Governance of agriculture land use
Struggle for land in Kinshasa (DR Congo)

Oracle Makangu Diki & Inge Wagemakers

Conference on land Policy in Africa
The Next Decade of Land Policy in Africa: Ensuring Agricultural Development and Inclusive Growth
11-14 November 2014
Agriculture in the city & land security

- Urban vegetable gardening is very present in many cities in the third world
- Urban expansion makes land in the city more and more scarce
- Agricultural activities in an urban environment: continuous struggle to secure land and activities
- Governance of land: who is governing the land and what is the role of the state?

Case: Kinshasa
KINSHASA

Struggle: residential vs agricultural space

- Exponential city growth: uncontrolled urbanisation of Kinshasa’s periphery and lack of general urban planning
- Disappearance of the ‘green belt’
- Urban vegetable gardening sites are enclosed or even occupied by houses

Struggle for land on agricultural sites: many strategies and alliances
Carte site Mokali à Kinshasa
The urban vegetable gardening site Mokali

- Official gardening site in Kimbanseke, with cooperative and president, used to be supported by Cecomaf
- Land bought from customary chief by the state → collective ‘property’ of gardeners
- Public land for agricultural use only = fixed in a decree
- No individual property titles, but *fiches parcellaires* (individual exploitation rights)
- Yet, loss of infrastructure during the plunders of the nineties → less gardeners, more open spaces

Nowadays struggle for land is harsh on the site (for both abandoned and occupied land)
Land use & land property: plurality of rules

- Three periods have shaped the concept of land property and use
  * before colonisation: community (*traditional law*)
  * during colonisation: individual (*modern law*)
  * after colonisation: reflection of the combination of the “traditional” and the “modern” law.

- Land law: all land belongs to the state
- Yet, recognition of customary authority over land
- Vague border between modern law and customary rules in terms of power
- Different actors adapt and combine rules to their own needs

→ Local practical norms are being created, confirmed and/or adapted continuously
Reinterpretation of customary leadership

- Young family members of the customary leader do not only interpret state law but do also reinterpret customary rule
- No respect for matrilineal tradition
- ‘ceded’ versus ‘sold’ land
- New ‘so-called’ customary leaders emerge who try to get hold on agricultural land
Coalitions of power and the role of the state

- So-called customary leaders create power networks around their actions in order to make their actions ‘legitimised’ (example of leader Q and his cemetery)
- State actors are involved and execute power, but in a very fragmented way
- State power changed over time: in the eighties the state could still take over land from the customary leader, now this is being severely contested (even in coalition with state actors)
An open moment: contested authority

- An open moment for customary leaders, gardeners and the state
- Power coalitions are formed around certain interests
- ‘the state’ as one actor does not seem to exist; the state is very fragmented

Yet, the state is not absent: many different state actors play their role and influence power relations and outcomes

*Plurality of rules helps different actors to act according to their own interests*
MERCI

Oracle Makangu Diki & Inge Wagemakers

Conference on land Policy in Africa
The Next Decade of Land Policy in Africa: Ensuring Agricultural Development and Inclusive Growth
11-14 November 2014