOI: [10.1016/j.worlddev.2017.03.012](https://doi.org/10.1016/j.worlddev.2017.03.012)

Reuse of this item is permitted through licensing under the Creative Commons:

© 2017 [Elsevier Ltd.](https://www.elsevier.com)  
CC BY-NC-ND 4.0

This version available at: <http://eprints.lse.ac.uk/69794/>

Available in LSE Research Online: July 2017

LSE has developed LSE Research Online so that users may access research output of the School. Copyright © and Moral Rights for the papers on this site are retained by the individual authors and/or other copyright owners. You may freely distribute the URL (<http://eprints.lse.ac.uk>) of the LSE Research Online website.

"Sons of the Soil Conflict in Africa: Institutional Determinants of Ethnic Conflict over Land"

Catherine Boone, LSE  
9 March 2017

Forthcoming, *World Development*

Abstract:

Can the political science literature on sons-of-the-soil (SoS) conflict and civil war explain patterns of ethnic conflict over land in sub-Saharan Africa? Sons-of-the-soil terminology, developed with reference to conflicts in South Asia, has been used to describe some of Africa's most violent or enduring conflicts, including those in eastern DRC, northern Uganda, the Casamance Region of Senegal, and southwestern Côte d'Ivoire. Is Africa becoming more like South Asia, where land scarcity has often fueled conflicts between indigenous land owners and in-migrants? This paper argues that political science theories that focus on rural migration and land scarcity alone to explain outbreaks of SoS conflict in Asia fall short in Africa because they are underdetermining. The paper proposes a model of structure and variation in land tenure institutions in sub-Saharan Africa, and argues that these factors are critical in explaining the presence or absence of SoS conflict over land. This conceptualization of the problem highlights the strong role of the state in structuring relations of land use and access, and suggests that the character of local state-backed land institutions goes far in accounting for the presence or absence, scale, location, and triggering of large-scale SoS land conflict in zones of smallholder agriculture. A meta-study of 24 subnational cases of land conflict (1990-2014), drawn from secondary and primary sources and field observations, generates case-based support for the argument. The study suggests that omission of land-tenure institution variables enfeebles earlier political science theory, and may inadvertently lead policy makers and practitioners to the erroneous conclusion that in rural Africa, primordial groups compete for land in an anarchic state of nature.

Key words: ethnic conflict, land, land tenure, Africa, institutions, property rights, migration

Introduction

Can the political science literature on sons-of-the-soil (SoS) conflict and civil war explain patterns of ethnic conflict over land in sub-Saharan Africa? Scholars of Africa increasingly draw analogies between African land conflicts and the conflicts in South Asia that inspired SoS theories. Bates (2008) drew this analogy when he identified clashes between indigenous landholders and in-migrants over land as a factor in the collapse of political order in several African states. Many others have used sons-of-the-soil terminology to describe some of Africa's most violent or enduring conflicts, including those in eastern DRC, northern Uganda, the Casamance Region of Senegal, and southwestern Côte d'Ivoire.<sup>1</sup> Some structural and processual aspects of land-related conflict in Africa do indeed mirror South Asian-style sons-

of-the-soil conflicts. In many parts of sub-Saharan Africa (SSA) today, rural population densities and levels of land inequality are approaching those prevailing in rural South Asia in the 1950s and 1960s. Land hunger, shrinking farm sizes, and patterns of agricultural involution reminiscent of parts of Asia can now be found in the densely settled regions of most African countries.<sup>2</sup> These socio-demographic realities shatter old assumptions or stereotypes about Africa's land abundance and the "social safety valve" that open land frontiers could provide. Moreover, as in South Asia, rising land competition in Africa often heightens tension between sons-of-the-soil and in-migrants who have settled in their homelands, sometimes fueling localized ethnic violence or contributing to larger political conflagrations. This intertwining of land competition and ethnic conflict is what suggests analogies to the South Asian struggles that inspired political science theorizing on SoS conflict.

This paper asks how far political science theory on the outbreak and escalation of SoS conflict in South Asia can go in explaining patterns of SoS conflict in SSA. It focuses one of the most-cited political science theories of SoS conflict, Fearon and Laitin's (2011) SoS conflict escalation model, which was illustrated with an account of land conflict in Sri Lanka. Fearon and Laitin's theory links land competition to civil war through an ethnic conflict trigger mechanism. Their findings present Africa scholars with a puzzle. Classic sons-of-soil civil war appears to be surprisingly *rare* in Africa, sub-Saharan Africa's high levels of ethnic heterogeneity and the high prevalence of civil war.<sup>3</sup> In SSA's densely settled, ethnically-heterogeneous zones, even SoS conflict on scales of magnitude and intensity that fall well below F&L's operational definition of civil war (1,000+ battle deaths) is rare.<sup>4</sup> When ethnic tensions over land do mount, they rarely escalate, *contra* the predictions of F&L's model. Instead, conflicts tend to be contained at the local level, rarely reaching a scale that would garner attention in the international press, much less the scale required for inclusion in civil war data sets. We are confronted with a thorny analytic problem: What explains the *rarity* of SoS conflict in Africa, even in densely-settled, ethnically heterogeneous zones, and the localized *scale* of most land conflict? And can the same explanation help account for the location and timing of the occasional, ferocious outbreaks that do scale-up to civil war proportions?

This paper argues that the theoretical solution lies in a variable that is omitted in F&L's SoS conflict model: land tenure institutions. In smallholder farming regions of SSA, national rulers have created and enforced land tenure institutions that structure local ethnic hierarchies around land. The

analysis suggests that variations across time and space in how land tenure institutions enforce ethnic hierarchy offer great leverage in explaining patterns of SoS conflict over land in African countries.<sup>5</sup>

The conceptual work begins with Part I, which reviews classic SoS theories from South Asia and their offspring, including the work invoked above, framing insights and puzzles they pose for Africa scholars. Part II reviews existing work on land scarcity and migration-induced ethnic heterogeneity in SSA. Although systematic statistical evidence is lacking, fragmentary country data and the secondary literature show clearly that although the F&L's hypothesized structural preconditions for SoS conflict over land are widely present, SoS land conflict is not. Part III defines land tenure systems in SSA as "institutions" which vary subnationally, offers a conceptualization of how they vary, and conceptualizes mechanisms that produce stability and instability in SoS-migrant relations across institutional types. Moving to the task of theory-generating, Part IV derives hypotheses about how institutional differences may predict the presence (absence), scale, location, and triggering of large-scale SoS land conflict. Part V presents a structured comparison of 24 subnational cases (1990-2014), based upon secondary and primary sources and field observations, to argue that differences in land tenure institutions are associated with different types of land conflict.<sup>6</sup> The case studies bolster the plausibility of the paper's arguments about the salience of institutional variation in explaining conflict patterns, although more rigorous tests await the creation of extensive new bodies of data and causally-motivated research designs. To further probe the plausibility of the institutional argument proposed in this study, the final section, Part VI, leverages the historical, conceptual, and case-based material presented in earlier sections to take on an important rival argument: the demographic determinism hypothesis. The conclusion is a discussion that underscores flaws in political science's earlier, "institutionless" theories of SoS conflict over land.

#### Part I. The Classic SoS literature

Myron Weiner's (1978) classic work on SoS conflict in India identified ethnic in-migration (migration across India's internal ethnic borders) and livelihood competition as a combustible combination. Weiner focused on states undergoing rapid economic modernization, where growth "pulls in" migrants from less dynamic regions. His concern was with the response of autochthonous "sons-of-the-soil" groups to the arrival of in-migrants. Weiner suggested that where livelihood options are abundant and cooperative

*economic* relations between autochthones and migrants prevail, political and social relations between the two groups are likely to be peaceful. Conversely, in settings with few employment and livelihood options, and with limited prospects for rewarding outmigration by the SoS, competition between SoS and in-migrants increases likelihood of political conflict. Weiner's students and others have developed this perspective in an impressive case study literature (Katzenstein 1979, Varshney 2003, Jha 2014, Bhavnani and Lacina 2015).

Fearon and Laitin's (F&L) (2011) influential study of civil war suggested and sustained in-migration to farming regions and rising land scarcity could ignite SoS conflict in the ways that Weiner anticipated. In their model of developing countries, internal migration produces ethnic heterogeneity and rising population densities on the agrarian frontier, where the presence of the state is weak. As population density rises, SoS eventually become frustrated that migrants have occupied so much of their land. The co-presence of these factors -- economic competition and ethnic heterogeneity due to in-migration -- creates the structural conditions in which the random spark of an interpersonal dispute between SoS and migrants (a theft, rape, or insult), perhaps aided by the provocation of a local political entrepreneur, may escalate into spontaneous ethnic clashes. Figure 1 illustrates this model to underscore its analytic parsimony.

Figure 1: Likelihood of SoS conflict (about here)

Figure 1: Likelihood of SoS conflict

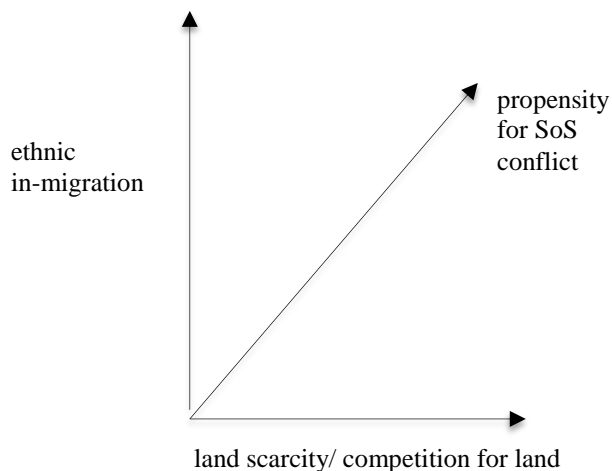


Figure 1: Likelihood of SoS conflict

For F&L, the structural conditions identified above are a combustible combination. Whether the spark of localized violence escalates into civil war depends on how the state enters the scene to restore order. In response to clashes, the police then the army (if need be) will intervene to restore order. If the state supports the SoS, the defenseless migrants are likely to return to their home areas because if they do not, they may face uncontrolled reprisals from indigenes. Peace is likely to be reestablished. If the state favors the migrants, however, there may be trouble. The SoS may challenge the government, and the army may be brought in to repress them. Where the SoS fight back, we have the opening salvos in an ethnic rebellion against the state. Sri Lanka serves as a case in point to establish the plausibility of the model.

F&L do not offer a theory of why government partisanship may vary, or of temporal dynamics, suggesting only that in developing countries, *raison d'état* often militates in favor of supporting migration-fueled economic development. A more recent contribution "brings the state in," refining the model's predictions about state partisanship (Bhavnani and Lacina (2015)).<sup>7</sup>

How far does the model of economic competition and demographic structure go in describing and predicting patterns of SoS land conflict in contemporary Africa? Let us turn to the structural arguments first.

## Part II. Pressure on the land ethnic in-migration in sub-Saharan African countries

Classic SoS theories identify two structural drivers of ethnic conflict over land: land competition among farmers, and ethnic heterogeneity due to in-migration. Fifty years ago, most scholars took these factors as virtually absent in rural Africa. They would have not been surprised by the relative rarity of SoS conflict over land. Yet demographers, economists, and land tenure scholars tell us that the old image of Africa as a continent of ethnically homogenous village communities surrounded by vast expanses of open land is largely obsolete. Decades of research work have shown rural-to-rural migration to be a phenomenon of major importance in many parts of contemporary Africa, starting in the mid-twentieth century (if not

before). In fact, the structural conditions thought to set the stage for SoS conflict are present in many rural settings.

*Economic competition over land*

Sub-saharan Africa's rural populations have almost quadrupled since 1930, rising from 112 million to about 460 million in 2010 (Jayne et al., 2014). Even with the spectacular growth of megacities like Lagos and Nairobi, 32 of SSA's 42 non-island countries are still predominantly rural. On average, 62% of national populations lived in rural areas in 2015, and most of these people depend at least in part upon land access for livelihoods and subsistence.<sup>8</sup> As rural populations have increased and rates of technical innovation in agriculture have remained slow, population pressure on the land has mounted. In Kenya, for example, the rural population increased from 13.6 to 20 million over the course of 1980-2004,<sup>9</sup> and is projected to reach about 30 million over the next three decades. Tanzania's rural population increased three-fold between 1967 and 2012 and is still growing.<sup>10</sup> Côte d'Ivoire's rural population is projected to expand from 11 to 15 million between 2016 and 2050. Xinshen Diao et al. (2007: 35) of the International Food Policy Research Institute described the reality of land pressure in these terms:

In the 1970s "virgin land were available in most countries and the pressure to change established ways of production (and accompanying social institutions) was low. The situation has changed dramatically over the past three decades. Africa's population has quadrupled since the 1950s and is projected to more than double between 2000 and 2050. Expansion of arable land has stagnated in recent years, indicating that land frontiers may have been reached. The result of mounting population pressure and declining farm sizes."

