Plantations vs the People: Explaining the Diversity of Land Policies within the Tropical British Empire[1]

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Abstract

Property rights regimes governing the expansion of agricultural commodity exports in the tropics have varied widely between and within colonial empires. This paper illustrates this diversity within the British Empire from about 1850 to 1920. I show a divergence from full recognition of indigenous customary rights in British West Africa that excluded land concessions to plantations, to large-scale alienation of land for plantations in Malaya, the Indian Hill tracts and Ceylon that often conflicted with indigenous rights and shifting farming systems in upland forested areas. These differences among colonial policies on land and forest rights in turn led to quite different agrarian structures and strongly influenced the location of production—differences that have persisted until today. The paper explores a range of explanations for policy divergence with respect to land rights, including the initial conditions of population density and pre-existing industry to strategic concerns of the metropolitan power, growing civil society agitation on human rights in Africa, the role of individual champions of human rights, and shifting paradigms within the empire with respect to the role of plantations.

Introduction

In an earlier period of globalization from around 1850, tropical commodity production expanded rapidly in the European colonies of Africa and Asia, much of it by establishing large plantations. With the abolition of slavery, more market-oriented mechanisms were used to combine external capital with access to land and labor, but how that is was done varied widely both across the colonial empires and within empires.

The focus of this paper is on how indigenous land rights within the British Empire were treated in response to increasing demand for land for plantations. The British Empire may have had a more positive (or less negative) impact on long-run development than other colonial empires at the time (La Porta, 1998), but even within the Empire there were large differences in policies (Darwin, 2009; Lange, 2003). Almost everywhere there was tension between commercial development by planters or settlers versus protection of indigenous land rights and development of smallholder production systems. It is generally recognized that the largest "land grabs" were associated with settlement and colonization by European migrants to temperate areas, where settlers who were early granted self-government enacted land laws that trampled on the land rights of indigenous people (Weaver, 2003; Deininger and Binswanger, 1995).

In tropical areas, by contrast, European plantation managers and proprietors who oversaw local or imported labor rarely established firm community roots and in most cases their

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political power was also more limited (Jones, 2010). Land transactions for plantations were generally mediated by the colonial government through concessions for a period varying from 25-99 years. These concessions were largely provided in the British colonies in Asia where colonial governments had an explicit policy of attracting external capital to develop commodity production often at the expense of local communities. By contrast, land concessions for plantations were denied in British West Africa where commodity exports were supplied by indigenous small-scale producers.

These widely different policies within the same empire resulted in very different agrarian structures and commodity specializations that have persisted until today. The facts that Southeast Asian plantations of oil palm (originally an African crop) dominate world exports while West African smallholders dominate cocoa exports trace their roots to colonial land policies. Further, property rights regimes inherited from the colonial period condition today's global scramble for land for food and industrial exports (Cotula, 2013; Wiley, 2012).

My purpose in this paper is to outline these historical differences in land policies in the British Empire and pose a series of hypotheses to explain differential policies on indigenous land rights. I focus on export commodities from the humid tropics where production for exports of cocoa, coffee, tea, rubber and oil palm, generally expanded in upland areas at the expense of forests. I conclude that initial conditions, the strategic value of specific commodities, contemporary human rights issues, the power of indigenous organizations and individual champions of land rights all played a role in explaining differences between the African and Asian experiences. Finally, I draw lessons from the experience of land concessions during the colonial period to a parallel 'land grab' by foreign investors in the early 21st Century (Byerlee, 2013a).

Convergence and Divergence on Tenure Rights on Crop and Forest Land

A common Empire framework for land and forest rights

At a general level, a common policy framework for state ownership and management of land and forest rights was widely accepted across the Empire. Common European legal systems at the time recognized rights of those cultivating land in permanent agricultural systems, such as the lowland rice systems of Asia and with important exceptions, these rights were generally respected by the British, especially where land taxes were the major source of government revenues (Banner, 2007; Banerjee and Iyer, 2002). Some would argue that as early as the 18th century international norms also recognized land that was inhabited, that is used in some way, implied ownership (Reynolds, 1992). However, much of the expansion of tropical export commodities took place on the forest frontier where extensive agricultural systems were practiced within a matrix of forests and long bush fallows that gave rise to considerable ambiguity on what constituted "use" or "habitation".

