



The emergence and dynamics of rural land transactions in West African contexts

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Rural History conference, Uppsala, June 22 2022

Panel *The social construction of the market. Market land transfers in customary systems of Europe and developing countries, 18th-21st centuries*

Sources:

Colin J.-Ph., 2021. La marchandisation de l'accès à la terre rurale en Afrique de l'Ouest. Un bref essai. *Le Mouvement social* 4(227) : 117-132 (special issue « Revisiter l'histoire rurale. Les dynamiques économiques et sociales dans les campagnes (fin XVIIIe-XXIe siècles », G. Béaur ed.)

Chauveau J.-P., Colin J.-Ph., 2010. Customary transfers and land sales in Cote d'Ivoire: revisiting the embeddedness issue. *Africa* 80 (1): 81-103.



‘Market transaction’: transfer of rights of appropriation or use on the basis of an equivalence system.

Focus: land sales / “sales”

“Certain writers ascribe to African peoples an abstract theory of the sacredness of land which inhibits recognition of its economic potentialities. (...) Yet it would surely be unrealistic to conceive of these ideas as the primary reason why the right to alienate land is not commonly found in African custom; more fundamental is the absence of any motives for its exercise. (...) the conservative force of tradition is never proof against the attraction of economic advantage, provided that the advantage is sufficient (...) the emphasis should be laid on inadequate incentive rather than on conservatism as such” (Lucy Mair (1971) [1948]).



➤ Factors driving land commodification

- ✓ from subsistence agriculture to market agriculture
- ✓ monetization of the economy of rural societies
- ✓ technical changes
- ✓ population pressure
- ✓ urban expansion
- ✓ growing demand for rural land markets from urban actors

Commodification of land access & changes in actors' value systems



➤ Processes of land commodification

- ✓ shift from non-market customary transfers to market transactions:
 - ... from symbolic signs of recognition of assignors' eminent rights...
 - ... to flat-rate, in-kind or in-cash fees irrespective of the area
 - ... to a land rent based on the area
- ✓ usually takes place outside the legal framework
 - untitled land under the Private Domain of the State
- ✓ socially embedded transactions



➤ Social embeddedness:

- ✓ Granovetter: insertion of economic actions in social networks
- ✓ Polanyi: interweaving of political, cultural and social institutions in the organization of production and exchange.

= the social construction of the object of exchange, of parties to exchange, of norms of exchange

➤ Land transfers: interpretation given to the transactions regarding...

- ✓ the object of the transaction: the land or the right to use?
- ✓ the legitimacy of the transfer from the perspective of the social group of the seller
- ✓ the bundle of rights and duties transferred: 'sales' or outright sales?



- West Africa: land transactions developed between natives and in-comers, rather than among natives
- The *tutorat* institution
 - ✓ patronage relationship: rights and obligations binding the migrant to his tutor, duty of gratitude
- ‘Purchases’
 - ✓ often reflects an increase and monetarization of the duty of gratitude
 - ✓ the payment then does not close the relationship, it establishes it... i.e. a payment does not always signify an outright sale
 - ✓ content of land sales/‘sales’: empirical question; principle of outright sales increasingly recognized



➤ Very different in nature

- ✓ weakening land rights of migrants who benefited in the past from customary non-market land transfers
- ✓ transaction of family land challenged by the seller's relatives
- ✓ diverging interpretations of past transactions: sale of land or long-term assignment of use rights?



➤ Some remaining issues

- ✓ analysis of the lack of market transfers when conditions seem favorable to the commodification of land
- ✓ development of rural land market transactions among natives ?
- ✓ sales vs. 'sales': interpreting the differences
- ✓ contractual arrangements for perennial crops: comparative perspective with those described by historians in Europe?





The 1998 land law

- From customary to private property rights through a nationwide certification & titling program
 - ✓ Registration of all lands and provision of land certificates recognizing customary rights, regardless the nationality of the current landholders
 - Land surveys establishing the customary rights must be validated by village land committees (*Comités villageois de gestion foncière rurale*)
 - ✓ Within 3 years, the land certificates must be transformed into individual ownership titles, which can only be issued to Ivorian citizens
 - ✓ Beneficiaries of previous land transfers who cannot obtain land certificates or land titles should have their use rights recognized and formalized in long-term land leases



➤ Concerns

- ✓ In order to obtain a land certificate recognizing the rights that migrants previously acquired from autochthonous families...
 - past transfers need to be validated by the autochthonous assignors or their heirs
 - the composition of Village Land Management Committees primarily reflects the interests of autochthonous populations

➤ The implementation of the 1998 law

- ✓ Certification & titling processes: still a lack of comprehensive studies
- ✓ Few certificates delivered to foreigners; certification reasserting the land rights of autochthonous families (Boone 2021)
- ✓ Certification and titling processes carried out without the contractualization process (AFOR 2021)