

5. CHANGES IN LAND TRANSFER MECHANISMS: EVIDENCE FROM WEST AFRICA

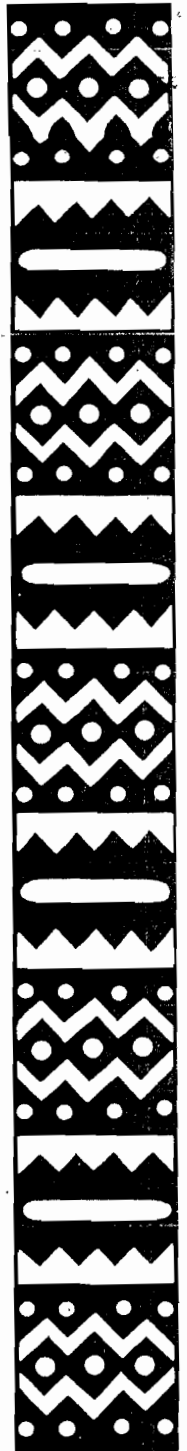
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5.1. INTRODUCTION

This chapter studies changes in institutional arrangements for the transfer of land rights, both between groups and between individuals. It draws on research findings from the CLAIMS programme, which involved fieldwork in four West African countries: Benin, Burkina Faso, Ivory Coast and Mali (see Box 1.1, page 9). The research (2002-2005) focused on a small number of field sites from different ecological and socio-economic contexts: an area of central Benin currently being settled for agriculture; an area in south western Burkina Faso experiencing high levels of immigration and one in central-western Burkina Faso still relatively unaffected by immigration (Gwendégué); an “old-frontier”, plantation-economy area in central western Ivory Coast; and a former “no man’s land” in lower Ivory Coast. Complementary work was undertaken in a series of secondary sites. Box 5.1 at the end of this chapter lists the key fieldwork reports on which this chapter draws.¹⁸

Mechanisms for the transfer of land rights range from short-term to permanent transfers, from partial to complete transfers, and from non-monetarised arrangements embedded in social relations to market transactions. This chapter documents both changes in “customary”, non-

18. For a more extensive summary of the CLAIMS research findings on land transfers, see Chauveau *et al.* (2006), on which this chapter is based. Fieldwork in Ivory Coast was disrupted but not entirely prevented by the civil war there.



monetarised arrangements (namely the “*tutorat*” relationship); and the emergence of monetarised transactions, particularly land sales. While, conceptually, clear differences exist between “*tutorat*” arrangements (in which land transfers are embedded within a broader socio-political relationship and entail a continuing duty of gratitude and of allegiance toward the customary land holders) and sales (which are monetarised deals that do not entail a continuing relationship once the transaction is completed), in practice boundaries may be blurred, as *tutorat* arrangements are becoming monetarised and market transactions are nonetheless embedded in social relations.

In most “customary” land tenure systems in Africa, restrictions applied (and often continue to apply) to the transfer of land rights. The “bundle of rights” over a piece of land (right to access lands, to cultivate it, to exclude others, to transfer land rights, etc) is held by a range of different actors. While “operational” rights (access, use, etc) may be vested with small family units (households or individuals), “management” rights (e.g. the right to transfer) are usually vested in the larger landholding group. In this context, the emergence of market transfers is explained in the literature through the so-called “evolutionary theory of land rights” (see chapter 2).

According to this theory, the emergence of individualised and transferable land rights is the result of the changing balance between the expected benefits of establishing such rights and the cost of excluding others from using the resource. The combined effects of demographic growth, development of cash crops and changes in cropping systems (development of perennial plantations, disappearance of mobile cropping systems, shorter fallow periods), the theory goes, increase the value of land and spontaneously lead to greater individualisation of land rights. This entails a concentration of the bundle of rights, including the right to transfer, in the hands of a single right holder. This translates into increasingly monetarised access to land through sales and rental. A sequential evolution is thus established between the consolidation of the bundle of rights into the hands of a single actor and the commercialisation of these rights: the appearance of market transfers would follow on from the bundle of rights being opened up, once all the other elements of tenure individualisation are firmly established (Boserup, 1965; Platteau, 1992 and 2000; Colin and Ayouz, 2006).

However, our research findings show that the picture is often more complex than this theory seems to suggest. On the one hand, the emergence of land transactions, and of land “sales” in particular, does not necessarily operate according to the linear dynamic suggested by this model. On the other hand, even where monetarised transactions do replace “customary”, non-monetarised arrangements, they remain embedded in complex systems of social relations.