By the early 1900s, the management of forests and forest rights was standardized throughout the British Empire. The scientific school of forestry based on the German school had become well established in the tropics as a rationale for state intervention to sustainably manage timber yields for commercial exploitation, as well as to promote forest conservation to prevent soil erosion and local climate change and maintain hydrological flows (Grove, 1997; Rajan, 2006). The main vehicle for doing this was to declared 'unoccupied' areas as 'wastelands' where forest reserves were established under state ownership and management, usually with the exclusion of traditional users. By 1860 this model was implemented by the British in India, (where German foresters were initially employed), and was widely adopted in the Empire (Boomgaard, 1992; Williams, 2002). Periodic Empire Forest Congresses from 1920 attended by officials from most British colonies were important in standardizing the approach at the global level within the British Empire (Rajan, 2006).

State intervention to conserve forests were often well meaning, being perceived as in the interest of the public good, including for local communities (Beinart and Hughes, 2007). However, they were also widely contested and often led to conflicts. Within colonial governments, there was often considerable disagreement between forestry departments and other departments charged with promoting economic progress, especially agricultural departments that emphasized the development of commodity exports (Rajan, 2006).

There were also overlapping interests with local communities who traditionally enjoyed the rights to the forest commons within their territorial jurisdictions. In the humid tropics, the biggest conflict was the widespread belief by colonial officials that shifting cultivation (the normal practice in these areas) was a wasteful and unsustainable approach to farming. As stated by a colonial forest official in Malaya (Desch, 1931 as cited by Peluso and Vendergeest, 2001, p. 761):

> "In any country where shifting cultivation is the normal form of agriculture practiced by the native, the formation of [forest] reserves….before irreparable damage is done to the primeval forests, must be the first consideration."

Besides forest reserves, numerous other efforts of varying success were used to control movement of shifting cultivators or settle them into permanent lowland systems (Scott, 1998). Conflicts also arose on the rights to commercial timber extraction as well as non-timber forest products whose value to communities was not appreciated by colonial officials. Nonetheless, land rights were to some extent endogenous under the paradigm of respect for use rights for agriculture. There are many examples of local populations planting tree crops for exports in part to establish permanent land rights (Dove, 1993; Sjaarstad and Bromley, 1997).

In sum, while there was common colonial framework for tenure on agricultural and forest lands with respect to rights of indigenous peoples, the lack of permanent agriculture and the predominance of shifting cultivation in upland forested areas left much room for local interpretation and implementation. A series of case studies illustrates these differences.

Divergent policies on the ground

Indian Hills and Ceylon

The Indian subcontinent has a long history of intensive agriculture with well-defined property rights. Under the East India Company stewardship and later under British rule, property rights built on pre-colonial systems of the Moghul rulers with an emphasis on demarking such rights for the purposes of land taxation that accounted for 60% of colonial government revenues (Banerjee and Iyer, 2002). Alienation of land, including to the British, was prohibited by law.

This began to change with the rise of the tea industry, first in Assam in Northeast India from around 1840 and later in the Hill tracts of Southern India. Tea consumption took off with the industrial revolution in Britain, initially sourced from China through an East India Company monopoly. When this monopoly expired amid growing unrest in China, the British imperial government in India took a strategic interest in fostering tea production in northeastern India (Moxham, 2003; Weatherston, 2007). When pilot efforts succeeded, land policies changed to allow land concessions in upland 'wastelands' of Assam for tea plantations for periods of up to 99 years and later for permanent occupation. Initially the Assam Tea Company was the largest operation, but many other companies and individual planters entered the industry to meet rising demand.