Africa's rural populations are still growing. The subcontinent's rural population is projected to grow by 48% between 2010 and 2050.<sup>11</sup>

Some implications for economic competition over land are clear: "One of the most important trends in African agriculture is a steady decline in land-to-person ratios. ... In Kenya, Ethiopia, and Zambia, for example, this ratio is about half as large as it was in the 1960s."<sup>12</sup> Average farm sizes have shrunk due to fragmentation of holdings. In Kenya, Zambia, and Ethiopia today, 25% of rural households

are landless or near-landless (Jayne et al. 2010: 1386). Rising inequality in landholdings is also pervasive in Eastern and southern Africa. Signs of agricultural involution (falling productivity of labor), shortening fallows, fragmentation of landholdings are observed in many smallholder farming zones in both East and West Africa (Jayne et al, 2010 and 2014). Another sign of pressure on the land is creation of farms in less and less hospitable terrain, including encroachment on rangelands and grasslands used by pastoralists.

In a 2006 report, Goran Djurfeldt, writing for the Swedish International Development Agency (2006: 11), wrote that population pressure and food insecurity were generating "pressure from below" on governments. "In many ways the present situation in sub-Saharan Africa resembles that of Asia when Green Revolutions were launched there [in the 1960s and 1970s]."

#### *Ethnic heterogeneity due to in-migration*

High pressure on the land combines with high degrees of ethnic heterogeneity due to in-migration in many parts of rural Africa. Just what is meant by "ethnic heterogeneity" in this context requires some discussion. Colonial administrative structure and practice in twentieth-century Africa aimed at creating monoethnic rural districts ("tribal homelands" under colonial indirect rule), often overwriting preexisting cultural diversity with new, officially-imposed ethnic labels. What modern African states and demographers recognize as "interethnic migration," rural-to-rural migration, and district-level ethnic heterogeneity is migration across these official ethnic borders. Colonial and postcolonial law and administrative practice have discouraged spontaneous and permanent group migration across these subnational boundaries. A person outside of his or her designated ethnic homeland is considered to be a "migrant," stranger, ethnic outsider, or in Nigeria's official jargon, an "internal foreigner." In most of Africa, until today, there is no official recognition or enforcement of permanent land rights transfers among members of different ethnic groups. "Deportation" of persons and groups across ethnic boundaries ("back to their home areas") is not uncommon. This hardening of state-recognized ethnic identities stands in stark contrast to the fluidity that usually prevailed in pre-colonial eras, when mobility and assimilation over the *longue durée* produced patterns of cultural mixing and sedimentation that have been tracked by linguists, historians and archeologists (Lentz 2014, Berry 1993).



Restrictions on large-scale spontaneous movements and impediments to the development land markets, however, did not preclude state-sponsored migration flows across official ethnic boundaries in order to supply labor -- as "temporary" migrant labor or, more exceptionally, as settlers -- to fuel the expansion of commercial agricultural production *in some parts* of colonial and post-colonial Africa. Such "inter-ethnic" or rural-to-rural migration has been a force of major importance in the economic, social, and demographic history of sub-Saharan Africa. West Africa's integration into the world economy in the 20th century as an exporter of primary products, especially agricultural products -- coffee, tea, cocoa, cotton, groundnuts, palm oil -- was made possible by large shifts of population from densely populated zones of the western Sahel to the wetter, forested coastal zones. East, central, and southern Africa have also seen major, state-orchestrated population movements. The most notorious of these involved expulsion of African populations from territory expropriated by the colonial state, and the resettlement of Africans in "tribal reserves" as peasant or subsistence farmers, or on European-held estates as worker-tenants or worker-squatters. In postcolonial Africa, major state-assisted population movements have fueled export-crop production across the parts of Senegal, Côte d'Ivoire, Ghana, Burkina Faso, and Mali. Settlement schemes in Rwanda, eastern DRC, Tanzania, and Kenya drove official rural development schemes and reconfigured local social relations around land and rural production.

Interethnic migration is well documented in country-level studies and at the micro-level, but it is hard to study at the macro or aggregate level. After the late 1960s, most of what we know about rural-to-rural migration comes from disparate small-scale studies "which have not been synthesized" (Gould 1995:129). In the academic literature on migration, rural-to-rural migration has been almost completely overshadowed by studies of rural-to-urban migration. Even so, "the few available studies show rural-to-rural flows to be substantial and greater than rural-to-urban flows in some cases... [It is driven largely] by the search for more land, better land, and jobs... with outflows from more densely populated areas and inflows to relatively sparsely populated areas.".... (ibid). "There is a consensus that most moves of this kind are based on the attraction of fertile land for farming" (Aina 1995: 49).

For Ghana, Senegal, Côte d'Ivoire, Kenya -- all countries with high levels of internal migration in the 1960s and 1970s -- rural-to-rural flows across internal "ethnic boundaries" accounted for about 50% of all internal migration, and most of this was migration connected with the expansion of agriculture.<sup>13</sup> For

Ghana in the 1990s, migration to the urban areas was "reported to be of minor importance compared to other internal migration flows," including rural-to-rural migration across Ghana's ethno-regional boundaries.<sup>14</sup> Rift Valley Province, the locus of in-migration and agricultural settlement in Kenya in the 1960s and 1970s, was described by Ominde (1968: 122) as an "ethnic melting pot" that was more ethnically diverse than Nairobi itself.

Zachariah and Condé (1981:58) compared two West African countries with very high rates of internal mobility in 1970. They calculated that 17% of Ghana's native born population had migrated among Ghana's seven regions in 1970. The comparable figure for Côte d'Ivoire was 15%. For Uganda, Kagera's work with the 1969 census data showed that over 10% of all nationals resided outside of their region of birth. Of these, about 80% were in the rural areas rather than in the two principal cities of Kampala and Jinja.<sup>15</sup> These 1970 figures for Ghana, Côte d'Ivoire, and Uganda are about *three times higher* than the average rate of "interethnic" migration in India which Mary Katzenstein calculated at "over 5%" (1979: 38).

For decades, ethnic in-migrants have constituted *the majority* of the population in some rural districts southern Côte d'Ivoire, Rwanda, Tanzania, Uganda, and the Eastern DRC. In many places, ethnic strangers constitute very considerable minorities. In Burkina Faso's cotton-producing Haut Bassins region, for example, "strangers" ("lifetime inter-departmental migrants") comprised about 11.6% of the farming population in 1975.<sup>16</sup> In Senegal's Sine-Saloum region in 1960, the percentage of "lifetime in-migrants" was 14.8.<sup>17</sup> In Bunyoro in western Uganda in 1969, 26% of the population was made-up of immigrants from other districts of Uganda.<sup>18</sup> In Gambia's groundnut producing rural areas, "it is commonplace to find several ethnic groups in a village."<sup>19</sup>

Although we lack the statistical data necessary to produce a systematic, cross-national and over-time portrait of the landscape of rural ethnic in-migration, there is ample evidence of the kind of ethnic heterogeneity due to in-migration in farming regions that could, hypothetically, give rise to SoS tension and conflict.<sup>20</sup>

*Migration, ethnic heterogeneity, and land conflict in African countries*

De Bruijn et al. (2001: 21-22) remarked that "given the enormous diversity of cultural forms in Africa and the important role of [spatial] mobility in social life, it is surprising that the cohabitation of all these people with all its variety has been so peaceful for so much of the time." This is exactly the point that is underscored here: There is far less overt SoS conflict over land than the combination of ethnic heterogeneity due to in-migration and economic competition over land (demographic pressure on the land) would predict, if such predictions were based on simple extrapolation from the F&L (2011) model.

That said, migration-driven ethnic heterogeneity and rising land scarcity are sometimes jointly present in situations of violent conflict over land. Africa scholars have documented large-scale communal conflict over land in precisely such settings, and many of the most explosive cases, the ones that have escalated into large-scale conflagrations, have been described as sons-of-the-soil conflict. Ethnicity defined the line of social cleavage in land-rated conflicts in Kenya and Côte d'Ivoire in the 1990s, as it was in DRC in 1990-1993 and Rwanda in the early 1990s, to name the most terrible and destructive cases of the decade.<sup>21</sup> These are zones with long histories of some of the highest state-sponsored rural-to-rural "economic migration" in-flows in all of colonial and postcolonial Africa (with migration in-flows dating to the 1940s, 1950s, 1960s, and 1970s in these cases).

Smaller-scale land-related ethnic conflict also appears to be increasing in frequency and intensity in places where in-migration has contributed to rising pressure on the land. These fly far under the radar of scholars who compile civil war data sets that set 1,000 battle deaths as the inclusion threshold, and events data sets that track violent communal conflicts on a lesser scale. The smaller-scale conflicts analyzed in extensive case-study literatures are almost always contained at the local level, and play out with little overt violence. They result in land-takings, broken contracts, and expulsions.

Event data generated by the the Uppsala Conflict Data Project (UCDP) project does pick up the ethnicity-land connection, however. A 2013 study by von Uexkull and Pettersson identified land as "one of the core conflict issues" in 75% of the episodes of fighting between non-state groups identified along communal lines (deaths > 25) in Africa between 1989 and 2011.<sup>22</sup> Yet their coding scheme recorded only a handful of farmer-on-farmer conflicts. Straus and Taylor (2012: 194-5) cited Social Conflict in Africa Database data (SCAD data, based on AP and AFP press reports from 1990-2011) as evidence of high and

rising numbers of local conflict episodes over livelihood resources since the 1990s, including ethnic conflict over land and water.

Straus (2012) stressed that the politics of these processes are very poorly understood, and he is correct. The co-presence of land scarcity and ethnic heterogeneity does not reliably predict conflict: ethnic peace prevails in most of densely populated, ethnically-heterogeneous zones that demographers and migration scholars have studied for decades. Violence is rare, and usually highly localized if it happens at all. When it does scale-up, however, it is very costly. To restate the questions posed at the outset of this study, what explains the infrequency and "containerization" at the local level of SoS conflict in ethnically heterogeneous zones of rural Africa? Can the same variables and mechanisms help account for the episodic, bloody explosions of SoS conflict over land that have wracked some African countries?

### Part III. Conceptualizing institutional determinants of SoS conflict over land

In F&L's influential model, SoS and in-migrants compete over land "on the frontier," in settings where the state is weak or absent. In zones of smallholder farming in Africa, however, land tenure relations do not play out in the anarchic state of nature that is the implicit backdrop to the F&L model.<sup>23</sup> Instead, land competition between autochthones and migrants is structured by public-order institutions -- land law and territorial administration -- and state coercion.<sup>24</sup> This means that in-migration to farming zones, and the land competition between SoS and migrants that may result, takes place on structured playing fields, where hierarchical power relations are structured by institutions that are enforced by the state. Land tenure institutions vary across space, and these variations are key in explaining the presence or absence, scale, spatial distribution (location), and triggering of large-scale SoS conflict.

In SSA, public-order land tenure institutions vary across subregions within countries. The district level (second subnational level jurisdiction) is, as a rough cut, the territorial scale that is appropriate and useful for identifying these variations. Abstracting from local complexity, it is possible to describe land institutions (land tenure regimes) as varying along one key dimension: the extent of prerogative they confer to indigenes in controlling local in-migration and land allocation.<sup>25</sup> Africa's neocustomary land regimes, estimated to govern about 90% of all land in sub-Saharan Africa (averaging across countries, see Deininger 2003:2), confer prerogative to local communities of ethnic insiders, empowering indigenes (via

the agency of state-backed communal leaders whose claims to authority are rooted partially in ethnic kinship and ancestral custom) to regulate in-migration and allocation land.<sup>26</sup> Under "statist" land regimes, by contrast, prerogatives to regulate in-migration and allocate land are exercised directly by state agents who act as pure and direct agents of the central state (such as prefects, settlement officers, or district officials). Statist land institutions deprive indigenes of the power to regulate in-migration and land allocation. In the absence of devolution of power to local state-backed neocustomary leaders, the reproduction of statist land regimes requires the on-going and overt exercise of state powers, including coercive power.

Institutional variation is observable *across subnational jurisdictions*. In Kenya today, for example, about 65% of all land, including most rangeland and agro-pastoral lands, are held under neocustomary-type institutions.<sup>27</sup> Farmland concentrated in central Kenya, the central Rift Valley, and the Coast is under statist-type land institutions, including private property, state-owned land, adjudicated land, and land on settlement schemes that is allocated by direct state agents to households.<sup>28</sup>

The neocustomary-statist distinction is picked up, albeit imperfectly, in Round 4 Afrobarometer survey data, conducted in 2010. Question 58 on this survey asked, "Who do you think has primary responsibility for managing land allocation, central government, local government, traditional leaders, or members of the community?"<sup>29</sup> "Traditional leaders" is the reply one would give under a neocustomary land tenure regime. The results below, extracted from Afrobarometer, are reported in a way that highlights wide variation both cross-nationally and *across subnational regions* of the 15 countries that were included in this part of Round 4. Table 1 gives national averages alongside the highest and lowest subnational regional score on this question. As expected, very wide subnational variation is observed in all countries except Tanzania (low country-wide, as expected), and Malawi (high country-wide, as expected for this labor-reserve type economy). Even though Afrobarometer data are not ideal for present purposes, the results provide an evidentiary base for the argument that African land tenure regimes (LTRs) vary at the subnational level, and along the dimension identified here.<sup>30</sup>

Table 1 here

Table 1: "Who allocates the land? Traditional leaders"

Table 1 "Who allocates the land? Traditional leaders" (responses by country and subnational region) Afrobarometer Round 4 (2010)			
	National average	Subnational region high score	Subnational region low score
Benin	16.58	29.17	2.50
Botswana	23.92	43.75	5.00
DRC	no data	--	--
Ghana	68.67	89.29	41.07
Kenya	18.02	38.81	8.71
Malawi	60.67	66.45	57.17
Mozambique*	no data	--	--
Namibia	22.67	52.08	5.00
Nigeria	20.61	60.71	0
Senegal**	16.00	28.13	8.93
South Africa	15.33	33.65	1.25
Tanzania	1.40	2.25	0
Uganda	28.96	40.00	15.06
Zambia	39.25	75.66	7.39
Zimbabwe	43.42	64.06	16.50

Source: Afrobarometer Round 4 (2010)

\* "Trad. leaders" was accidentally left off as an option on the Moz. survey. See Logan 2011.

