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## **Book Review: Oleg Krassov - Land law in Africa**

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To evaluate the monograph is not an easy task, primarily because the reviewer has a very vague idea about the land law of the African continent. Of course, experts in the field of international, environmental, criminal and other branches of the law analyze the numerous legal problems arising in Africa in connection with the military, national, religious, environmental and other conflicts, demographic, epidemiological, natural and other disasters. The number of environmental-significant problems that require solutions is huge: reduction in natural resources (depletion and water pollution, soil erosion, deforestation, etc.) and inefficient use them (use low-tech methods in agriculture, inconsistent and non-systemic restoration of renewable natural resources, etc.); direct destruction of individual species protected by the law (animals, through poaching, land and water – not only because of their exploitation as sources of food and livelihoods, but to observe basic rules of waste management or the rules of mining); increasing desertification and so on. No wonder the concept of "environmental refugees" has arisen in connection with the problems of the African continent. Of course, the international community, individual African States and some States (the former colonizers) take a number of measures to prevent the distraction of nature in Africa, because Africa has the enormous genetic resources, mineral resources, and at the same time having a negative impact on the exacerbation of the global environmental crisis and probably suffering from its manifestations. The programs which are held by UNEP, include creation of the national parks, introducing the cultivation of agricultural lands, restoring forests, training specialists, and education, deployed the system of ecological monitoring and scientific research. For the effective implementation of these and other events it is necessary to appropriate legal framework. The legal bases should be created not only with the help of specialists from African countries, but also representatives of many countries, which are included in the protection of land, water, forests, fauna of Africa, functioning in the framework of international organizations, public associations.

Russian specialists need more information to take part in protection of natural resources. In this sense, the book of Oleg Krassov - the largest specialist in the field of land and environmental law in our country can and must play an important role - not only as a "first swallow", but as a stimulus for the deployment of scientific research and the expansion of Russia's cooperation with all concerned land conservation and other natural resources of Africa by the parties.

The monograph consists of an introduction and eight chapters. It analyzes the Land Law 52 of the 54 states located on the continent (except the Sahrawi Arab Democratic Republic

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<sup>1</sup> Translation by Xenia Barishewa.



in Western Sahara and the Federal Republic of Somalia). Already in the introduction, the author formulates a number of important provisions. Thus, he stressed that: "The African countries have much in common, due to their geographical position, cultural and historical development, but these countries have different legal systems and traditions. National legal systems in Africa are a patchwork and combination of formal, customary, religious, English common law and European common law. Probably, Africa is the only region in the world where there is a very large number of mixed legal systems"(p. 6). And further, listing the variety of sources of law, O. Krassov formulates an extremely important position, "Legal pluralism is the foundation of the structure of almost all African countries. In most countries there are "hybrid legal system", combining elements of these legal regimes"

Extremely significant evaluation of the author of agrarian and land reforms that have been implemented in many African countries. He believes that for the most part, these reforms had a positive effect. Moreover, (and he proves it in the course of the analysis), the outcome was an increase in the level of poverty, worsening the problems of land ownership, the increase in the number of landless peasants. This is explained primarily by the fact that the idea of private property on the ground have always been alien the overwhelming majority of Africans, their traditional ideas about the role and value of land in people's lives "(p. 7). Further, these formulations show that O. Krassov not limited dogmatic assumptions and formal-legal analysis of the provisions, and treats the problems of land rights in Africa in a broader context. The chosen approach is justified by them, including through the use of data on the history of the formation of basic legal institutions, the author's assessment of the various stages of the operation and prospects of development of land law in Africa, there is shown a complex - legal, political, sociological - approach.

In the first three chapters, the author gives a kind of background information. Quite correctly, he begins the book with a description of the legal systems of African countries in the best tradition of comparative law, formed Rene David, his predecessors and successors. O. Krassov specially stops at the same time on the characteristics of this specific feature of the land rights of African countries as its pluralism (Ch. 1). He stresses that "this is a kind of mixture of colonial legal experience, which is characterized by the presence at the moment of action elements of a large part of the world's legal systems in the respective national legal system. Legal pluralism is one of the reasons for the continuing struggle between the state and society in Africa "(p.19). Referring to the work of foreign scientists and accessible judicial practice, and O. Krassov convincingly proves this statement.