Siddique (1990) has meticulously analyzed the acquisition of land for tea in northeast India over a century.[2] From 1840 to 1940, some 4.7 M ha was allocated—although only 0.18 M ha was planted to tea. Rules for land acquisition were quite well defined and indeed had many elements of what would be considered "good practice" today. For example, concessions were to be preceded by prior surveys to demarcate wastelands not cultivated by communities (although undoubtedly used by them for other aspects of their livelihoods), land concessions were to be auctioned to the highest bidder, and there was provision for withdrawing concessions that were not developed (Siddique, 1990). However, in due course a pattern emerged whereby during times of high prices rules were relaxed and speculation became rampant, after which reviews and commissions tightened rules once again when prices moderated. With the expansion of plantations and growing demands for land from a rapidly increasing local population (including from immigrant ex-plantation labor), land competition increased, land policies became more exclusionary, and conflicts became more common. Siddique (1990) characterizes land policies at least up to 1920 as being strongly in favor of planters and at the expense of local communities, especially tribal peoples who occupied forest lands.

Ceylon (now Sri Lanka) entered the plantation industry around 1840 with the development of coffee exports. After 1880, the coffee industry collapsed due to disease, and tea became the major commodity export, initially replacing coffee. Estates were relatively small, and many were owned and managed by individual planters, though some large vertically integrated companies also entered the field (e.g. Thomas Lipton). In the early years for coffee and later tea plantations, land concessions were provided in upland forested areas considered waste under the 1840 Wastelands Ordinance that appropriated these lands to the Crown (Wenzlhuemer, 2008):

> "And it is further enacted that all forest, waste, unoccupied and uncultivated lands shall presumed to be the property of the Crown, until the contrary thereof be proved…"

Although this ordinance provided colonial officials with extraordinary powers over land, there was initially little conflict with local farmers who specialized in lowland rice production. However, as in Assam, with continued expansion of tea, and later other

[2] For a parallel study of the tea industry in South India, see Baak (1997).

export commodities, such as rubber, land concessions increasingly conflicted with upland long fallow systems. Deforestation and soil erosion also reduced water supplies to lowland systems further pushing local farmers into upland systems. These tension increased as the colonial government enacted a series of increasingly stringent laws to discourage further expansion of upland food systems and secure land rights of plantation (e.g. the 1897 Wasteland Ordinance). After 1900, conflicts between local producers and plantations became more frequent and had negative repercussions for the livelihoods of local farmers (Webb, 2003; Wenzlhuemer, 2008). Eventually, after independence plantations were nationalized and collapsed in favor of smallholders (Byerlee, 2013a).

Malaya and North Borneo

Up to 1900, rubber had been provided from wild harvests of a variety of forest species, largely in the Amazon and Congo basins (Tully, 2011). Plantation rubber production took off in Malaya with the advent of automobiles around 1900 that stimulated a huge surge in the demand for rubber. The British colonial governments of Malaya pursued an aggressive policy of importing the Brazilian rubber tree, *Hevea brasiliensis*, testing methods for cultivation, and encouraging the establishment of rubber plantations.

As part of this policy, land grants were generally provided from forested areas that were considered part of the state-owned forest reserve. However, different policies were pursued in what is today, Peninsular Malaya[3], Sarawak and Sabah.

In the then Federated States of Malaya, the colonial government recognized and demarcated local land rights under customary tenure either through formal titles or temporary occupation licenses after 1897. However, the extensive and sparsely settled forest areas were considered as elsewhere wastelands and appropriated by the crown to encourage commercial agriculture, both by plantations as well as immigrant smallholders (Kratoska, 1985). This system seemed to work although in 1933 with increasing pressure on land and a large influx of Chinese and Indian immigrants to the rubber and tin industries, a land reservation policy was enacted to prevent alienation of land from ethnic Malays (Barlow, 1978; Courtenay, 1981). Kratoska (1985) considered that overall these land policies were successful in securing tenure for both planters and smallholders, and preventing conflict, although rights of forest dwellers were not formally recognized until 1954 (Hurst, 1990).