\*\* In Senegal, "traditional leaders" are incorporated into local government (rural councils), so yielding percentages lower than what a substantive analysis would reveal. See Boone 1993, 2003, and Koter 2013.

Thanks to Kai Ping Huang for the Afrobarometer data

### *Neocustomary institutions.*

As Laitin (1986) observed, colonial states established ethnic hierarchies embedded in land control. Colonial indirect rule institutionalized the local-level political and economic dominance of state-recognized ethnic groups (officially certified "indigenous tribes ") within state-delimited ethnic homeland territories. These homeland territories were colonial district-level (or canton) jurisdictions, and these internal political subdivisions persist as districts or sub-districts in most African countries today. The institutional form of

land tenure under indirect rule was what colonial regimes called "customary land tenure," and most postcolonial Africa states have adopted this term and its substantive meaning. The term "neocustomary land tenure" points to the twentieth-century, state-backed, origins and institutionalization of this form of land tenure in Africa.

In most smallholder farming zones of sub-Saharan Africa today, governments institutionalize and enforce neocustomary land tenure institutions which back "SoS" dominance over land within ethnic homeland territories.<sup>31</sup> Most land in sub-Saharan Africa is now held under some form of neocustomary land tenure. Deininger (2003:2) proposes the figure 90% as a rough estimate. Under neocustomary land tenure in farming zones, chiefs or other (neo)traditional local authorities who are recognized by the state -- and often nominated and paid by central governments -- are authorized to handle land administration within state-recognized chiefly jurisdictions. The prevalence of neocustomary land tenure institutions means that in most of rural Africa, state-recognized and state-backed "SoS" dominate in land tenure relations.

Under neocustomary land tenure regimes, ethnic migrants gain access to land with the permission of SoS. Under these rules, ethnic in-migrants occupy economic roles that are highly complementary, and subordinate, to those of the SoS. In-migrants are workers, tenants, or sharecroppers on farms and plantations that belong to neocustomary landholders, and that lie within in the landholders' ethnic homeland. The ethnic insiders retain control of the land. As Samir Amin put it, the in-migrant "is inserted into a receiving society, already organized and structured" (1974: 66).

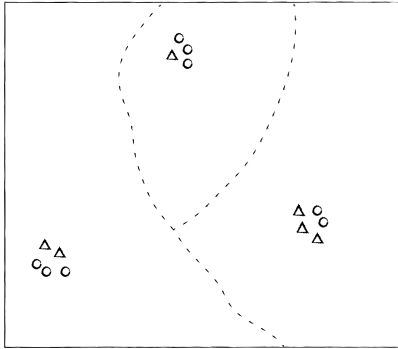
Figure 2 provides schematic diagrams of two types of settlement pattern that are typical under neocustomary land tenure rules. The diagrams are abstract (generalized) depictions of case-based information found in secondary and grey literature, primary texts and government documents (sometimes including maps and sketches), and the author's observations in seven field locations in four countries.<sup>32</sup> They are provided to illustrate and thus further elaborate the concept of settlement patterns typical of situations in which in-migrants join established communities that manage land under neocustomary land tenure rules. In Locality A, in-migrants are attached to particular SoS households (as workers or tenants). In Locality B, in-migrants farm lands that lie on the periphery of the village territory. In both situations, interethnic relations are structured by high-levels of interaction, information exchange, and SoS monitoring of individual and group behavior. The institutional structure of the local community, and its embedding in

the national political system, work to enhance the SoS capacity for collective action vis-à-vis the in-migrants, and to diminish in-migrants' capacity for local collective action.<sup>33</sup> These arrangements are conducive to peaceful coexistence (Fearon and Laitin 1996).

Figure 2: Ideal-typical (stylized) settlement patterns in zones of in-migration under neocustomary land tenure institutions

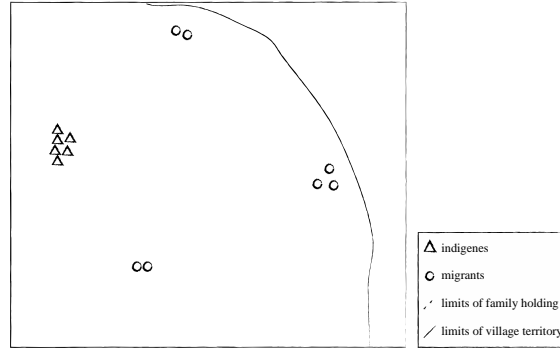


Locality A



Scattered settlement; strangers are workers and tenants

Locality B



Nucleated village with stranger farmers in hamlets within the village territory

△	indigenes
○	migrants
- - -	limits of family holding
—	limits of village territory

Figure 2 here

Colonialism's neocustomary land tenure regimes prohibited the permanent transfer of land to ethnic outsiders (via permanent sales) to ensure that SoS retained land control in their designated homelands (Phillips 1989). Many postcolonial governments maintain prohibitions against the permanent sale of neocustomary land to ethnic outsiders, and almost all do so implicitly by not recording or enforcing land sales in zones of neocustomary tenure.

Within ethnic homelands, state-recognized ethnic entitlements confer social, political, and economic rights and prerogatives on ethnic insiders. Outsider status, by contrast, is a second-class citizenship status (or internal foreigner status). It tends to be carried from one generation to the next ("Once a migrant, always a migrant," as a research assistant in Ghana said)(Boone and Duku 2012). Because their land access depends on permission and forbearance of customary landlords, "the perpetual threat that haunts the immigrants is -- expulsion" (Amin 1971: 66).

Amin's observation underscores a stark reality of neocustomary land institutions: under neocustomary institutions, levels and rates of in-migration are controlled by ethnic insiders. In effect, they "select" their preferred level of in-migration.

Why have neocustomary land tenure institutions persisted over time? Interests supply a large part of the answer. Neocustomary land tenure regimes generate large constituencies of beneficiaries (ethnic insiders, chiefs). They institutionalize a right -- ie. the right to land for members of state-recognized ethnic groups to claim land in state-recognized homelands. Neocustomary political authorities, for their part, have a long-term interest in defending the land institutions that constitute the material base of neocustomary authority itself. Governments also have a stake in creating and reproducing neocustomary institutions. Rulers, fearing rebellion and eager to establish political order, rarely support migrants, preferring instead to institutionalize and support autochthones' control over the land. Neocustomary land institutions help secure order in the countryside at low cost (in terms of revenue, administrative effort, and coercion) and have sustained some of Africa's most productive export- and food-crop producing peasantries. From the one-party era until today, incumbents have relied on the rural political/electoral constituencies organized around and within ethnic homelands as their prime bases of electoral support. Neocustomary institutions have been the default choice when governments do not have compelling reasons (military, financial,

developmentalist, other) to impose land institutions that come with much higher political, administrative, and enforcement costs.

Although SoS have a shared interest in maintaining the upper-hand, both politically and economically, over migrants, as *aggregations of individuals* they may suffer collective action problems in achieving these ends.<sup>34</sup> Here, institutional dynamics have contributed the stability and self-enforcing nature neocustomary tenure: (a.) neocustomary tenure draws strength from private-order institutions in ethnic homelands: SoS's belief in their status as first-comers resonates with many pre-colonial ideologies that legitimate land occupation; and family and lineage ties exist among the SoS, producing micro-enforcement effects; (b.) neocustomary institutions weaken the migrant' capacity to win political concessions; and (c.) neocustomary land tenure is embedded in public-order institutions: state-backed political institutions uphold neocustomary land tenure itself, recognize titular ethnic communities and homeland jurisdictions, and enforce chieftaincy; and under neocustomary tenure, governments prohibit and do not enforce permanent interethnic land transfers. There are indeed signs of erosion in these arrangements, but this process is highly uneven. In most places, it is recent.

#### *Statist land tenure institutions*

In some subnational zones, rulers have chosen to not recognize any indigenous or ancestral rights to land, and to directly administer the allocation and reallocation of farmland. In these zones, governments granted user-rights to in-migrants, and enforced these over the demands of citizens who claim to be SoS, firstcomers, or indigenous peoples. These arrangements are institutionalized in statist land tenure regimes. They exist where colonial and post-colonial governments have sponsored agrarian colonization movements to settle in-migrants on lands with high agricultural potential: pastoralists have been displaced to "create new lands" for farming; governments have expropriated land for settlement of European farmers and ranchers; and governments have given land once allocated to white settlers to new generations of "black colonialists." In in the 1960s, 1970s, and 1980s, the Rwandan government settled peasants on land in Eastern Rwanda that had been "opened up" for farming by the expulsion of Rwandan Tutsis.<sup>35</sup> Governments have sponsored in-migration to zones cleared of tsetse flies or other carrying pests (Kivu Valley in Tanzania), and to zones opened up to farming by irrigation (Office du Niger, in Mali), the cutting

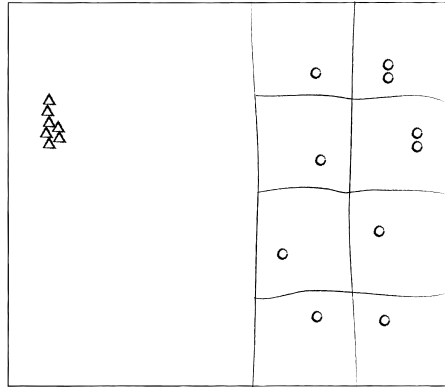
down of forests (southwestern Côte d'Ivoire), and swamp reclamation (eastern Rwanda).<sup>36</sup> In all such cases, states sponsor the settlement of ethnic outsiders on lands to which the settlers have no state-recognized ethnic entitlement or ancestral claim, often alongside or pushing aside a previously-settled group of land users (who may claim to be indigenous, SoS, or more rarely, previous holders of state-recognized neocustomary rights).

Figure 3 offers schematic, ideal-typical depictions of settlement patterns under statist land tenure regimes. Like Figure 2, the diagrams are abstract, general renderings of case-based information found in secondary and grey literature, primary texts and government documents (sometimes including maps and sketches), and the author's field observations.<sup>37</sup> Figure 3 illustrates and elaborates the general concepts discussed in this section. In Locality C and D, the state itself has demarcated and assigned parcels to incomers who have no family or historic connections to the land. Hierarchical interdependencies and cooperative relation of production in agriculture are not embedded in these settlement patterns, in contrast to the norm under neocustomary tenure. These microconditions may, by the Fearon and Laitin (1996) hypothesis, contribute to individual-level and SoS-migrant tensions.

Figure 3: Stylized renderings of settlement patterns in zones of in-migration under statist land institutions

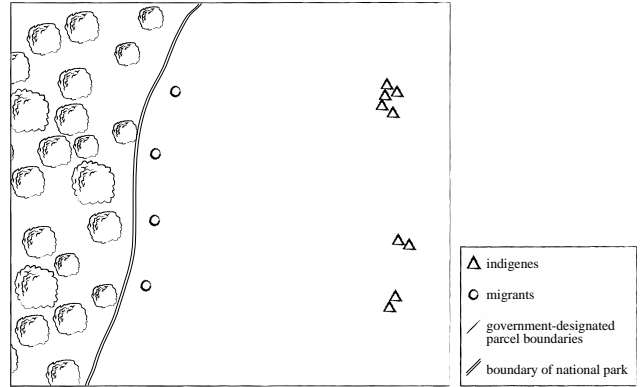
Figure 3 here

### Locality C



Settlement scheme

### Locality D



Settlers granted land along border of national park

Why do rulers impose statist land tenure regimes in some subnational jurisdictions? Imposition of direct state control over land involves the extinguishing or non-recognition of ancestral or neocustomary rights. Rulers must weigh potential gains against costs (in both political and economic terms). Gains are higher when the land is very productive and likely to produce a large marketable surplus, and where settler populations are tight allies of the incumbents. The costs of repression are lower where indigenous population densities are low and local populations are weak relative to the coercive power that the state is willing and able to muster. In Africa, the calculus has rarely worked out in favor of imposition of statist land regimes, even under the direct colonial rule. Colonial authorities did use the coercive powers of the state on behalf of white settlers (in South Africa, Kenya, and Rhodesia), especially in the early colonial period. Yet they usually recoiled from outright dispossessions where and when they believed that the resulting political backlash from Africans would be too costly to contain.<sup>38</sup> Imposition of statist land tenure regimes did happen when pastoralists could be pushed aside (eg. Senegal's groundnut basin, parts of Tanzania, much of the Rift Valley) and where new zones were opened by irrigation (Mali), and in a few other places where colonizers felt their local might was sufficient to withstand local resentment (eastern Congo).