The second chapter of the monograph is called "Common African laws and land tenure systems." In this chapter, the author has shown itself as a scientist, who thinks broadly. Let me draw the reader's attention on the name of the paragraphs of this chapter: 1. The value of the land in the tradition of the African peoples. 2. ordinary land tenure laws. 3. Average land ownership and the right to water, forest, grazing and hunting. 4. Impact of the colonial era in the customary land tenure. 5. African Women's Land Rights. This chapter reflects the interdisciplinary approach of the author of the book to the problems of land rights in Africa that goes beyond its stated task himself. Indeed - and this is evident in the example of the science we know a lot, when a scientist engaged in "narrow" theme goes beyond it. Chapter 2 monographs O. Krassov - a vivid example of this remarkable, but, alas, not so common phenomenon. In this regard, I would like to draw your attention to the fifth para-



graph. It, of course, no feminist spell, but a profound objective analysis of the role (rights and limitations) of African women, whose situation is not comparable with the Russian, European, US, in the field of land use (for protection of land here can speak with great reserve). It should be mentioned that the author gives an interesting historical information about the legal nature of the rights of women in Nigeria, Botswana, Ghana and other countries. He concludes this section quite a sad conclusion: "The establishment of formal registration of land titles systems brought particularly disappointing for women in many African countries, as led to the strengthening of the control of men over the earth" (p. 88)

The third chapter of the monograph is called "Islamic land and water law." It consists of only two paragraphs, which examine issues such as: land and Islamic law; water rights in Islamic law. At first reading of the book there was a desire to reproach the author in going beyond the object of study, but during the second reading took shape understanding of his position: in fact, it is impossible to break the stable relationship between the use and protection of land and water in these regions, backed by not only socio - environmental and economic - demographic justifications, but maybe today nonprincipal - traditions, religious beliefs and "The link of times".

In Chapters 4 - 8 of monograph the author analyzes the land law according to a territorial approach:

- North Africa (Arab Republic of Egypt, the Algerian People's Democratic Republic, the government of Libya, the Islamic Republic of Mauritania, Morocco, Tunisia);
- West Africa (French-speaking West African countries, namely the Republic of Benin, Burkina - Faso, the Republic of Côte d'Ivoire, the Republic of Niger, and others.); The Republic of Mali; English-speaking countries (the Islamic Republic of The Gambia, Republic of Ghana, Republic of Liberia, Federal Republic of Nigeria, and the Republic of Guinea-Bissau and Cape Verde);
- Central Africa (French-speaking countries - Republic of Gabon, Cameroon, Angola, the Democratic Republic of the Congo, Central African Republic, Republic of Chad);
- other East African countries (English-speaking - the Republic of Kenya, the Republic of the Seychelles Republic of the Sudan, the United Republic of Tanzania, Republic of Uganda, the Republic of South Sudan as well as in the Republic of Djibouti and the Union of Comoros, the Republic of Burundi, the Republic of Rwanda, the Federal Democratic Republic Ethiopia, Eritrea State);
- South Africa (English-speaking - Botswana Republic, the Republic of Zambia, the Republic of Zimbabwe, the Kingdom of Lesotho, the Republic of Mauritius, the Republic of Malawi, the Republic of Namibia, the Kingdom of Swazi Land, South Africa, as well as in the Republic of Madagascar and the Republic of Mozambique).

I would like to note that the scheme of presentation of the material in chapters 4 to 8 is slightly different. Thus, the description of land law in the North African countries O. Krassov starts with the analysis of the evolution of land tenure systems, and in the countries of West Africa - with the characteristics of the trends of legal regulation of land tenure systems. Consideration of land law in Central African countries is preceded by the allocation



of land-tenure problems, including those posed by transnational companies, the so-called pressure on land caused by population growth (p. 232).

Characteristic of sources of law is accompanied by brief and well-selected background information about the population, land area, information about the history of this state. This allows the reader to "enter" the reality of the situation, to realize the whole range of problems in the sphere of legal regulation of land relations on the African continent.

In the framework of the review it is impossible to analyze the assessments and conclusions of the author regarding certain legal institutions of land law of a particular country or group of countries. And it is not necessary. The book is read with unflagging interest, and actually contributes to a significant increase in knowledge, it makes us think a lot. In conclusion, it remains to congratulate the author, Professor O. I. Krassov, and readers with the publication of a great work.