A similar process was followed in British North Borneo (now Sabah) administered by a private Chartered Company, where a series of Land Ordinances from 1883 established principles of land rights and defined land under customary rights that could not be alienated for plantation concessions (Cleary, 1992). However, resources were not provided to survey customary rights or concession areas and large areas of land were granted to companies at very low prices, leading to speculation so that concessions were much greater than actual plantings. This together with the extension of government forest reserves into areas used by swidden (shifting) farming systems, led to complaints by indigenous people to the Colonial Office in London in 1914 and 1919 investigated by the

[3] In practice, Peninsular Malaya was under three different British colonial jurisdictions but in practice land policies were quite similar (Kratoska, 1985)

London-based Antislavery and Aborigines Protection Society, a leading civil society organization for land and labor rights in the colonies (Cleary, 1992).

By contrast in Sarawak, nominally under British tutelage after 1888 but ruled by the Brooke dynasty (the so-called White Rajahs), explicit rights were provided to customary tenure, including recognition of rights to the forest commons for shifting agriculture and to harvest forest products. Communities were encouraged to register these territorial rights although in practice few did so because of costs. However, concessions for large plantations were discouraged and smallholder rubber was rapidly adopted by adapting it into existing shifting cultivation systems. Forest reserves were also minimized amounting to only 5% of the area in 1940 (Cramb, 2007). Land conflicts with plantations were avoided by these policies although ironically, in the post-independence period, they have been reversed with the influx of large oil palm plantations (Cramb, 2007).

British West Africa

The issue of land concessions for plantations arose a decade later in British West Africa than in Malaya. The region had had a long pre-colonial history as the world's major supplier of palm oil and palm kernels starting from the early part of the 19th Century (Lynn, 1997). The crop was indigenous to West and Central Africa and wild and semi-wild palms were harvested and processed locally by village women and exported for industrial uses such as for lubrication and in the manufacture of soap and candles (Henderson and Osborne, 2000).

Nigeria dominated trade in both palm oil and palm kernels during the 19th century and well into the 20th century accounting for two-thirds of world exports in 1910. When demand for vegetable oils for food and for the newly invented margarine in Europe expanded rapidly in the early part of the 20th century, Lever Brothers (an ancestor of today's Unilever), the major trading and manufacturing company for palm oil, sought land concessions for large-scale plantations in Nigeria (Martin, 1997). This was denied by colonial officials on the grounds that it would conflict with existing land users (Fieldhouse, 1978; Udo, 1965). The "dual mandate" championed by Lord Lugard, an early governor of Nigeria (Lugard, 1928), recognized the authority of local chiefs on land matters and opposed plantation agriculture, believing it would infringe on the land and labor rights of smallholders (Udo, 1965).

Instead incentives were offered to attract foreign capital into the oil palm processing sector but investors were unwilling to invest without an assured mill supply from associated large-scale plantations that continued to be ruled out by successive colonial governments. Efforts to foster smallholder plantations and improved small-scale processing had little impact (Kilby, 1967). After 1952, there was a change in government policy to foster state establishment of large-scale plantations as well as smallholder schemes (Udo, 1965). However, inefficient state-owned firms together with high taxation essentially killed the export industry, turning Nigeria into a large net importer of palm oil today (Meredith, 1984).

The rejection by the Nigerian government of the Lever Brothers application for land concessions had far reaching implications for the future of the industry. Lever Brothers turned to the Belgian Congo and successfully developed techniques for large-scale cultivation of oil palm and established the world's largest plantations there. Production then quickly spread to Sumatra and Malaya and by 1970 Malaysia was the world's largest producer, replacing rubber when rubber prices collapsed in the 1960s. Exports of palm oil from Southeast Asia now exceed the value of all agricultural exports from Sub-Saharan Africa.

Meanwhile, during the rubber boom of the early 1900s, 55 companies were floated in the UK for rubber harvesting and production in West Africa. However, almost none succeeded, in part due to the difficulty of obtaining land concessions, but also the lack of technological support from the colonial government and private entrepreneurship that characterized the Malayan success (Munro, 1981). However, during the same period, the Gold Coast that had a negligible share of cocoa markets in 1900 emerged by 1920 as the world's leading cocoa producer based on smallholder production systems. Entrepreneurial cocoa farmers migrated into sparsely populated forest areas and purchased land from local chiefs (Hill, 1963). They attracted migrant labor from the interior savannah regions through sharecropping arrangements (*abusa*) that further expanded the industry (Amanor and Moyo, 2008).

