

The Development of a Land Market? Insights from Côte d'Ivoire

Jean-Philippe Colin (IRD)

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I will discuss the issue of land markets from the perspective of land sales in CI, first from a general picture regarding Southern CI, then by focusing on a specific area where I have been doing research.

1. The issue of land sales in Southern CI

A review of the literature dealing with land transfers in the forested Southern CI allows to highlight the following key-points:

First: the development of land transactions, when it occurred, operated between natives and migrants (Ivorian or foreigners), but not between natives. In fact, the native-migrant dichotomy structures the land issue in Southern CI.

Second, the "sale" is framed within the traditional "tutorat" relation, a patron-client-type relationship established between customary "landowners" and migrants to whom the autochthonous "*tuteurs*" transferred land rights. The payment of some money does not erase the social relation stemming from the "gratefulness" that the migrant (or his heirs) owes to his *tuteur* (or to the latter's heirs). In other words, the payment of a certain amount of money does not conclude the transaction, does not end the relationship, it perpetuates or institutes it.

Therefore, and that's the third point I want to emphasize here, because of this social embeddedness of land transactions through the "tutorat" institution, the land commoditization remains largely "imperfect", if one considers a sale as the transfer of the full bundle of rights over land, and as fully freeing the buyer from any obligation towards the seller.

The last point I want to mention regarding the general situation of Southern CI is the frequent questioning of past transactions, even when at some point in time they seemed to be secured through social acknowledgment

Conflicts over past transactions occur often at the time of the renewal of generations, or with the return of unemployed people from the city to their native village. As sales usually involved non-natives, and often foreigners, this process of questioning past transactions takes on a strong political dimension, especially in the socio-political context of these past years.

2. The exception that confirms the rule

This general analysis can be corroborated with some results of an intensive very localized empirical research dealing with a situation where one does not find the structuring native-migrant dichotomy.

In the village of Djimini-Koffikro, located in Lower CI, one does not find this dichotomy because it is located in a former *no man's land*, in a buffer zone between the Abouré kingdom of Bonoua and the Agni kingdom of Sanwi. The clearing of the forest insured the pioneers an uncontested individual right over the land. One does not find, in Djimini, access to land through the *tutorat* institution: there were no

autochthonous hosts, and the first settlers did not later turn into *tuteurs* towards newcomers.

This atypical situation gives the opportunity to test somehow, in a comparative perspective, the analysis that has just been presented regarding the conditions for an "imperfect" commoditization of land in Southern CI. Let me emphasize some key results:

→ Since the 60s, one third of the total acreage of the village territory has been the subject of a land sale; two-thirds of the land holdings existing at the end of the pioneer phase have been sold partly or totally.

→ All transactions have been realized outside the legal framework, with a "formalization" through a simple written receipt.

→ The fact that Djimini was a pioneer area facilitated the constitution of a land sales market on two grounds:

- the pioneers could manage their land patrimonies as they wished because these had not been acquired through customary inheritance
- the return of some pioneers to their native village prompted the supply on the land market. Most land was indeed sold by planters leaving the village to go back home.

→ The character of former no man's land shaped the nature and content of the transactions. As the land sales did not occur in the framework of a tutorat relationship, they do not show a social embeddedness and are "complete" sales – the buyer is free from any obligation towards the seller, once the transaction realized. In this context, the word "sale" is not ambiguous.

→ However, this market had a limited life in time: it opened at the end of the pioneer phase, was quite active between 65 and 75, and then almost completely closed.

This closure has to be related to the evolution of intra-family land rights. What can be qualified as the individual private property right of the pioneer or of the buyer – meaning the right to sell the land – turns into a family property right at the time of inheritance. Regarding a pioneer or a buyer, the decision to sell a land acquired through his own work or bought with his own resources was a matter only for him. Once the land inherited, any decision regarding a sale is a matter for the family council. The strong perception that this is not any longer the time of abundant land availability at the scale of the forested area of CI and the economic crisis which dramatically reduces work opportunities outside the agricultural sector for the family land right holders constitute a real constraint regarding the selling of land. One finds here the well-know role of land as an insurance device in uncertain environments.

→ Last point: the market developed outside the legal rules without any trouble. This lack of conflicts, which contrasts sharply with the general situation described in Southern CI, can be explained by the lack of autochthonous land stakes. This result has to be highlighted in the present legal context (the 1998 land law excludes foreigners from land ownership) and socio-political context, marked by a strong politicization and ethnicization of the land question in CI.

In other words, to sketch roughly what I have presented, one might say that...

- in the Central-Western and South-Western regions of CI, where land sales have been numerous, the question "Is this a land market?" calls for a negative answer if one has in mind the definition of a land

sale as the transfer of the full bundle of rights... Of course, this is a trite observation in a situation of transition from the 'customary' system towards the 'modern' system, but the problem here is that the transition has been lasting for decades...

- To the same question asked regarding the Djimini-Koffikro context, the answer is "there was a market, there is no any longer a market". Here, we do not find the incidence of the social embeddedness of land transfers through the *tutorat* institution, but we find the family dimension of land rights that strongly restricts the supply on the land market.

Conclusion

The current thought regarding land policies in Africa suggests to clarify land rights and to suppress legal restrictions on land transactions, to recognize and to validate them.

...of course, such policies should be informed with empirical analyses that go beyond the commonplace use of concepts such as land sales or property rights...

This general prescription might face some problems regarding land sales:

➔ First, a strong political and identity dimension of land appropriation can motivate legal restrictions on land sales (and more largely land appropriation) by foreigners, and a transformation of past "sales" into long-term leases, as stated by the ivoirian land law voted in 98. One can discuss the economic impact of such restriction, it remains that the debate has to be framed, first, in political terms;

➔ Second, clarifying land rights which have been transferred through a sale might be problematic when the sale occurred through a strong social embeddedness.

- The issue here is to make explicit the move from a *tutorat* relationship, to an outright sale or a long-term lease arrangement, and to favor the negotiation of rules allowing this shift on the ground of shared principles.
- The difficulty would be precisely to reach such an agreement on shared principles and therefore to reach a compromise acceptable by both parties. This would be a hard task, but I do not see another way in order to minimize the risk of conflicts.