Are statist land tenure institutions stable? For postcolonial governments, this form of land control is more costly and politically risky than the neocustomary option, relying as it does on direct administration, heavier state coercion, and oftentimes, repression of those asserting firstcomer or ancestral claims. A status quo of settlers implanted on contested terrain is thus likely to be a tenuous equilibrium, requiring costly exertion of state power to protect and defend the in-migrants, and more effort and cost to legitimate, especially since it violates the norm of neocustomary entitlement that is likely to prevail in other parts of the national territory.

Self-enforcement mechanisms that are built-into statist land regimes are weaker than those at work in neocustomary institutions. They lack the bottom-up self-enforcement mechanisms inherent in neocustomary land tenure institutions. In zones of state-sponsored in-migration -- such as settlement schemes in Kenya, Rwanda, E. DRC, and the Ivoirian forests opened to state-sponsored settlement -- postcolonial governments have refrained from giving settlers private property rights in land, arguably to reinforce the settlers' dependency on rulers (as political clientele). This has weakened in-migrants' position

vis-à-vis all rival claimants to the land, including both SoS and other client groups who may be able to lobby the state for land access.

Commitment problems under statist land regimes are also serious. Incumbents' hold on state power is by definition insecure, and commitment problems between rulers and ruled are rife (Fearon 2004). Statist land tenure regimes can be destabilized when the composition of the state coalition changes, or when rulers' preferences change. Statist land regimes will collapse if the state fails. Such shifts or dislocation at the top of the political system are likely to have a greater impact on statist land institutions than on neocustomary institutions, precisely because of the state's more direct role in land rights allocation and enforcement. This makes statist land regimes are less stable and more brittle than neocustomary regimes.

Two different institutional configurations thus define *rappports de force* between SoS and migrants, producing political equilibria, or contracts between rulers and land-users, that are more or less prone to destabilization. Neocustomary LTRs have strong self-reinforcing mechanisms and tend to be stable. Statist LTR are reliant on top-down coercion, and are thus less self-enforcing, more fragile, and more sensitive to change in the composition of the national governing coalition (ie., regime change, as in a *coup d'état* or electoral turnover). Figure 4 captures these distinctions.

Figure 4:

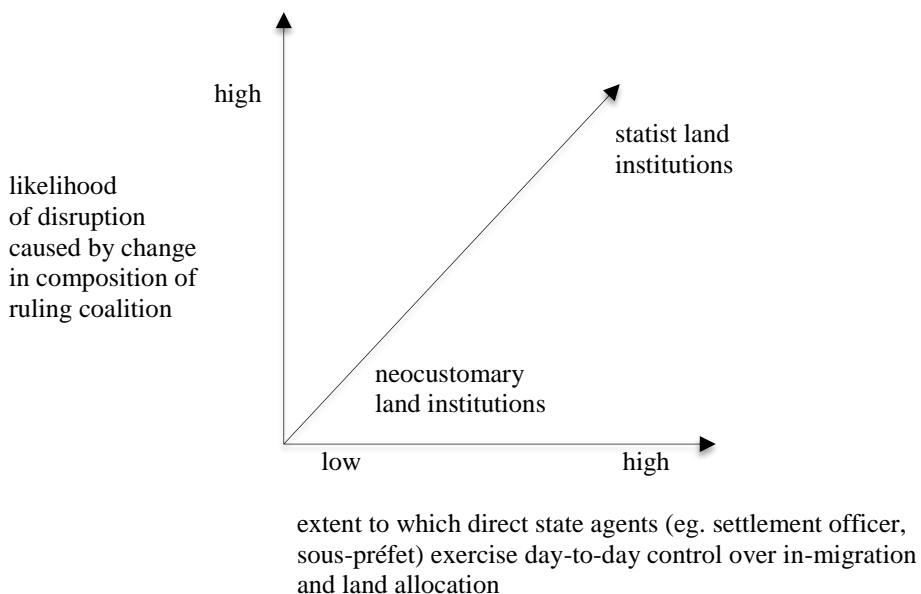


Figure 4: Neocustomary and statist land institutions in smallholder farming zones, compared.

Part IV: Conflict Typology: Hypotheses and Cases

Now that institutional variables and values have been specified, it is possible to advance hypotheses about how different types of institutions mediate tensions that arise from rising pressure on the land, thus shaping the political effects of rising land pressure. Figure 5 uses concepts developed in Parts I, II, and III of this paper to sketch out a conceptual contrast space and generate hypotheses about the presence/absence of land-related SoS conflict in subnational jurisdictions without and without in-migration, and under different land tenure regimes. Predictions (hypotheses) relating to the presence or absence of SoS conflict, its scale, and sensitivity to regime change as a triggering mechanism are sketched out in the lower half of the figure. Figure 5 thus offers a hypothetical typology of conflict forms. Table 2 (below) identifies 24 cases, using subnational rural jurisdictions as the unit of analysis, for which the history of the politics of land-competition is well-documented in specified time periods. In this study, I use the cases arrayed in Table 2 to argue that Figure 5's configuration of variables and associated hypothesized "conflict types" can be observed in the empirical world. That the hypothesized configuration of variables and associated conflict types are observed across a range of cases that are dissimilar in other ways enhances the plausibility of the argument that Figure 5 has identified regularities that exist in the empirical world.

Figure 5: Land Tenure Regimes in Smallholder Farming Zones: Predicted types of conflict (under land pressure)

Figure 5 here here

*Hypotheses*



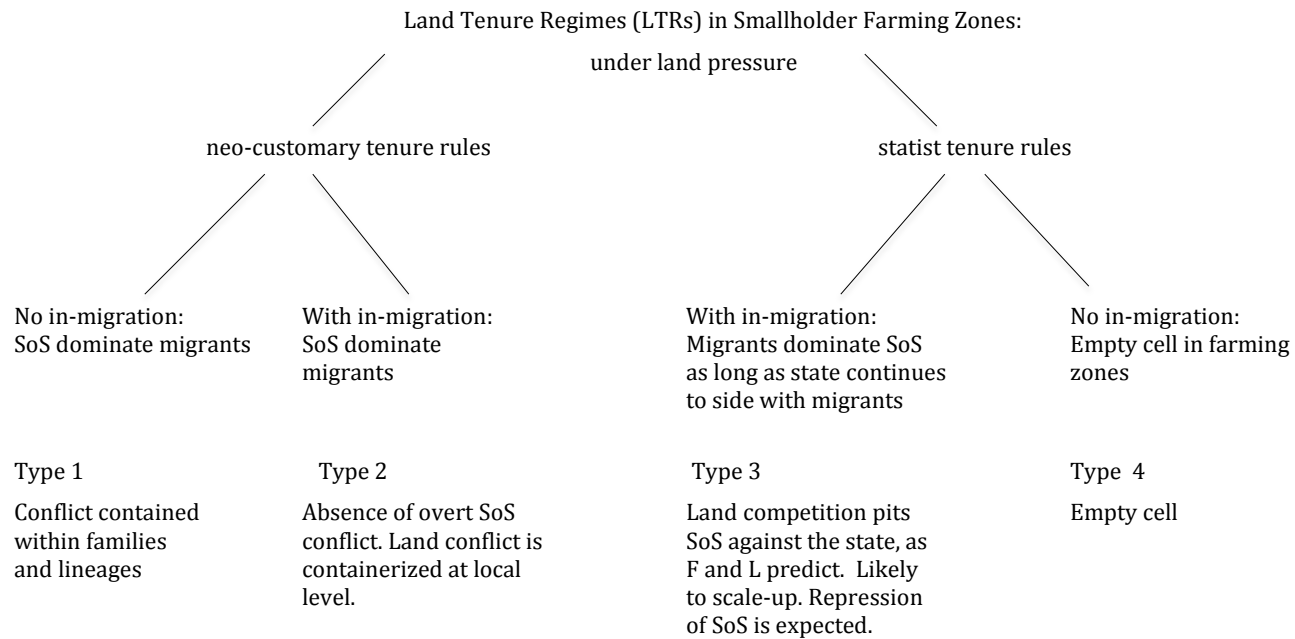


Figure 5: Land Tenure Regimes in Smallholder Farming Zones: Predicted types of conflict (under land pressure)

Type 1 conflict. Under neocustomary land tenure where there is no in-migration, there is an absence of inter-ethnic conflict over land (by definition).

Neocustomary land institutions play an on-going role in reproducing this situation -- these land tenure institutions make it very difficult to transfer land (via sale, for example) to non-members of the titular ethnic group. Such sales may be illegal and governments will not enforce them. Land scarcity can be expected to generate social tension among small scale farmers, but this will play out within the ethnic community. Land scarcity, national borders, and the presence of neocustomary institutions in other subnational jurisdictions (and thus of "internal borders" around other ethnic homelands) make it hard for land-hungry sons and daughters to acquire open land elsewhere. Tensions are likely to generate inter-generational conflict.

Type 2. Where there is ethnic in-migration under neocustomary land regimes, prevailing institutions empower the ethnic group recognized by the state as indigenous to that homeland (i.e., the "SoS" group) to limit in-migration, to allocate land-access on a non-permanent basis to ethnic in-migrants, and to revoke these allocations. Private and public order institutions work together to bolster SoS dominance. The result is landlord-stranger hierarchy in ethnically-mixed farming zones. Ethnic strangers are the tenants, clients, dependents, guests, acceptees, or workers of indigenous hosts or "tutors." In the face of rising competition over land, SoS may revoke in-migrants land-access rights and pressure them to leave the land. Ethnic in-migrants find themselves in a weak position. As anticipated in F&L's (2011) generic model of SoS conflict, migrants in Type 2 situations are likely to be dispersed, to lack territory of their own, and to be unarmed. Meanwhile, migrants are vulnerable to the exercise of everyday, micro-level neocustomary mechanisms of social surveillance, sanction, and control. Yet more decisively, under neocustomary land institutions in Africa, the government will not back their claims to land. Under pressure to make land concessions to the SoS, migrants have very likely to comply, even to the point of leaving the host area.

The theory predicts that these institutional set-ups will work to preempt large-scale SoS-versus-migrant conflict over land. SoS-migrant tensions will be contained (or "containerized," as Mamdani 1996: 51 puts it) at the local level. The institutions are likely to be robust in the face of regime-change at the

national level, since they are the default choice of any incumbent and there are strong self-enforcing mechanisms at the local level.

This argument is consistent with, and support for it could thus reinforce, one of F & L's (2011) central arguments: when and where the state backs SoS, the risk of overt SoS versus migrant conflict is low. The weak spot in the F&L model is that it does not theorize the possibility that states may create institutions to produce precisely this outcome.<sup>39</sup> In fact, in most agrarian zones in sub-Saharan Africa, such institutions prevail.

Type 3. This branch of the tree describes situations in which the state promotes in-migration and backs migrants over those claiming ancestral or firstcomer land rights. Statist land allocations are made and enforced through muscular, on-the-ground presence of coercive agents of the state (such as settlement scheme officers, agents of the territorial administration, forest guards, and police). Politically, statist land institutions exist in tenuous equilibrium, balanced on the state's capacity and willingness to enforce, SoS's lack of capacity or unwillingness to resist, and migrants' ability and willingness to contribute to maintaining the status quo. As in F& L (2011), we assume migrants have no coercive power of their own.

Under conditions of high land competition, SoS may blame land shortages on the presence of in-migrants. Claim-making on the part of SoS is likely to be met with claim-defending on the part of in-migrants. In these situations, the structural conditions for the rise of large-scale SoS conflict over land are present: land competition, and ethnic heterogeneity due to in-migration. Given the prevailing institutions, we predict that this will find expression not in micro-conflicts that escalate into spontaneous pogroms, but rather in contestation over the statist land institutions that privilege the in-migrants. Rulers who are willing to reproduce the prevailing institutions will repress the SoS.

Type 3 situations are thus propitious for the outbreak of large-scale conflict. Yet statist land institutions can and clearly have been reproduced over time, even in the face of mounting land pressure and mounting ethnic tensions over land ownership. To go from institutional equilibria to break-down, we need a theory of institutional weakening (destabilization) and conflict-triggering mechanisms.

The theory here predicts that the statist LTR will hold as long as rulers maintain their commitment to statist land institutions and migrants. Yet statist land regimes are vulnerable to commitment failure

because they are often socially divisive and thus costly -- politically and economically -- to enforce. Shifts in the rulers' incentives, or a change in the state coalition itself (i.e., in *who* controls central government), may cause rulers' commitment to statist land institutions, and to the in-migrants, to weaken or disappear.