Hypotheses on Diverging Policies

This overview has highlighted that although there was a standardized approach with respect to managing forest reserves and land concessions, in practice results on the ground across British colonial entities were quite different. Here, I outline five possible reasons why plantation concessions and indigenous land rights were treated differently. Further research may narrow the list but in practice, a combination of factors was likely to be at play.

Initial conditions

The initial conditions in British West Africa and Asia were different in at least three respects. First, West Africa already had a long tradition of exporting oil palm products to Britain and later Germany. Producers and exporters, largely women, appear to have been well organized. Martin (1988) documents several protest movements when the colonial government attempted to interfere in the industry, such as implementation of a tax, culminating in the so-called 'Women's War' of 1929. Protection of local producers and fear of unrest was a major influence on the decision by the colonial government to reject Lever Brothers' request for land concessions for plantations (Martin, 1988). In Asia by contrast, the major industries for plantation concessions were new industries to the region—coffee, tea and rubber—and posed no threat to indigenous industries.

Second, the rise of the plantation sector in Asia generally took place in a situation of less competition for land given its lower population density relative to West Africa. In Ceylon, the population density was 55 per square kilometer (but less than 10 in the hills), Malaya 43, and in Sarawak 7, compared to around 100 in Nigeria and the Gold Coast (Harmsworth, c. 1900). In the 'oil palm belt' of Eastern Nigeria it was 300-500 per km^2 (Martin, 1988). The higher population density in West Africa increased the chances of conflicts between plantations and local land and forest users and this risk was recognized by colonial officials.

Finally, by the time that colonial government became entrenched in West Africa, colonial policy had shifted decisively toward indirect rule. This was most apparent in the Gold

Coast where a Land Ordinance of 1876 had confirmed the rights of traditional local authorities' over forests and other non-cultivated lands (Grove, 1997). This was further re-enforced when British colonial administrators later tried to enact laws to govern forest and 'wastelands' (see below).

Strategic concerns

The industries driving land concessions differed significantly in terms of their strategic interest to the British government in London. Tea consumption in Britain, for example, increased rapidly with the industrial revolution. Together with sugar from the West Indies, these commodities became a staple of the working class. Moreover, exports of tea from China, the principal source of supply, were disrupted by the Opium War of the 1840s China was judged an unreliable supplier (Moxham, 2003; MacFarlane and MacFarlane, 2004). The colonial government in India supported by London saw an opportunity to develop a new and more stable supply from India and actively supported initial import and testing of seedlings and processing equipment.

The story of rubber some 50 years later also reflects strategic concerns of the metropolitan power, this time as a rapidly expanding and vital industrial input. Again, the colonial government of Malaya in collaboration with Kew Botanic Gardens in Britain played a key role in acquiring planting materials and testing various species and methods for cultivation (Drabble, 1973). The strategic role of rubber for transport increased sharply in World War I (and even more so in World War II, when Japan controlled most of Southeast Asia and therefore most of the world's rubber).

The commodities that came to dominate West Africa, palm oil and cocoa, never achieved the same strategic role. Cocoa was not a staple food, and there were a number of substitute oils for palm oil.[4] In any event, British colonies dominated trade in these commodities from the early 1900s to independence based on smallholder systems.

Contemporary civil society campaigns

The decision by the West African colonial governments to deny land concessions for plantations was very likely influenced by civil society campaigns on human rights in the African colonial empires that was unfolding at the time that land concessions were being requested.

Widespread abuse of human rights of rubber harvesters in the then Congo Free State under King Leopold of Belgium (Hochschild, 1998) and the Amazon (e.g., the Peruvian Amazon Company (Vargas Llosa, 2012), spearheaded one of the first global human rights' campaigns associated with tropical crops.[5] Led by Edmund Morel of the Congo Reform Association based in London, Leopold was eventually pressured by the British and other European governments to relinquish control of the Congo to the Belgium government in 1908.