Overall, a trend towards the monetarisation of land transactions emerges in the four countries – whether in the form of changes in customary “*tutorat*” relations or of emergence of new forms of land transfers such as sales. These changes are taking place within the context of profound changes in agrarian systems and socio-political relations. In the forested regions of Ivory Coast, for instance, village communities were drawn into the market economy with the spread of coffee and cocoa into their cropping systems from the late 1940s onwards. As a result, demand for land increased considerably, from both autochthonous villagers and incomers attracted by the potential profits to be made from plantations. Unlike subsistence crops, coffee and cocoa shrubs last for several decades, occupying land that acquires growing market value over the years. In these areas, land relations became more individualised and monetarised as land tenure regimes changed in order to accommodate the waves of incomers, continuous land use over long growing cycles of 20 to 40 years and the economic stakes involved in land access.

Similarly, in southwestern Burkina Faso, the social and agrarian context has much changed between 1960 and 2000: in demographic terms, due to the mass migration of Mossi groups from the central plateau towards the South West; in terms of land use and agricultural techniques, due to the expansion of cultivated lands for cotton production (replacing subsistence crops) and greater use of animal traction; and, more recently, due to the influx of returnees fleeing the crisis in Ivory Coast. As a result of these changes, where land used to be abundant, it is now in short supply. This has led to large numbers of monetarised land transactions and to increased conflict over land access (Bologo, 2005; Bonnet-Bontemps, 2005; Mathieu *et al.*, 2004; Mathieu, 2005).

The chapter is structured in two parts. The first one discusses changes in “*tutorat*” relations, highlighting the growing monetarisation of these “customary” arrangements and yet their continuing embeddedness in socio-political relations. The second part discusses the emergence of market transactions, challenging some of the assumptions of the “evolutionary” theory of land rights and highlighting how market transfers are also embedded in broader social relations.

5.2. CHANGES IN *TUTORAT* RELATIONS

The transfer of land rights under customary “*tutorat*” arrangements is a widespread agrarian practice in rural West African societies. It was traditionally rooted in broader patron-client and socio-political relationships, and it was backed by a religious dimension. It first emerged in contexts where land was abundant and population sparse, as a means to attract people to farm the land. However, population pressure has in many areas radically changed that context. Emphasis has shifted from the need to secure availability

of labour to the need to secure access to land. The institution of the *tutorat* has profoundly evolved as a result of this shift. In addition, the *tutorat* has much changed as a result of migratory flows, the monetarisation of land transfers, individualisation of land rights and state intervention. The customary principles underpinning the *tutorat* are being challenged, and are increasingly associated with conflict between and within communities.

The term “*tutorat*” refers to the relationship that develops when an incomer (or group of incomers) and his (their) family are received into a local community for an unlimited period of time, which may span several generations. The *tutorat* entails a transfer of land rights from a customary landholder, who is either an autochthon or someone who holds some prior right over the land (referred to as the *tuteur*), to the incomer. This land tenure dimension of *tutorat* is inextricably linked to its broader socio-political dimension. Incomers are given access to land to provide for their subsistence needs, but their settlement is conditional upon the social order of the community being maintained. As a social institution, *tutorat* regulates both the integration of incomers into the host community and the transfer of land rights to them (Chauveau *et al.*, 2004; Chauveau, 2005 and 2006; Jacob, 2003 and 2004).

The bundle of land rights transferred through *tutorat* arrangements includes use rights (e.g. the right to cultivate), but also management rights (e.g. the right to define others' rights), so that incomers (individual or group) can deal with developments in the reproductive cycle of their own domestic group (by allocating use rights within the family, and to other incomers provided that this is authorised by the *tuteur*). However, the incomer cannot permanently transfer the land assigned to him nor, *a fortiori*, sell it.

Within this relationship, the *tuteur* is obliged to secure the rights transferred to the incomer vis-à-vis other right holders within the family or village. He is also responsible for “socialising” the incomer and bringing him into line if he fails to fulfil his duties. The incomer thus acquires a specified status within the community. For his part, he and his successors have a moral duty of gratitude to the *tuteur* and, more broadly, to his community, particularly the obligation to work hard there and help it prosper (Chauveau, 2006; Jacob, 2004). This obligation entails the provision of different types of services, which reflect the subordinate nature of the incomer's status and the continuing subordination of transferred rights to eminent customary ownership rights.