An outbreak of overt competition for control over the central government may raise the specter of such an outcome. The introduction of elections may be destabilizing: rival elites emerge, and they may promise to dismantle statist land institutions if they win the elections. Long-marginalized SoS may thus find allies at the center, and be emboldened to press their demands. In the run-up to elections, ethnic cleansing in jurisdictions of statist land tenure may contribute to the SoS's short-term goal of partisan victory at the polls, and also to their long-term goal of retaking the land. Migrants may mobilize defensively. Direct engagement of rival national-level politicians magnifies the potential for large-scale violence (Snyder 2000).

The theory predicts that large-scale outbreaks SoS-type land conflict is likely under these structural, institutional, and triggering (political-conjunctural) conditions.

Type 4. In zones of smallholder agriculture, a statist land regime with no in-migration is almost impossible by definition. In zones of smallholder agriculture, statist institutions have been imposed *precisely to* organize in-migration (by side-lining or expunging prior firstcomer or ancestral claims). The Type 4 situation does not have an empirical referent. Preconditions for SoS conflict are absent in these settings.

*Case studies: illustration, synthesis, comparison and contrast*

Elinor Ostrom pioneered the use of case study research on local institutions governing common-pool resources as part of a larger program of research in this field (Ostrom 1990; Ostrom 2005; Poteete, Janssen, and Ostrom 2010). Ostrom proposed theory and method for combining and collating qualitative evidence from multiple, conceptually-similar social-scientific case studies (field studies), following principles consistent with those of "structured focused comparison" in political science (George and Bennett 2004: 67-72). These analytic strategies are designed to reveal hitherto undiscovered commonalities or patterns in case study results, making it possible to formulate hypotheses that generalize insights of individual case studies to larger sets of structurally-similar cases; they are ways of aggregating

information from configurational and case study analysis (Schlager 2016, Baggio 2016, George and Bennett 2004). Structured comparison is used in Political Science to support hypothesis-generating and hypothesis-refining work (or to challenge theoretical claims advanced in earlier research, and thus used as a hypothesis-enfeebling strategy), often in combination with other types of data and analytic methods, given limits to the external validity of the findings due to non-random selection and thus possible non-representativeness of cases examined, *inter alia* (Poteete et al. 2010: 90).

Structured focused comparison or comparative synthesis of case study research is well-suited to the quality and nature of the data we have on land politics under different tenure regimes in SSA. Table 2 summarizes information from 24 case studies (two observed in two time periods) of rising competition over land in regions of smallholder farming in SSA countries, with geographic units conceptualized roughly as first or second subnational level administrative jurisdictions. Information sources are listed in the last column of the table.<sup>40</sup> Cases were selected to provide variation on dimensions of theoretical interest (Seawright and Gerring 2008: 296-7). They provide empirical instantiation of the correlation between between the land-institution variables and conflict types 1, 2, and 3 that appear in Figure 5. Table 2 provides support for the arguments that (a.) land institution types as conceptualized above can be observed in the real world, and that variation is observed subnationally; (b.) that large-scale SoS conflict is absent in many well-studied rural districts characterized by both high ethnic heterogeneity due to in-migration and high pressure on the land (ie., there are many closely-observed settings in which F&L's theory of SoS land-conflict mechanisms and triggers fails to produce the outcome predicted by their model); (c.) there are many cases wherein neocustomary land regimes prevail, and ethnic hierarchies have been reproduced over time even in the context of change in national-level state coalitions; (d.) there are several well-documented cases in which large-scale outbreaks of violent, SoS-type land conflict have happened under statist land regimes in times of threatened regime change.

The analysis here obviously cannot make a statistical assessment of the relative frequencies of predicted land-conflict outcomes under different land tenure institutions, and it relies on references to case studies, including some based on the author's primary research, which offer process-tracing (observational, circumstantial) evidence to link institutional cause and political effect.<sup>41</sup> The cases constitute a non-random sample: they are ones for which we have rich, over-time data. They show that detailed case studies exist to

provide circumstantial evidence consistent with the paper's main hypotheses.

Table 2: Presence/Absence, Scale, and Timing of SoS-Type Land Conflict: Cases

Type	case/ place name	country	% in-migrants (1990s unless otherwise stated)	case years	SOS conflict?	conflict years	conflict magnitude (deaths)	conflict magnitude (displacement)	change in state coalition (ever)?	change in state coalition (conflict time)?	sources
1	Kisii	Kenya	<5%	1960s-2010s	N	NA			Y		Ontita, Orvis
1	Meru	Kenya	<5%	1960s-2010s	N	NA			Y		MacKenzie
1	Central	Kenya	<5%	1960s-2010s	N	NA			Y		Hagerud
1	Luo	Kenya	<5%	1960s-2010s	N	NA			Y		Shipton
1	S'rn Malawi	Malawi	<5%	1960s-2010s	N	NA			Y		Peters
1	S'rn Ghana	Ghana	<5%	1990s	N	NA			Y		Amanor
1	SE Nigeria	Nigeria	<5%	1980s	N	NA			Y		Chukwuezi
2	SW Burkina	Burkina	~40%**	1960s-2000s	tension	1990s+	none reported	many hundreds?	Y	Y	Jacob
2	Upper SRV	Senegal	~20% (1980s)	1960-1990s	tension	1990s+	a few	hundreds	Y	N	Platteau
2	G-nut basin, central	Senegal	~20% (1950s-)	1930-1970s	tension	1960s	none reported	thousands	Y	Y	David
2	Baoule Region	Côte d'Ivoire	~10%	1960-2000	tension	1990s	none reported	many hundreds	Y	Y	Babo
2	E. Côte d'Ivoire	Côte d'Ivoire	~25%	1995-2000	tension	1950-1980s	none reported	none	Y	N	Diaby
2	W. Ghana	Ghana	~35%	1950-2000	tension	1980s-1990s	none reported	none reported	Y	Y	Boni
2	S'rn Ghana	Ghana	~20%? (1930s)	1880-1930	tension	1910-1920s	none reported (?)	some?	Y	N	Rathbone
2	S'rn Ghana	Ghana	~20%? (1960s)	1940-1970	tension	196600.00%	none reported	thousands	Y	Y	Boone
3	Casamance	Senegal	15%?	1990s	Y, rebellion	1990s	100s	few	Y	Y( possible)	UCD
3	Rift Valley Prov.	Kenya	40%	1960-2000	Y	1991-7, 2007	~1000	500,000	Y	Y	Boone
3	SW Cote d'Ivoire	Côte d'Ivoire	40%	1960-2010	Y, repression	1970	2,000-6,000		Y	Y	Dozon
3	SW Côte d'Ivoire	Côte d'Ivoire	50%	1995-2000	Y	1995-2000	100s	200,000	Y	Y	Chauveau
3	E. Rwanda	Rwanda	60%	1970-1994	Y	1990-1994	1,000s		Y	Y	Verwimp
3	E. DRC	DRC	40%	1970-1994	Y	1992-1994	1,000s	thousands	Y	Y	Laurent
3	Plateau State/Jos	Nigeria	50%?	1990s-2010s	Y	periodic	100s	hundreds	Y	Y (state)	Harnischfeger
3	Kibaale District	Uganda	50%? (2002)	1960-2010	Y	2002	tens	tens very few farmers	Y	Y (possible)	Green
3	Office du Niger	Mali	80%	1960-2010	N	NA	none		Y	NA	Diawara
3	N'rn Zimbabwe	Ziimbabwe	70%?	1980-2000s	Y	2000-2005	100s	thousands?	Y*	Y (possible)	Kruger
3	Kiru Valley	Tanzania	75%	1970-2010s	Y	2000s	5 to 8	dozens?	N	possible	Boone

Table 2: Presence/ Absence, Scale, and Timing of SoS-type Land Conflict: Cases

Table 2 about here

Type 1 cases are cases of neocustomary LTRs with high competition around land and low rates of in-migration in smallholder farming regions. Some of the best known ethnographies and case studies of socio-political dynamics under rising land scarcity fall into this category (Table 2). In these situations, families are likely to become the units of land contestation, with land scarcity and land inheritance issues fueling microconflicts that pit youth against elders, wives against wives, wives against sisters or brothers or children. In pre-genocide Rwanda, for example, André and Platteau (1998) found that in the Ruhengeri zone, where land shortage was terribly acute, murders and witchcraft accusations within families often had land-related dimensions.

Type 2 cases are neocustomary LTRs with high ethnic heterogeneity in smallholder farming regions. Here we see in-migrations of ethnic outsiders to supply labor on the farms and plantations created African peasants in their homeland territories. Migrants gained access to the land via permissive contracts with state-recognized SoS, establishing complementary (subordinate) economic relations with the indigenous (as workers, tenants, sharecroppers).

Although the structural conditions hypothesized in the classic SoS literature to cause SoS conflict have become increasingly present in many such zones, and although the everyday micro-violations that F&L (2011) take as conflict triggering mechanisms (thefts, insults, rapes) can be assumed to be present, large-scale SoS conflict is absent. This analysis argues that a variable omitted in the F&L model, land tenure institutions, explains this theoretically-generated anomaly. Neocustomary land institutions, backed by states, empower ethnic insiders, allowing them to regulate the size of the migrant population through restrictions on in-migration and expulsions.



Cases in Table 2 provide instantiation of this. JP Platteau (2002: 8-9) also offers many cases in point in a UN-WIDER review of African land relations under demographic stress. Under the heading "The growing incidence of exclusionary practices," Platteau describes changes in SoS-migrant relationships in the middle and upper Senegal River Valley. Ethnic strangers constituted up to 20% of the population in the 1970s, living as tenants and/or renting seasonal access to pasture. They have been gradually marginalized by the SoS:

An immediate upshot of the growing scarcity of land is that stranger farmers are being increasingly denied their rights of access to land, especially to plots of relatively high quality. In the Senegal River Valley, for example, the local Haalpulaar (Toucouleur) communities have become concerned that land will not be available in sufficient amounts for their children and grandchildren. As a result, they have started closing access to the good inunable lands located near the river for all strangers and immigrant farmers, confining them to poor-quality drylands, which are still plentiful. Similar events have occurred in many places in sub-Saharan Africa..." (Platteau 2002, 7-8)

Administrative authorities intervene to containerize conflicts and suppress overt violence, but do not sanction the land expulsions, or try to enforce broken contacts. Indeed, it would not make sense for them to do so. The prevailing land institutions, recognized and backed by the state itself, empower SoS to give and take permissive land-access rights to/from ethnic outsiders.

Similarly, in southwest Burkina Faso, local SoS who welcomed the in-migration of tenant farmers in an expansion phase of cotton production now find that the land frontier is closed, and that they are in need of land. They have forced out many of the most vulnerable of the migrants who settled thirty or forty years ago, including adults who were born in the "host" region. Gray and Kevane (2001: 583) write that in [the village] of Sara, Bwa farmers have expelled Mossi migrant farmers from an entire village area.. us[ing] threats of violence... In the end, it was sorcery that convinced Mossi farmers to abandon their fields. ... In several neighboring villages, land conflicts resulted in [localized] violence and murder." Lavigne-Delville and Toulmin (2002:108) report that such practices became common-place in Burkina's cotton-farming zone: "The process of withdrawing land from migrant farmers has become so widespread, it seems futile to

attempt to stop it." Local administrative authorities (préfets and sous-préfets) seek to avoid direct involvement in the disputes, pressing SoS to not withdraw land from migrants without warning and referring migrants' appeals back to the state-recognized neocustomary authorities.

Type 2 cases listed Table 2 provide systematic documentation of these dynamics. They show that in-migration was regulated by SoS local authorities, (2) cooperative economic relations were established at t-1, (3) pressure on the land led to migrants' expulsion at t-2, (4) the state backs this up, and (5) that this happened without large-scale communal violence. All of the cases listed in Table 2 experienced at least one change in the state coalition in the study period. Yet as expected, national-level changes are not associated with overt, local-level challenges to prevailing land tenure hierarchies. Two partial exceptions (Ghana under Rawlings and Burkina under Sankara, respectively) help to prove the rule.<sup>42</sup>

The case studies underscore the large extent to which the numbers reported in the "% migrant" column of Table 2 are endogenous to the land institutions themselves. (Part V takes up the "demographic determinism" hypothesis.)

The prevalence of Type 2 situations helps to account for the puzzling rarity of large scale SoS conflict in sub-Saharan Africa, compared to the predictions of the F&L (2011) model.

Type 3 cases are examples of what Amin called "migrations of settlement," or what JP Laurent (1999) called "official migrations" or state-sponsored colonization movements. They are state-organized movements of agrarian colonization to settle African peasantries in sparsely-populated zones with high agricultural potential. In these cases, new populations of ethnic outsiders -- sometimes of heterogeneous cultural backgrounds -- are settled on lands to which they have no state-recognized ethnic entitlement or ancestral claim. Indigenous populations are pushed out of the core areas designated for settlement or pressured to accept the in-migrants and give them land.<sup>43</sup>

Table 2 lists Type 3 cases of high competition for land and high ethnic diversity under statist land tenure institutions. The government supports migrants and represses the SoS. Migrants are dependent on rulers' commitment to enforce the institutions that give them land rights in the face of SoS opposition. Rising pressure on the land intensifies tension. Weakening of the government's commitment to the statist

LTRs (and to the migrants) encourages the SoS to mobilize to seek regime change. The co-presence of these factors has sets the stage for classic, land-related SOS conflicts.