[4] An exception was post World War II when there was a world shortage of vegetable oils that led to heavy investments by Britain, such as the infamous Groundnut Scheme in Tanganika.

[5] Arguably the first major campaign was a consumer boycott of sugar as part of the antislavery campaign in the early 1800s

At the same time, forced labor in the Portuguese colonies in West Africa was a source of major controversy. Cadbury, the largest British chocolate maker, commissioned an inspection of the labor conditions in the cocoa plantations of São Tomé and Principe, that in 1910 led a boycott by British and German chocolate manufactures on imports from the Portuguese colonies (Higgs, 2012). The three largest British chocolate manufacturers were owned by members of the Quaker religious movement who held strong beliefs in human rights and social justice. The boycott was lifted in 1916, as the Portuguese government committed to improve conditions but by then smallholder cocoa from the Gold Coast had become well established in European markets.

These developments undoubtedly sensitized local colonial officials in Nigeria and the Gold Coast on the need to pay closer attention to human rights issues more generally, and land rights specifically. The Nigerian Land and Native Rights Proclamation was drawn up in 1911 and Morel after an 'inspection visit' to Nigeria, was especially laudatory about this proclamation in protecting rights (at least those of men). He wrote that "the West African is a landowner, [and] desires that he shall continue to be one under British rule, not with decreasing but with increasing security of tenure." (Morel, 1911, p. xx). A West African Lands Commission 1912-15 established by the British government in London, of which Morel was a member, re-enforced land rights of Africans and recommended a smallholder approach to development[6].

Indigenous civil society organizations also strongly influenced land and forest policies. In the Gold Coast, the efforts by colonial officials to establish forest reserves under their control in 1894 and 1897 resulted in strong protests that stimulated the establishment of the Aborigines Rights Protection Society (ARPS)[7], led by African professionals and some chiefs (Amanor, 1999). The ARPS mounted a local media campaign and sent a delegation to London in 1898 to meet with the Colonial Secretary. The bill was subsequently withdrawn based on pressure from London (Anshan, 2002), and the newly created forest department was closed in 1917. Not until 1928, when serious deforestation associated with cocoa expansion became widely recognized as a problem, were some forest reserves established under management of the chiefs at the urging of colonial officials[8] (Grove, 1997).

Civil society organizations did intervene in Asian disputes over land as seen in the case of British North Borneo, and with some success. However, their interest was largely in labor conditions given that the great majority of labor on plantations in India, Ceylon and Malaya was imported under an indenture system with harsh working and living conditions.

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[6] However, with the advent of World War I, the report was never released.

[7] The ARPS appears to have had close relations with the London-based Aborigines Protection Society (Heartfield, 2011)

[8] A somewhat parallel process operated in Lagos Colony of Nigeria where an 1898 bill to establish forest reserves was withdrawn. However, forest management was made the responsibility of the chiefs and Native Administration Forest Reserves were established (Groves, 1997).

Individual champions

An important factor in diverging land policies were the particular individuals that were in place at a particular time. The roles of Edmund Morel in Africa as a civil rights advocate in West Africa has already been described. Local elites, such as the Gold Coast lawyer, J. E. Casely Hayford, played a leading role in founding the ARPS and led the protest movement in the Gold Coast. Another intriguing connection is the colonial officers themselves. Sir Hugh Griffith began his career in 1885 in Malaya where he was recognized for his fluency in the Malay language and knowledge of Malay customs. Although he preceded the plantation period in Malaya, his respect for local traditions was undoubtedly a factor in his decisions to reject plantation agriculture in West Africa, where he was respectively governor of the Gold Coast and Nigeria from 1912-1924. Prior to moving to West Africa he was colonial secretary in Ceylon and the experience there with the plantation system may have sensitized him to local land rights.