Growing individualisation and monetarisation of *tutorat* relations

Tutorat relations include a variety of diverse arrangements – from collective arrangements between villages (e.g. in parts of Burkina Faso and Mali) to more individualised relations between a *tuteur* and an incomer and his family. In some areas,

an evolution has taken place, with formerly collective arrangements giving way to individualised relations where village or family authorities have less say. In Benin and Ivory Coast, for instance, the individualisation of *tutorat* relations is such that young men can “settle” incomers with little or no involvement of the family. In Ivory Coast, unlike Benin, this process is still disguised. A trend towards greater individualisation of *tutorat* relations has also been reported in south western Burkina Faso. The spread of individualised *tutorat* suggests that this customary institution is in a transitional phase, with land relations becoming more individualised and dissociated from the socio-political aspects of *tutorat*.

These changes are mainly driven by three factors: the monetarisation of the economy, changes in family structures and relations, and state interventions. In particular, the individualisation of *tutorat* is often associated with the commercialisation of agricultural production, and the emergence of cash crops (coffee and cocoa in Ivory Coast, cotton in Mali and Burkina Faso, commercialised food crops in Benin and cashew in Burkina Faso). Among these, production systems based on perennial export crops (coffee, cocoa) most encourage the individualisation of *tutorat*. This is due to the long biological cycle of the trees. Differently to most *tutorat* arrangements, those concerning these crops usually involve the transfer of tree planting rights from the outset of the relationship, and of transmission (i.e. inheritance) and transfer rights.

Such individualisation of *tutorat* is accompanied by pressure from the *tuteurs* to increase and monetarise the incomers' “duty of gratitude”, particularly in Benin and in the forested regions of Ivory Coast. Where pressure on land is high, *tutorat* relationships may even be replaced by short-term rental agreements (e.g. in the forested regions of Ivory Coast, where incomers who had already cultivated all their land reserves ask their *tuteurs* to rent them additional land for food crops). Individualisation and monetarisation have resulted in the emergence of brokers who mediate between migrants and customary landholders, particularly in Benin, where *tutorat* is individualised, but also in Mali, where it is not.

This context has also resulted in increasing uncertainty about the duration of the relationship established by the *tutorat*. For instance, inheritance of the rights arising from the *tutorat* is no longer automatic, as it used to be under “customary” norms. In the forested regions of Ivory Coast, the death of the original incomer or of the original *tuteur* is often the occasion to renegotiate the conditions of the transfer. Furthermore, it is no longer unusual for land to be “withdrawn” from longstanding incomers – and not merely on the grounds that they failed to respect their duty of gratitude or because the *tuteur*'s heirs need the land. Much of the land withdrawn in western Burkina Faso is transferred to new incomers with greater financial means through disguised “sales”.

Individualisation and monetarisation have also resulted in growing differentiation between “old” and “new” incomers in terms of protection for their rights. Contrary to one of the essential principles of *tutorat*, this differentiation does not always work in favour of longstanding incomers, who may be seen as having benefited from the advantageous conditions of earlier transfers (such as payment of purely symbolic fees). It may favour recent incomers who may be in a better position to make financial payments or provide subsequent assistance to the *tuteur*. In Burkina Faso, recent incomers find it easier to obtain tree planting rights.

In addition to the monetarisation of the economy, *tutorat* arrangements have been affected by changes in family structures and in intra-family land relations – both in incomer and in autochthonous groups. Increased pressure on land and greater monetarisation have fostered the segmentation of collective landholdings and led smaller family units within autochthonous groups to demand greater control over their land vis-à-vis the larger group to which they belong. This has had repercussions on rights to transfer land outside the family or community. Individuals or smaller family groups tend to dissociate their direct financial advantages of transferring land rights to incomers from the disadvantages that these transfers have for the broader community as a whole. Thus, tensions between *tuteurs* and their incomers can be exacerbated by disputes within autochthonous families and communities over the transfer of rights (tensions between *tuteurs* and other rights holders in the family, and between these other rights holders and incomers). This is particularly the case in the forested regions of Ivory Coast. Here, villagers (mainly young men) that have failed to make their way in town are returning to the village and claiming access to family lands that have been given to incomers (evidence from Benin, Burkina Faso, Ivory Coast).