Some well-known cases illustrate these dynamics. In Rwanda, for example, after the defeat of the Tutsi government in 1959, the state took direct control of former Tutsi-held land in eastern Rwanda in the 1960s and 1970s and settled in-migrants on plots delimited by the government. In-migrants came in disproportionate numbers from politically-favored areas of the country (Ruhengeri, for example). The same configuration is observed in the Rift Valley settlement schemes in Kenya, where the postcolonial government acquired land from departing white settlers in the 1960s and 1970s and re-allocated it to in-migrants, disproportionately Kikuyu migrants from the president's home areas, in the face of opposition from aggrieved SoS.

The World Bank supported the bringing *state land* under cultivation by land-hungry peasants in both Rwanda and Kenya, just as in the Sri Lankan case taken as paradigmatic in F&L (2011).<sup>44</sup> In Rwanda in the 1970s, the World Bank funded *paysannat* scheme to settle 9,000 farming families on 51,000 ha. of savanna land in Mutara (Byumba prefecture). In the 1960s and 1970s, settlement schemes in the Rift Valley of Kenya settled tens of thousands of new farmers. Transactable land titles were never obtained by most migrant farmers (settlers) in either case.

Statist land institutions have often been costly to impose and maintain. The government of Houphouet-Boigny killed thousands in the "Guébié genocide" of 1970s, putting down a Bété SoS rebellion against the government (and against state-imposed in-migration of farmers) in southern Côte d'Ivoire. Repression in central Kenya against SoS Nandi and "Kalenjin coalition" groups was consistent over the course of the Kenyatta era (1963-1979). Repression against the Rwandan Tutsi was a constant over the 1960-1990 period.

Several other cases ethnic violence over land, albeit some on lesser scales (eg. the Casamance conflict took over 1000 lives over the decade of the 1990s), are listed in Table 2. SoS terminology has been invoked in scholarly literatures to describe many of these conflicts.<sup>45</sup>

What about the timing of large-scale episodes of SoS-migrant violence? Does this paper's hypothesis about the "trigger" mechanism find any support in these cases? The most ferocious and destructive ethnic conflicts around land in Africa since 1990 have emerged in precisely where competition

for control of the central state destabilizes preexisting land tenure institutions that protect settlers, creating opportunities for aggrieved SoS, with the backing of contenders for state power at the national level, to try to reclaim their land. In the Rift Valley of Kenya, for example, the eclipse of the Kenyatta regime in 1982 brought to power Moi, who was very weakly committed, if at all, to the settlers and the statist land regime that underpinned their land rights. Moi cultivated his own support base among the SoS, articulating and giving voice to their land grievances. In the elections of the 1990s, state coalition members mobilized SoS electoral constituencies in the settlement-scheme areas of the Rift Valley, intimidated the settlers, and organized violent attacks on migrants, their homes, and other property, pushing thousands of migrants out of these districts before and after the 1992 and 1997 general elections. New contenders for power, or a rival ruling coalition, promised to take back lands claimed by SoS in Rwanda in the 1990s, in Côte d'Ivoire elections in the 1990s and 2000s, DRC in regional elections in 1990-1994, and Casamance under multipartism in the 1990s, often fomenting and encouraging violence. The Nigeria (Plateau State cases) generally conform, but here we have to look at the shifting dynamics of state-level government. Political intimidation, killings, and expulsions of migrants were seen in all the Type 3 situations listed in Table 1.<sup>46</sup>

#### VI. A rival argument: the demographic determinism hypothesis

This study has proposed an institutional explanation for the presence/absence of large-scale SoS conflict in zones in ethnic in-migration and rising land pressure. A scholar who rejects the institutional explanation might ask: But what if the land tenure regime was the consequence of ethnic demographics and the balance of power among them? If ethnic demography were determinant, then the land tenure regime (LTR) would shift in favor of the in-migrants as they became more numerous, and favor the SoS when these are more numerous.

As indicated above, the geographic distribution of different LTRs in early-mid 20th century Africa did bear a relation to *rappports de force* on the ground -- ie. to the balance of power between colonial governments and African populations. The demographic determinism hypothesis asks us to extend this reasoning to the postcolonial era, and to relations among contemporary, state-recognized ethnic groups. The hypothesis suggests that an in-migrant group could implant itself on land found within the state-recognized homeland of an established, state-recognized ethnic group, and that the indigenes would

gradually allow these outsiders to appropriate territory and set up land control institutions that dispossess the SoS and uphold the outsiders' control over the land.

Let us consider some hypothetical mechanisms by which this kind of demographic determinism could produce such a shift in the property regime.

a. One possible mechanism would be a land market, wherein decentralized local decisions taken by individual agents pursuing their uncoordinated self-interest leads to a "tragedy of the commons" in the form of loss of customary lands and the indigenous group's collective patrimony. Yet the existence of a land market presupposes the existence of an overarching third-party authority that has created such a market, and regulates and enforces land sales. As argued above, this has not existed in the neocustomary LTR zones of modern Africa. On the contrary, the state has worked against precisely this effect in zones of neocustomary land tenure. Peaceful and incremental transfer via markets presupposes the existence of precisely the kind of markets that the neocustomary land tenure regions are designed to prevent.

b. Another possible mechanism could be violent take-over the land by an alien ethnic group, such as might occur in a state of nature, or a mass revolution. As mentioned above, colonial conquest itself did effectuate such a change in land ownership (land tenure regime) in some parts of some colonies, when conquered lands were violently cleared of their original owners and granted to white settlers. Yet the the modern state in Africa has worked to suppress precisely this kind of local warfare in relations among Africans. Violent land take-overs by "alien ethnic groups" that *have* occurred have happened by acts of the state itself, as in Zimbabwe in the 2000s and Rwanda in the 1960s.

c. Another mechanism could be assimilation that gradually erases the ethnic distinction between the two groups. Yet as argued above, 20th century neocustomary land tenure institutions have worked to discourage this. These institutions create a self-enforcing dynamic whereby ethnic insiders are incentivized to protect their property entitlements over others. A considerable literature in economic anthropology shows that ethnic identities around land hardened, not softened, in the 20th century (Berry 1993).

This study suggests that in Africa since the beginning of the 20th century, the demographic-determinism hypothesis mistakes effect for cause.<sup>47</sup> LTRs determine the rules of the game that structure in-migration. Thus, under neocustomary land institutions, if the proportion of outsiders remains below, say, the 30% threshold, then this can be considered *an effect of the rule itself*, rather than factor that diminishes

the explanatory power of the institutional explanation in favor of a demographic explanation (which would hold that SoS are in power simply because they are the majority).

LTRs, like all institutions, are endogenous to the wider political order in which they are embedded. Like all political institutions, they reflect -- however imperfectly -- underlying societal *rappports de force*, and they mutate, transform, and decay over time. Transformations in state coalitions, demographic shifts such as those featured the demographic determinism hypothesis, and other changes in society at large can be expected to contribute to changes in property institutions. Demographic change can alter social balances of power, but the political and institutional effects of this will be produced through contestation on playing fields that are structured by institutions, and that are nested in national structures and power relations.

### Conclusion

SoS type conflicts over land that are reminiscent of those in South Asia have exploded in some parts of Africa with great ferocity. Many insights of the classic SoS literature, and in particular of the work of Fearon and Laitin and its antecedents and spin-offs, contribute to understanding these outcomes. Yet patterns of ethnic political competition around land in Africa have given rise to unsolved thorny issues in the classic SoS literature. Most puzzlingly, ethnic conflict over land in Africa rarely reaches civil war proportions. Causal mechanisms hypothesized in the classic literature -- ethnic heterogeneity driven by immigration, and local economic competition -- are far more common in Africa than the outbreak of violence itself. Why is this so?

This paper argues that omitted variable bias enfeebles the SoS model of F&L and its antecedents. F&L (2011) model land competition between SoS and migrants as taking place at the margins of the state, far from the centers of power, in an institutionless void. This model is unrealistic for Africa, and indeed, for Sri Lanka (Moore 1985) and for settled agrarian society almost anywhere in the modern world. The African countryside is not a anarchic "state of nature" in which primordial tribes compete for land. In zones of settled agriculture from at least the 1930s to the present, we see the heavy hand of the state in structuring and reinforcing ethnicity, controls over land access, and ethnic hierarchies around land.

The analysis here shows that variation across land tenure institutions in rural Africa types goes far in explaining the uneven geographical pattern of large scale SoS conflict. State-backed neocustomary institutions enforce "SoS" control over the land, allowing state-recognized ethnic groups to control land access within state-recognized homelands. These institutions have been quite stable in most parts of rural Africa for the last few generations. Statist land institutions, by contrast, give the government itself land-allocation powers. They are more polarizing and contested, rely more heavily on direct state coercion, and can be destabilized by a change in the state coalition. These institutional differences go far in predicting where, and the conditions under which, large-scale ethnic violence around land is likely to erupt in rural Africa.

The political intuition of the F&L (2011) model is that state authorities will usually support settlers against migrants because of a *raison d'état* interest in colonizing the agrarian frontier. As we have seen, however, the opposite is the norm in Africa. In most of Africa, rulers, eager to establish political order and fearing rebellion, have preferred to institutionalize and support autochthones' control over the land. Central rulers benefit from the forms of political control over rural constituencies that neocustomary land institutions help to reproduce, and thus have strong political incentives to enforce them. The allocation of land authority to local elites works to tamp down and contain land conflict at the local level, thereby deflecting it from the center. The ongoing reproduction of neocustomary land tenure institutions goes far in explaining why so much interethnic land-related conflict in Africa remains local, small-scale, and mostly non-violent, and thus gets lost in events data and civil war datasets.

Rulers *have* supported migrants in some situations, however. Rulers have created statist land tenure institutions where they do not fear rural rebellion, or are willing to risk it (willing to pay the cost of repressing the SoS, and thus presumably confident that they will succeed), and when/where the payoffs of building and enforcing statist land regimes -- political and/or economic -- are expected to be high. Yet rulers and their priorities can change, and costs and benefits can fluctuate over time. Under statist land tenure institutions, problems of state commitment are particularly acute. The specter of withdrawal of the state's commitment to migrants destabilizes statist land tenure institutions. This can incentivize SoS to mobilize in protest, and give them national-level allies. The prospect of electoral turnover may create incentives for violent ethnic cleansing of local jurisdictions as a prelude to taking-back of the land (and for

migrant countermobilizations). Devastating cases of classic SoS-type land violence in Africa have arisen under these conditions.

SoS conflict models that are derived from realist theories of international relations, such as the Fearon and Laitin (2011) model, are driven by shifts in demographic balances and ad hoc observations about resource struggles. Incorporation of *institutions* into explanatory equations promises to produce a significant increase in explanatory power, not only in analyses of SoS conflicts sub-Saharan Africa but also in studies focused on South Asia. In both regions, state-backed land institutions and national-level political dynamics also play a very significant part in explaining patterns of ethnic conflict over land. Large-scale ethnic conflicts over farmland rarely reflect the *absence* of state institutions, whether this be in established farming regions with historic or on-going flows of in-migrants (as in the situations examined in this paper), or in situations of sudden-onset, conflict-induced migration shocks associated with refugee flows. Instead, large-scale SoS-type land conflicts they are likely to emerge in contexts structured by state institutions and to be linked to powershifts and struggles over institutional (re)design.



## References

Aina, Tade Akin. 1995. "Internal Non-Metropolitan Migration and the Development Process in Africa," in Jonathan Baker and Tade Akin Aina, eds., *The Migration Experience in Africa* (Uppsala: Nordiska Afrikainstitutet: 41-54.

Alden Wily, Liz. 2012. "Customary Land Tenure in the Modern World Rights to Resources in Crisis: Reviewing the Fate of Customary Tenure in Africa." Washington, DC: Rights and Resources Initiative.

Amanor, Kojo Sebastian. 1994. *The New Frontier: Farmers' Response to Land Degradation (A West African Study)*. Geneva and London: UNRISD and Zed Books Ltd.

Amin, Samir. 1974. "Introduction," in S. Amin and D. Forde, eds. 1974. *Modern Migrations in Western Africa* (London: International African Institute): 3-126.

Anderson, Kym and William A. Masters, eds. 2009. *Distortions to Agricultural Incentives in Africa*. Washington, DC: The World Bank.

André, Catherine and J-P Platteau. 1998. "Land Relations under Unbearable Stress: Rwanda Caught in the Malthusian Trap," *Journal of Economic Behavior and Organization* 34 (1): 1-47.

Babo, Alfred. 2010. *Les jeunes, la terre et les changements sociaux en pays baoulé (Côte d'Ivoire)*(Paris and Dakar: Editions Karthala, AfriMAP, et CREPOS).

Babo, Alfred et Yves Droz. 2008. "Conflits fonciers, de l'éthnie à la nation: Rapports ethnique et 'ivoirité' dans le sud-ouest de la Côte d'Ivoire," *Cahiers d'Etudes Africaines* 48(4): 741-763.