Shifting paradigms—Plantations to smallholders

Up to 1900, the prevailing view in colonial governments was that large-scale plantation production was needed to stimulate production and meet growing demand for export commodities (Wickizer, 1958). However, after 1900 that view was increasingly questioned.

The smallholder system in West Africa, based on customary land tenure, was becoming a dependable and low cost supplier of tropical commodities to world markets, as demonstrated by experience of oil palm in the 19th century, and the cocoa boom in the Gold Coast in the early 20th century. Land and labor institutions proved surprisingly adaptable and allowed smallholders to dominate world supplies in these commodities.

Similarly, an unexpected development at the time in Asia was the rapid adoption of rubber by smallholders, despite colonial policies that strongly favored plantation rubber (Barlow, 1978). With the development of simple processing methods and the successful incorporation of rubber into food-fallow farming systems, smallholders accounted for nearly half of Malaya's rubber production by the early 1930s (Barlow, 1978). At the same time, transactions costs of acquiring land for plantations were increasing with growing land scarcity, and importation of labor for plantations in Malaya effectively stopped in 1929. By the 1930s, influential agriculturalists and colonial officials alike had generally accepted that for most tropical products, smallholder systems could reliably supply global markets and be highly competitive with plantations (Byerlee, 2013b).

Fast Forwarding to the 21st Century

The experiences with land concessions for plantations and protection of indigenous rights illustrate the tensions within the British Empire among a range of actors including indigenous organizations, civil society, and colonial governments at different levels, as well as the influence of prevailing empire doctrines regarding land rights, forest management and the potential of smallholders. These tensions are very much part of the discourse on land rights and the global 'land grab' today. With few exceptions national policies at independence throughout Asia and Africa were based on colonial policies of exclusive forest reserves to the detriment of shifting cultivators in upland systems. Local communities that depend on forests for their livelihoods continue to be disadvantaged by such policies. However, both colonial experience (as in the Gold Coast) and contemporary events also show that well-organized local interest groups under strong leadership can sometimes effectively counter prevailing doctrines and preserve local ownership including rights to the forest commons.

Land rights of local communities have also until recently, continued to be orphaned in international agreements.Throughout the colonial period, approaches to land rights were *ad hoc*, depending on individual and sometimes concerted actions by investors, governments, consumers, and civil society. This contrasts with metropolitan and local efforts to improve labor standards through appointment of labor inspectors and enactment of laws on minimum wages and working and living conditions (Barlow, 1978; Siddique, 1990). Labor rights were also the focus of early inter-governmental efforts to set minimum international standards.[9] No similar international movement on land rights was seen until the 21st Century with the advent of the UN Declaration on the Rights of Indigenous People in 2007, and the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in 2012.

Still, colonial land policies on paper often included provisions that would be considered part of good practice today. But even when enlightened rules were in place, implementation often left a big gap between intentions and reality. Part of the implementation challenge was due to lack of capacity, especially the capacity to carry out surveys prior to making concessions, and to monitor the progress of investments on the ground. Beyond capacity, pressure by investors on local officials often led to relaxing the rules or to looking the other way especially during times of high prices and rising demand for land (Siddique, 1990). Similar challenges of implementation continue to be apparent today even in countries that have enacted land policies that provide strong protection of land rights of local communities.

Finally, we have shown that decisions on land policies and indigenous rights had long lasting impacts on the structure of commodity exports and their location. We do not speculate in this paper on the benefits of different systems but it is instructive to ask whether the benefits of policies to protect smallholder industries and exclude plantations in West Africa may have been outweighed by the benefits of external investment and employment in the plantation industries as in Southeast Asia. And even where plantations were excluded as in the Gold Coast, litigation on land issues between local authorities was costly and time consuming, especially under pressure from rapidly growing cocoa production (Berry, 1992). The comparative contribution of plantation versus smallholder-led exports during the colonial period to long-run economic development is a fruitful area for future research.

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[9] The International Labor Organization founded by the League of Nations in 1919 mounted labor inspections on plantations in Malaysia in the 1920s (Courtenay, 1981).

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