Finally, the evolution of *tutorat* cannot be dissociated from the intended or unintended consequences of state interventions to encourage rural migration – either to move people into zones of greater agricultural potential, such as the forested regions of Ivory Coast, or to decongest the most deprived regions with high population densities, like the Mossi plateau in Burkina Faso. Other state interventions also affected *tutorat* relations. For example, legislation vesting land ownership with the state and conditioning protection of land use rights to productive use ended up undermining the customary land rights of the *tuteurs*. Such diverse state interventions led many incomers to believe that a coherent policy to protect their land claims vis-à-vis their *tuteurs* existed. This was the case among the Mossi in the settlement zones of Burkina Faso, and among the Baoulé in the forested settlement zone in Ivory Coast. Within this context, the monetarised and increased “duty of gratitude” contributed to spread the perception among incomers protected by the administration that transfers could be assimilated to a “hire-purchase agreement”, that progressively extinguished their moral obligations toward their *tuteurs*.

In Ivory Coast, these policy efforts to attract incomers from neighbouring Sahelian countries lasted until the 1980s, when they gave way to a critical reappraisal of such policy. In the forested regions of Ivory Coast, the generous conditions for the reception of migrants previously imposed by the government authorities have now been called into question with the advent of a new generation of *tuteurs* and migrants and with increased pressure on land. The heirs of long-established *tuteurs* now openly claim the right to impose new fees, while incomers invoke several arguments to support their cause: the weakening – and even disappearance – of their moral obligations to their *tuteurs*, given the accumulated services rendered over time; their land use rights protected by the principle of productive land use (“*mise en valeur*”), enshrined in national legislation; and, if they are Ivorian, the principle, much quoted by government agents, that land belongs to the state and therefore to all Ivorians. The Land Law of 1998, restricting private land ownership to nationals, fuelled these claims.

The continuing collective and socio-political dimension of *tutorat*

Monetarisation of production systems, changes in land relations within the family and state interventions have all contributed to the dissociation of the land tenure and socio-political components of *tutorat*, and promoted the individualisation and monetarisation of the land tenure component. This process is most marked where these different factors combine, as in Ivory Coast. Does this mean that the collective and socio-political dimension of *tutorat* is disappearing, ultimately to be replaced with individualised market transactions unencumbered by any interpersonal relationship? Evidence from our sites shows that this is not the case.

Where the individualisation of *tutorat* is most obvious – in western and south western Ivory Coast and in central Benin – there has been a simultaneous reactivation of the collective dimension of such land transfers – although in different forms compared to the past. In Ouessè (Benin), a system of incomer fees was introduced in the 1990s as customary chiefdoms returned to the forefront following the democratic transition. This mechanism, a hybrid between ground rent and a special tax, coexists with the system of individualised *tutorat*, and presents similarities with the more centralised forms of *tutorat* of the past.

In western Ivory Coast, the individualisation and monetarisation of *tutorat* relationships has provoked a reaction from right holders within family groups, particularly young men and people living outside the village. These are trying not only to recover the land their elders gave to incomers, but also to claim a share of the “income from *tutorat*” to date monopolised by the elders. Their arguments centre around incomers’ failure to fulfil their moral and socio-political obligations to family and village communities; around incomers not investing in the land or participating in the development of the

community; around incomers' apparent economic success, which is seen as showing a lack of respect for the autochthonous social order that generously received them; around incomers not respecting local customs, particularly Muslims who bury their dead in the bush and do not contribute to funeral expenses; and around the fact that incomers' economic power allows them to corrupt village chiefs and family heads, to the detriment of the traditional religious and land authorities. In many parts of Ivory Coast, these claims and associated attempts to withdraw land have fuelled tensions between autochthons and incomers, as well as within autochthonous groups.

The reactivation of the collective and socio-political dimension of transfers extends beyond the village context and often leads to a resurgence of the collective ideology of indigenism. This phenomenon associates the feeling of land dispossession in the face of growing numbers of incomers with the fear of losing the social and political prerogatives that go with belonging to the group of first occupants. This fear is exacerbated by its resonance with policy issues at the national level, to the extent of encouraging the ethnicisation and politicisation of incomers' access to land, and consequently, of the institution of *tutorat* itself.

The "indigenisation" of land issues is not linked only to the customary authorities. It is also encouraged by local politicians and government officials originating from autochthonous communities, who are concerned about the influence of the "incomer" electorate at the polls. This is happening in both Burkina Faso and Ivory Coast, where the controversy surrounding the excessively generous reception of incomers has been running for some time and is at the forefront of the political debate.