Baggio, J.A. et al. 2016. "Explaining Success and Failure in the Commons: The Configurational Nature of Ostrom's Design Principles," *International Journal of the Commons*, 10/2, published online 9 Sept. 2016 at <https://www.thecommonsjournal.org/articles/10.18352/ijc.634/>

Baker and Aina, eds. in *The Migration Experience in Africa*. Jonathan Baker and Tade Akin Aina, eds. Uppsala: Nordiska Afrikainstitutet: 220-233.

Bates, Robert H. (2008) *When Things Fell Apart: State Failure in Late Century Africa* (New York: Cambridge University Press).

Bhavnani, Rikhil and Bethany Lacina. 2015. "The Effects of Rainfall-Induced Migration on Sons of the Soil Violence in India." *World Politics* 67/4: 760-794.

Berry, Sara. 1993. *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa* (Madison: The University of Wisconsin Press).

Boas, Morten. 2009. The 'New' Nationalism and Autochthony: Tales of Origin as Political Cleavage, *Afrika Spektrum* 44/1, pp. 19-38.

Boas, Morten and Kevin Dunn. 2013. *Politics of Origin in Africa: Autochthony, Citizenship, and Conflict* (London: Zed Press).

Boni, Stefano. 2005. *Clearing the Ghanaian Forest: Theories and Practices of Acquisition, Transfer, and Utilisation of Farming Titles in the Sefwi-Akan Area* (Legon, Ghana: University of Ghana Institute of African Studies).

Boone, Catherine. 2011. "Politically-Allocated Land Rights and the Geography of Electoral Violence in Kenya," *Comparative Political Studies*, vol. 44, n. 10 (October): 1311-1342.

Boone, Catherine. 2014. *Property and Political Order in Africa: Land Rights and the Structure of Politics*. (New York: Cambridge).

Boone, Catherine. 2015. "Land Tenure Regimes and State Structure in Rural Africa: Implications for Forms of Resistance to Large-Scale Land Acquisitions," *J. of Contemporary African Studies*, 33/2, 2015: 171-190.

Boone, Catherine and Dennis Duku. 2012. "Ethnic Land Rights in Western Ghana: Landlord-Stranger Relations in the Democratic Era," *Development and Change* 43/3: 671-694.

Boone, Catherine and Lydia Nyeme. 2015. "Land Regimes and the Creation of Ethnicity: Evidence from Tanzania." *Comparative Politics* 8/1: 67-84.

Byamugisha, Frank F.K. 2014. "Introduction and Overview of Agricultural Land Redistribution and Land Administration Case Studies," F.F.K. Byamugisha, ed., *Agricultural Land Redistribution and Land Administration in Sub-Saharan Africa: Case Studies of Recent Reforms* (Washington, DC: International Bank for Reconstruction and Development/The World Bank).

de Bruijn, Mirjam, Rijk van Dijk, and Dick Foeken, eds. 2001. *Mobile Africa: Changing Patterns of Movement in Africa and Beyond* (Leiden: Brill).

Chukwuezi, Barth. 1999. De-agrarianisation and rural employment in south-eastern Nigeria," Leiden, African Studies Center, Working Paper 37

Côte, Isabelle and Matthew I. Mitchell. 2015. "Elections and 'Sons of the Soil' conflict dynamics in Africa and Asia," *Democratization*, 2015: [on line]

Cour, Jean-Marie. 1994. "Population trends and economic growth in Sub-Saharan Africa," in Cook, ed., *Involuntary Settlement in Africa*, WB Technical Paper #227.

Diaby, Nissoiti, "Notables et paysans dans la forêt classée, un conflit d'environnement dans l'Est de la Côte d'Ivoire," in Mathieu, Laurent, et JP Willame, eds., *Democratie, Enjeux Fonciers, et Pratiques Locales en Afrique* (Bruxelles et Paris: CEDAF (1996) et Eds. L'Harmattan (1997)), pp. 167-179.

Diawara, Mamadou. 2011. "Development and Administrative Norms: The Office du Niger," *Africa* 81(3): 434-454.

David, Philippe. 1980. *Les Navétanes: Histoire des migrants saisonniers de l'arachide de la Sénégambie des origines à nos jours*. Dakar et Abidjan: Nouvelles Editions Africaines.

Diao, Xinshen, Paul Dorosh, and Shaikh Mahfuzur Rahman. 2007. "Market Opportunities for African Agriculture: A general equilibrium examination of demand-side constraints on agricultural growth in East and Southern Africa," International Food Policy Research Institute, Research Report 154.

Dozon, JP. 1985. *La Société Bété* (Paris: Karthala).

Djurfeldt, Göran, Hans Homén, Magnus Jirström, and Rolf Larsson. 2006. "Addressing Food Crisis in Africa: What can sub-Saharan Africa learn from Asian experiences in addressing its food crisis?" Swedish International Development Agency), Division for Rural Development. January.

Fearon, James D. 2004. "Why do some civil wars last so much longer than others?" *Journal of Peace Research*. 41/3: 275-301.

Fearon, James D. and David D. Laitin. 1996. "Explaining Interethnic Cooperation," *American Political Science Review*, 90/4 : 715-35.

- Fearon, James D. and David D. Laitin. 2011. "Sons of the Soil, Migrants, and Civil War," *World Development*, 39/2: 199-211.
- George, Alexander and Andrew Bennett. 2004. *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: MIT Press).
- Gray, Leslie C. and Michael Kevane. 2001. "Evolving Tenure Rights and Agricultural Intensification in Southwestern Burkina Faso." *World Development* 29 (4): 573-87.
- Green, Elliott. 2007. Demography, diversity, and nativism in contemporary Africa: Evidence from Uganda, *Nations and Nationalism* 13/4: 1-20.
- Gimui, Kiboma. "Spatial Inequalities and Population Redistribution with Reference to Uganda," in Clarke and Kosenski, 1982: 147), pp. 146-149.
- Gould, WTS. 1995. "Migration and Recent Economic and Environmental Change in East Africa," in *The Migration Experience in Africa*. Jonathan Baker and Tade Akin Aina, eds. Uppsala: Nordiska Afrikainstitutet: 122-148.
- Haugerud, Angeliq. 1993. *The Culture of Politics in Modern Kenya* (Cambridge: Cambridge University Press).
- Harnishfeger, Johannes. 2004. "Sharia and Control over Territory: Conflicts between "settlers" and "indigenes" in Nigeria." *African Affairs* 103 (412): 431-452.

Jacob, Jean-Pierre. "La tradition du pluralisme institutionnel dans les conflits fonciers entre autochtones: Le cas du Gwendégné (Centre Ouest Burkina Faso), IRD, REFO, unité de recherche 095, Doc. du travail n. 3, Avril 2002.

Jayne, T.S. David Mather, and Elliot Mghenyi. 2010. "Principal Challenges Confronting Smallholder Agriculture in Sub-Saharan Africa," *World Development* 38/10: 1384-1398.

Jayne, T.S., Jordan Chamberlin, and Derek D. Headey. 2014. "Land pressures, the evolution of farming systems, and development strategies in Africa: A synthesis." *Food Policy* 48: 1-17.

Jackson, Stephen. 2006. "Sons of which soil? The language of politics and autochthony in Eastern D.R. Congo." *African Studies Review*, 49/2. 95-123.

Jha, Saumitra. 2014. "Unfinished Business: Historic Complementarities, Political Competition, and Ethnic Violence in Gujarat," *Journal of Economic Behavior and Organization*, 104, 18-36.

Joireman, Sandra. 2011. *Where There is No Government: Enforcing Property Rights in Common Law Africa* (Oxford: Oxford University Press).

Kagera, John B. 1982. "Rural Population Redistribution in Uganda since 1900," in John I. Clarke and Leszek Kosinski, eds., *Redistribution of Population in Africa* (London, Nairobi, Ibadan: Heinemann), 192-201.

Kahl, Colin. *States, Scarcity, and Civil Strife in the Developing World* (Princeton: Princeton University Press, 2006).

Katzenstein, Mary Fainsod. 1979. *Ethnicity and Equality: The Shiv Sena Party and Preferential Policies in Bombay* (Ithaca and London: Cornell U. Press).

Knight, Jack. 1992. *Institutions and Social Conflict* (New York and Cambridge: Cambridge University Press).

Kotter, Dominica. 2013. "Urban and Rural Voting Patterns in Senegal: The Spatial Aspects of Incumbency, c. 1978-2012," *Journal of Modern African Studies* 51/4: 653-679.

Kroger, Norma. 2007. "Liberation from Constitutional Constraints: Land Reform in Zimbabwe," *SAIS Review* 27(2): 63-76.

Kuba, Richard, Carola Lentz, and Claude Nurukeyor Somda, eds. 2003. *Peuplement, Relations Interethniques, et Identités*. Paris: Karthala.

Laitin, David. 1986. *Hegemony and Culture: Politics and Religious Change among the Yoruba* (Chicago: University of Chicago).

Laitin, David. 2007. *Nations, States, and Violence*. Oxford University Press.

Laurent, Pierre-Joseph. 1999. "Destabilisation des Paysanneries du Nord-Kivu: Migrations, Démocratisation, et Tenures," in Paul Mathieu et J-C Willame, eds., *Conflits et Guerres au Kivu et dans la Région des Grands Lacs* (Tervuren et Paris: Institut Africain-CEDAF, Afrika Instituut-ASDOC, and Editions L'Harmattan): 63-84.

Lavigne-Delville, Philippe, Camilla Toulmin, Jean-Philippe Colin, and Jean-Pierre Chauveau. 2002. *Negotiating Access to Land in West Africa: A Synthesis of Findings from Research on Derived Rights to Land*. London and Paris: International Institute for Environment and Development (IIED), Groupe de recherche et d'échanges technologiques (GRET), and IRD (Institut Français de recherche pour le développement)-REFO, February.

Lentz, Carola. 2014. *Land, Mobility, and Belonging in West Africa* (Bloomington: Indiana University Press).

Logan, Carolyn. 2011. "The Roots of Resilience: Exploring Popular Support for African Traditional Authorities," Afrobarometer Working Paper No. 128 (March).

Mackenzie, Fiona. 1998. *Land, Ecology, and Resistance in Kenya, 1880-1952* (Edinburgh: Edinburgh University Press).

Moore, Mick. 1985. *State and Peasant Politics in Sri Lanka* (Cambridge: Cambridge University Press).

Nabila, J.S. 1992. "Population Distribution and Resource Utilization in Ghana," in University of Ghana Regional Institute for Population Studies Monograph Series no. 7, *Population Distribution and Resource Utilization in Africa: Selected Essays* (Legon: University Publishers), October.

Ominde, S. H. 1968. *Land and Population Movements in Kenya*. Evanston: Northwestern University Press.

Onoma, Ato Kwamena. 2010. *The Politics of Property Rights Institutions in Africa* (New York: Cambridge University Press).

Ontita, Edward G. 2007. *Creativity in Everyday Practice: Resources and Livelihoods in Nyamira, Kenya*, Ph.D dissertation, Wageningen University (published in book form under the same imprint).

Orvis, Stephen. 1997. *The Agrarian Question in Kenya* (Gainesville: University of Florida Press).

Ostrom, Elinor. 1990. *Governing the Commons* (Cambridge and New York: Cambridge University Press).



Ostrom, Elinor, 2005. *Understanding Institutional Diversity* (Princeton, NJ: Princeton University Press).

Oyerinde, Oyebade Kunle. 2008. Land Rights, Inequality, and Violence in Nigeria. A paper for the 2008 American Political Science Association Annual Meetings, Boston, MA, 28-31 August.

Peters, Pauline, 'Inequality and Social Conflict over Land in Africa,' *Journal of Agrarian Change*, 4, 3 (2004), pp. 269-314.

Platteau, JP. 2002. "The gradual erosion of the social security function of customary land tenure arrangements in lineage-based societies," Working papers 2002/26, UNU-WIDER, United Nations University, World Institute for Development Economics Research.

Poteete, Amy, M.A. Janssen, and Elinor Ostrom. 2010. *Working Together: Collective Action, The Commons, and Multiple Methods in Practice* (Princeton: Princeton University Press).

Prioul, Christian and Pierre Sirven. 1981. *Atlas du Rwanda*. Kigali: Imprimerie Moderne Nantasi Coueron.

Rathbone, Richard. 1993. *Murder and Politics in Colonial Ghana* (New Haven: Yale).

Ribot, Jesse. 1999. "Decentralization, Participation, and Accountability in Sahelian Forestry: Legal Instruments of Political-Administrative Control." *Africa* 69 (1): 23-43.

Schneider, Leander. 2014. *Government of Development: Peasants and Politicians in Postcolonial Tanzania* (Bloomington: Indiana U. Press).

Seawright, Jason and John Gerring. 2008. "Case Selection Techniques in Case Study Research," *Political Research Quarterly* 61/2: 294-308.

Shipton, Parker. 2009. *Mortgaging the Ancestors: Ideologies of Attachment in Africa* (Yale: Yale University Press).

Silberfein, Marilyn, ed. 1998. *Rural Settlement Structure and African Development* (Boulder, CO: Westview).