Previous state policies and interventions that encouraged rural migration and weakened customary land rights have also contributed to the resurgence of the ideology of indigenism and the politicisation of *tutorat*. The feeling among autochthonous communities that they are being dispossessed of their land is coupled with strong resentment towards government policy, which is seen as the maker of this dispossession.

Ivory Coast is certainly the country where the state has contributed most to the politicisation of the institution of *tutorat*. By enforcing agricultural settlement in the forested regions of western Ivory Coast from the 1960s onwards, and by relying on local arrangements to do this under the cover of *tutorat*, the Ivorian government made *tutorat* a multiplex institution that not only regulated the relationships between *tuteurs*, local communities and incomers, but also intervened in the relationships between village authorities and the state and in the power relations within autochthonous communities (between family groups, and between the young and the elderly)

(Chauveau and Bobo, 2003; Chauveau, 2005). Although the 1998 Land Law and its provision excluding non-nationals from land ownership has yet to be implemented, the announcement and anticipation of its enforcement have stimulated a strong ideology of indigenism in the forested regions of western Ivory Coast. But land withdrawal claims by autochthonous youths affect the bulk of the land transferred to allochthons – irrespective of their nationality (Chauveau, 2006b).

To sum up

In our field sites in Benin, Burkina Faso, Ivory Coast and Mali, a transition from collective *tutorat* to more individualised *tutorat* is paralleled by a reactivation of the collective dimensions of *tutorat*, by various forms of re-centralisation of control over incomers, and/or by a strong resurgence of the ideology of indigenism. Individualisation of the land tenure dimension of *tutorat* does not eradicate the collective and socio-political dimension of integrating incomers, but adds another layer to the process. In this sense, the evolution of *tutorat* arrangements does not fully confirm the evolutionary theory of land rights. Despite the individualisation of the land tenure dimension of *tutorat* relations, their underlying collective and socio-political dimension shows the persistency of the "rural" social order, where land not only has a productive function, but also acts as a social catalyst drawing everyone who lives off it into the same moral community. The persistence of this social order can be attributed to the way in which African rural communities are constituted, and the fact that the combined effects of history and politics have ruled out any alternative options.

5.3. THE EMERGENCE OF LAND "SALES"

Evidence from our field sites suggest the emergence, to a greater or lesser degree, of monetarised land transfers across the four countries. In the forested regions of Ivory Coast, for instance, the emergence of market transactions is associated with the long history of immigration driven by the local cash crop economy. Here, incomers have gained access to land by acquiring cultivation rights on woodland or cleared land, but also by "buying" this type of land or purchasing plantations from incomers leaving the region. Land transactions developed between incomers and autochthons, and then between incomers (particularly when they returned to their village of origin) – but not, or very marginally, between autochthons. In this context, the functioning of the land "market" cannot be dissociated from the *tutorat* relationship between incomers and autochthons (Colin and Ayouz, 2006; Koné *et al.*, 2005).

In Burkina Faso, the monetarisation of land transfers is particularly acute in the Comoé Province (departments of Niangoloko, Sidéradougou and Mangodara), which was

unaffected by immigration until recently. This province constitutes a new frontier zone fed by both internal incomers (from the old cotton zone and the North) and “returnees” from Ivory Coast settling outside their region of origin on their return to Burkina Faso (Dabiré and Zongo, 2005). This mass migration led to a radical modification of the conditions of access to land, which swiftly passed from traditional arrangements for integrating migrants (*tutorat*) to monetarised forms of access to land (“sales”). These range from payment of the “customary prices” (sums of money as the equivalent of customary considerations) to sums charged according to the size of the land transferred (Dabiré and Zongo, 2005).

Parallel to the development of these “sales” is the emergence of written documents to secure the transaction. In Burkina Faso, for instance, “sales” are formalised through papers that have no legal value, but which are becoming a ubiquitous instrument in local land transactions. They come in various forms, ranging from short local receipts signed in the presence of witnesses, which record the names and identity card references of the parties involved in the transaction, the size of the land transferred and the price paid for it; to the *procès verbaux de palabre* (PVP) – written minutes of discussions held in the presence of a government official, which records the terms of the agreement. The latter is the form of documentation usually preferred by wealthier and more educated groups such as urban elites. In addition to the information recorded on receipts, the PVP specifies the rights and obligations of each party, with the location, boundaries and size of the land determined by technical agents (Dabiré and Zongo, 2005).

The emergence of land markets is often chaotic and riddled with tensions. In Burkina Faso, the economic opportunities offered by receiving and settling incomers is a source of conflict between autochthonous lineage groups and families, for instance over boundaries. In the past, village lands were divided between autochthonous lineage groups, and land could only be given to incomers by the chiefs of these groups. Nowadays, some actors are selling family lands without the knowledge of the elders, and even assigning land that does not belong to their family or selling the same plot to several actors. Young men seeking social recognition challenge the authority of their elders through unauthorised settlement of incomers and increasingly open opposition to land sales. Conflicts over the installation of incomers outside the boundaries of village lands are in fact attempts to reassert land claims, which may be undermined by mismatches between landholding boundaries and administrative borders. Monetarisation also generates conflict between longstanding migrants and newcomers, as the latter can offer landlords a better deal and are therefore settled on land already granted to the former through traditional means (Dabiré and Zongo, 2005; Bologo, 2005; Mathieu, 2005).

“Sales” of land?

The fact that access to land has become monetarised does not necessarily signal the emergence of a real land sale market. First, the nature and implications of these transfers are open to different interpretations. What exactly is being purchased – the land itself, or the right to cultivate it, with the expiry date implicitly determined by the length of the crop’s growing cycle? Are the transferred entitlements limited to the buyer alone, or can they be further transferred? These ambiguities are particularly problematic when one generation succeeds another, since the heirs of the original seller frequently challenge the nature of the rights acquired by the purchasers or their heirs. While autochthonous “sellers” very rarely recognise the transaction as a sale, purchasers’ attitudes differ according to their place of origin, date of arrival and the links between them and their autochthonous host. In south western Ivory Coast, for instance, the Baoulé consider land transfers to be purchases. They therefore do not observe the moral and financial obligations usually associated with customary land transfers (*tutorat*). Conversely, groups such as the Malinké and Burkinabé (especially the Mossi) tend to continue the interpersonal relationship entailed in the *tutorat* system (Koné *et al.*, 2005).

Secondly, the social embeddedness of monetarised transactions within the institution of *tutorat* means that many sales cannot be considered as full in the sense of entirely freeing the purchaser from their obligations toward the seller. Incomers traditionally gained access to land within the framework of an established system of obligations that tied them to their hosts and imposed a “duty of gratitude” on them. Sales may in fact result in this duty of gratitude becoming more onerous and monetarised as the relational dimension of the transfer persists, at least in the eyes of the person transferring the land. Rather than ending the relationship, monetarised payment may establish or perpetuate it. Thus, exchange of money does not reveal the conclusion of a definitive and incontestable sale. Sellers continue to solicit services from the purchaser long after the transaction, and they continue to request loans (which may never be repaid), and other contributions towards major expenses such as funerals or medical care (e.g., on Ivory Coast, Colin and Ayouz, 2006).

Comparative analysis of an atypical case from a former “no man’s land” in Ivory Coast allows us to test this view that the pre-existing *tutorat* relationships render the commodification of land “imperfect”. Because this study site (the village of Djimini-Koffikro, in the sub-prefecture of Adiaké) involved a former no-man’s land, no *tutorat* relations existed, and land transactions were not socially rooted in relationships between autochthonous and incomer actors. This neutralises a major constraint to the “perfect” commodification of land. Here, land transactions (which affected one third of the total area of village lands between 1950 and 2004) may be described as full sales. Once the transaction is effected, the purchaser is absolved from all obligations towards the seller.

The transaction entails a transfer of the whole bundle of rights over the land (Colin and Ayouz, 2006).

In Burkina Faso, while rural land has been “sold” for fifteen years in the Houet province, and more recently in the provinces of Comoé and Kéné Dougou, such transactions are usually still ambiguous and concealed (Mathieu *et al.*, 2004; Mathieu, 2005). On the one hand, the nature of the rights exchanged is far from clear, and agreed by all parties. On the other, the transactions are still often concealed and rarely accompanied by legal proof of transfer or of the purchaser’s ownership. And, land is still rarely thought or publicly spoken of as a commodity. While these transactions seem to be more common and visible nowadays, they are still far from being considered publicly acceptable or legitimate. We can therefore talk of a market that is emerging but as yet unmentionable (at least in public), since its practices violate customary principles of land tenure and land legislation as understood at the local level (Mathieu *et al.*, 2004; Mathieu, 2005 on Burkina Faso; see also Bonnet, 2005; and Dabiré and Zongo, 2005).