Schlager, Edella. 2016. "Introducing the importance of context, scale, and interdependencies in understanding and applying Ostrom's design principles for successful governance of the commons," *International Journal of the Commons*, 10/ 2: 1-11.

Snyder, Jack. 2000. *From Voting to Violence: Democratization and Nationalist Conflict* (New York: WW Norton).

Staus, Scott. 2012. "Wars do End! Changing Patters of Political Violence in Sub-Saharan Africa," *African Affairs* 111/443: 179-201.

Straus, Scott and Charles Taylor. 2012. "Democratization and Electoral Violence in Sub-Saharan Africa," in Dorina Bekoe, ed. *Voting in Fear: Electoral Violence in Sub-Saharan Africa* (Washington DC: USIP): 15-38.

Swindell, Kenneth. 1982. "From Migrant Farmer to Permanent Settler: The Strange Farmers of the Gambia," in John I. Clark and Leszek A. Kosinsky, eds., *Redistribution of Population in Africa*. London and Exeter, NH: Heinemann Educational, pp. 96-101.

- Varlet, Frédéric. 2013. "Etude de la production de cacao en zone riveraine du Parc National de Taï," Deutsche Zusammenarbeit (Coopération Allemande) et République de Côte d'Ivoire, Ministère de l'Agriculture, Abidjan, février.
- Varshney, Ashutosh. 2003. *Ethnic Conflict and Civic Life: Hindus and Muslims in India* (New Haven, Yale).
- Verweijen, Judith. 2015. "From Autochthony to Violence: Discursive and Coercive Social Practices of the Mai Mai in Fizi, E. DRC," *African Studies Review* 58/2: 157-180.
- Verwimp, Philip. 2011. "The 1990-2 Massacres in Rwanda: A case of spatial and social engineering," *J. of Agrarian Change* 11(3): 396-419.
- von Uexkull, Nina, and Thérèse Pettersson. 2013. *What They are Fighting for: Conflict Issues in African Non-state Armed Conflicts 1989-2011*. Presented at the International Studies Association Annual Convention, April, 3-6, San Francisco, CA
- Weiner, Myron. 1978. *Sons of the Soil: Migration and Ethnic Conflict in India*. Princeton, NJ: Princeton University Press.
- Wenban-Smith, 2014. *Urbanisation in Tanzania: Population Growth, Internal Migration, and Urbanisation in Tanzania, 1967-2012*, London: LSE International Growth Center, Working Paper, April.
- Wiggins, Steve. 2009. "Can the smallholder model deliver poverty reduction and food security for a rapidly growing population in Africa?" Brighton, Future Agricultures Consortium, FAC Working Paper no. 08, July.

Zachariah, K.C. and Julien Condé, 1981. *Migration in West Africa: Demographic Aspects*. Oxford: Oxford University Press.

## ENDNOTES

---

<sup>1</sup> Jackson 2006, Platteau 2009, Boas 2009, Boas and Dunn 2010: 8, Verweijen 2015, Côté and Mitchell 2015. Son-of-the-Soil conflicts are defined as arising when “a regional group that considers itself indigenous clashes with a migrant group” (Straus 2012: 195), or as conflict over agricultural land taken by immigrants.

<sup>2</sup> Jayne et al., 2010: 1386, Jayne et al, 2014.

<sup>3</sup>F&L 2011 report that nearly 1/3 of all "ethnic" civil wars were sparked by a sons of the soil dimension, in which a regional group that considers itself indigenous clashed with a migrant group. By their results, SoS civil wars are a lower proportion of civil wars in Africa than they are in all other regions. They allude to the possibility their coding protocol leads to an undercount of SoS-type conflicts in Africa (2011: 210, n. 3).

<sup>4</sup> See Uexkull and Peterson 2013 and Uppsala Conflict Data more generally.

<sup>5</sup> Omission of the land tenure variable in F&L's Sri Lankan case study is a weakness in their model -- the value on the land regime variable constitutes an unacknowledged scope condition of their model. This point is developed below.

<sup>6</sup> A "subnational case study" is a case study centered on a geographic or administrative unit that is a sub-unit (ie. part of, or nested in) a country, such as "northern Côte d'Ivoire," or an administrative district or province within a country.

<sup>7</sup> Bhavnani and Lacina (2015) argue that in India, where SoS are represented in a state government that is aligned with the national-level ruling coalition, the coercive capacity of the state is likely to be used to shore-up SoS dominance, and conflict is unlikely. Where the SoS are "out of power," government is more likely to back the in-migrants, increasing the likelihood that frustrated SoS will resort to violence.

<sup>8</sup> Rural population share by country excludes island states and Eritrea. 62% is the "SSA average." Both from World Bank, World Development Indicators 2015.

<sup>9</sup> Anderson and Masters 2009: 257.

<sup>10</sup> Wenban-Smith, 2014:8.

<sup>11</sup> Cour 1994:190, Jayne et al., 2014, n. 2 and p. 14.

<sup>12</sup> Jayne et al., 2010: 1385. On Kenya, Anderson and Masters 2009: 257.

<sup>13</sup> Nabila 1992:62, Ominde 1968: 122, Zachariah and Condé 1981: 63.

---

<sup>14</sup> de Bruijn, van Dijk, Foeken, eds., 2001: 19-20.

<sup>15</sup> Kagera 1982: 197.

<sup>16</sup> Zachariah and Conde, 1981: 64.

<sup>17</sup> Zachariah and Conde, 1981: 108.

<sup>18</sup> Gimui, 1982: 147.

<sup>19</sup> Swindell, 1982: 97.

<sup>20</sup> Rural-to-rural migration patterns are uneven and non-random across and within countries. Large-scale ethnic in-migration is most likely where states have sponsored the rapid expansion of export-oriented agriculture (Amin 1974). (See Part III.) High degrees of cultural homogeneity do prevail in many, probably most, districts. Many of the very homogeneous localities are "sending-areas," or areas of high rural-to-rural outmigration.

<sup>21</sup> These cases appear below, in Part IV. We are not referring here to sudden-onset, forced migrations due to conflict. Rather, the analysis focuses on state-sponsored economic migration.

<sup>22</sup> Uexkull and Petersson 2013.

<sup>23</sup> 80% of all sub-Saharan Africa landholdings are estimated to be of less than 5 acres. The average is estimated to be 1.6 hectares (Wiggins 2009:4).

<sup>24</sup> I thus embrace explicitly an institutionalist model, rejecting the rival idea that land relations in agrarian SSA are fluid and ever-changing, or the random products of one-off interpersonal (or intercommunal) bargaining or one-off state interventions. This institutionalist approach is also distinct from most institutional pluralism theorizing on African land tenure systems, but not necessarily antithetical to it. The argument here can be restated in "institutional pluralism terms" as follows: There are *different types and degrees* of institutional pluralism or hybridity; these types differ across space (and time); and the spatial patterns are non-random. This paper proceeds to a (partial) theory of what the differences are, how patterns vary across space and time, and why they do so. Most institutional pluralism theorists dealing with SSA land systems would perhaps accept most of this but still resist the structuralist epistemology of my approach. I employ this structuralism as a heuristic move, not an ontological one, so there is still room for much basic agreement.

---

<sup>25</sup> As the term "institution" implies, we are talking about repeated interactions and routines that persist in equilibrium over time (but are not immune to destabilization or collapse), not one-off interventions or actions. See Knight 1992.

<sup>26</sup> 90% is a cross-country rough estimate. See also Alden Wily 2012; Byamugisha 2014. Boone 2014: 23 shows that there is considerable variation across countries (and macro-regions) in SSA.

<sup>27</sup> This is a figure commonly cited in the Kenyan press. See for example Muchemi Wachira, "Community Land to be registered once Bill is passed," *Daily Nation* (Nairobi), 26 September 2016. On-line at <http://www.nation.co.ke/news/Community-land-to-be-registered--once-Bill-is-passed/-/1056/2887298/-/pfcbub/-/index.html>, accessed 22 October 2016. On analysis of several different Kenyan land politics situations, see Joireman 2011.

<sup>28</sup> Not all adjudicated land in Kenya is titled, and not all titles on adjudicated land are valid and transactable. A refined typology of land tenure institutions would draw out some of these distinctions. See for example Shipton 2009 on western Kenya.

<sup>29</sup> In Nigeria, state government was also suggested as a response.

<sup>30</sup> Some limitations are: (a.) units are provincial-level, and thus larger than the district-level units more appropriate here; (b.) Afrobarometer does not distinguish between urban and rural, generating considerable noise in the data, and (c.) the number of responses per subnational unit is low. For example, of 264 respondents from Kenya's vast Rift Valley Province, 144 (54.5%) answered "the central government allocates the land," and only 23 (8.7%) answered "traditional leaders." Proportions reverse for Nyanza, conforming to expectations: the Rift's farming districts (perhaps 35% of the total land area) are under a statist LTR, while farming areas in Nyanza are under a hybrid form of tenure which subjects land transactions to local political control and restricts transfers of land outside the extended family (Shipton 2009).

<sup>31</sup> The term SoS here refers to ethnic groups recognized by the state as indigenous to particular state-recognized ethnic territories.

<sup>32</sup> See for example Dozon 1985, Boone and Duku (2012), Kuba, Lentz and Somda, eds. 2003, Grey and Kevane 2001, Jacob 2002.

---

<sup>33</sup> These are not the only factors that determine collective action capacity, as my use of the term "work to enhance" indicates.

<sup>34</sup> The downward accountability problems of chiefs are legion (see Rathbone 1993, Onoma 2010, Ribot 1999), and community members with weak ties to communities may defect. These are an important source of dynamism and change in land tenure systems, especially as land values rise. See Oyerinde 2008.

<sup>35</sup> See Prioul et Sirven 1981 (Planche XXIII), Boone 2014:239.

<sup>36</sup> See Table 2 for cites to sources.

<sup>37</sup> For examples of actual settlement scheme maps, see Prioul et Sirven 1981, Schneider 2014, Silberfein 1998, and maps of the Office du Niger scheme in Mali. These maps reveal the geometric logic and uniformization of parcel-demarkation, scheme lay-out, and top-down spatial planning that are the signature of state bureaucracy. Figure 3's depiction of the spatial arrangement of different ethnicities is based on text-based depictions in the secondary literature (see sources cited in Table 2), as well as actual government and state-commissioned maps of settlement patterns in zones of statist land tenure (for example, Varlet 2013, Institut de Recherche pour le Développement cartographic database for Côte d'Ivoire and Cameroon, the village mappings carried out in the framework of the Ivoirian government's Programme Nationale de Gestion des Terres Rurales in 2006, and the author's field observations in Rift Valley (Molo area) settlement schemes in Kenya in June 2016).

<sup>38</sup> In Ghana, Côte d'Ivoire, the Senegal River Valley, Tanganika, and even in Kenya after the 1930s, colonial rulers rejected plans for (further) land expropriations out of fear of their politically-destabilizing consequences. Postcolonial governments have also often backed down when land appropriation plans have met with threats of local rebellion. Even in today's era of large-scale land acquisitions, it is rare for rulers to support outside investors against settled agriculturalists with neocustomary land claims in a state-recognized "ethnic homeland" (Boone 2015).

<sup>39</sup> F&L 2011 model the state as simply reacting to spontaneous outbreaks of violence between groups interacting in a "state of nature."

<sup>40</sup> See also Boone 2011, Boone and Duku 2012, Boone 2014, and Boone and Nyeme 2015 for sources, including the author's primary research in some of the case-study areas.

<sup>41</sup> Ibid and sources listed in Table 2.



---

<sup>42</sup> Both Rawlings and Sankara experimented with not backing up SoS pressure to exclude in-migrants.

However these episodes end when Rawlings reverses course and the Sankara regime is overthrown. See Boone 2014.

<sup>43</sup> On the Jos/Platteau, see Boone 2014: 341-342. Where pastoralists are displaced to make way for settlers, there is not direct competition between two groups of settled agriculturalists. However farmer-herder conflict is common and ever-increasingly so in many parts of Africa. Some of these are indeed traceable to earlier displacements of pastoralists by governments intent on settling agriculturalists on former grazing lands.

<sup>44</sup> Moore (1985) explains that the Sri Lanka zone of SoS conflict featured in F&L 2011 was the site of "very political and highly politicized" (43) Dry Zone settlement schemes in which state land (Crown land) was allocated to outsiders within "a relatively elaborate and planned legal and institutional framework" (30). A very large proportion of the population was living on land ceded directly to them by the state "in a zone formerly occupied by mainly Tamil speakers" (46).

<sup>45</sup> On Tanzania (Kiru Valley), see Boone and Nyeme 2015. This country has been governed by the same party since independence (as Tanganika) in 1961.

<sup>46</sup> Ethiopia, which has seen large scale, state-sponsored "economic" migration into zones of statist land tenure over the last decades, remains an important test case: there has been no change in the national governing regime in Ethiopia since 1991.

<sup>47</sup> It mistakes an institutional effect for a demographic one. Thirty years ago, Katzenstein cautioned against a demographic explanation of the rise of nativist movements (1979: 61, 62) .