Evolutionary theory and emergence of land markets

In many of the contexts outlined above, the model proposed by the evolutionary theory of land rights is broadly followed. Population pressures and land scarcity have led to greater individualisation of land rights, which in turn have resulted in the commodification of land relations and market transfers. In Mali, for instance, the sequential relationship between greater individualisation of the bundle of rights and the commodification of these rights is widely confirmed, as is the relationship between demographic pressure (mainly caused by migration) and the emergence of sales. The economic liberalisation that began following the coup of 1968 and resulted in the increasing monetarisation of social relationships was also a major factor in the commodification of land in peri-urban areas (Djiré, 2004). In Burkina Faso too, the relationship between demographic pressure (due to the influx of incomers) and commodification has also been verified (Dabiré and Zongo, 2005).

In other cases, however, the picture seems more complex. In western and south-western Ivory Coast, for instance, socially embedded land “sales” have emerged without there necessarily being strong population pressure or full individualisation of land rights. Here, land transfers took place without population pressures partly as a result of state policies. The government’s slogan “land to the tiller” and the stance of the local government administration reinforced the position of incomers (particularly the Baoulé, but also the Burkinabé) vis-à-vis attempts by autochthons to collect land fees. Fearing that they would lose control over their land without compensation, many autochthons in western and south-western Ivory Coast engaged in increasing numbers of market transfers. While ambiguous in their content, these transfers succeeded in providing some cash to the

autochthons, and were seen by the autochthons as ways to reinforce their claims to a status of *tuteur*. In other words, the very fact of being able to transfer land rights to an incomer constituted an assertion of eminent claims over that land. In this context, market transactions do not correspond to a full and final transfer of firmly established ownership rights from autochthons to incomers. On the contrary, they are an attempt to secure a right over the land transferred, and to obtain recognition for it by establishing a sort of *néo-tutorat* relationship (Colin and Ayouz, 2006).

Another common perception that needs to be qualified is the idea that, once a land market has emerged, it continues to operate indefinitely. The case of Djimini-Koffikro in Ivory Coast (Colin and Ayouz, 2006) shows a process of involution in the land market – a market that has been active but which has largely subsided. Here, plots acquired on the market, which are the individual property of the purchaser, tend to be transformed into family property when the purchaser dies. This transmission of land as one generation succeeds another helps explain the almost total closure of the land market over the last two decades, after a very busy period between 1965 and 1975. Nearly one in two sales in the area were concluded in those ten years, which largely correspond to the period when the planters who arrived between 1930 and the Second World War returned to their village of origin. For a frontier farmer, the decision to sell land, acquired through his own labour in a region with no pre-existing customary land rights, was an entirely personal matter. Once the land is inherited, however, any decision to sell is a matter for the family council. Land sales have largely halted due to the growing perception that land in the area is becoming increasingly scarce; to the introduction of new cash crops (palm oil, hevea and pineapple) to replace aging coffee and cocoa plantations in Djimini; and to the limited employment opportunities outside agriculture for family members with rights of use over the family holding. The fact that a heightened perception of pressure on land leads to a reining in of land sales clearly runs counter to the theory of property rights that sees this pressure as a factor promoting the commercialisation of land relations.

5.4. CONCLUSION

Research from Benin, Burkina Faso, Ivory Coast and Mali has documented ongoing changes in the institutional arrangements used to transfer land rights – both between groups and between individuals. These changes are taking place in a context of increased competition over land, monetarisation of the economy, changes in family relations and decades of government interventions. “Customary” arrangements such as the *tutorat* are being reinterpreted and renegotiated, and have acquired a monetary dimension that they did not have before; and new arrangements (“sales”) are emerging in many parts of West Africa, bringing about new practices such as use of witnesses and of written contracts. The

arrangements produced by these changes (whether forms of *néo-tutorat* or market transactions) remain deeply embedded in complex social and political relations. The commercialisation of land access and the continuing socio-political dimensions of land relations constitute two seemingly contradictory but parallel and coexisting processes.

BOX 5.1. FIELDWORK REPORTS ON WHICH THIS CHAPTER IS BASED

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